



WISCONSIN STATE LEGISLATURE

Joint Audit Committee

Committee Co-Chairs:

State Senator Robert Cowles

State Representative Samantha Kerkman

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For More Information Contact:
Senator Robert Cowles 920.660.0615
Representative Samantha Kerkman 888.534.0066

Audit Recommends DNR Improve Wastewater Permitting and Enforcement

MADISON – Today, the nonpartisan Legislative Audit Bureau (LAB) released its evaluation of the Department of Natural Resources permitting and oversight of approximately 1,250 municipal wastewater treatment plants, industrial wastewater treatment facilities, and large livestock farms, known as concentrated animal feeding operations (CAFOs). The Department of Natural Resources (DNR) is required to ensure that these entities comply with the terms of their permits, which are issued for five-year periods. At the end of the five year permit cycle, those permits that are not reissued before they expire are administratively extended and become part of a backlog.

“I am quite concerned about some of the items highlighted in this audit and I am expecting that the DNR will thoroughly examine the audit recommendations and take appropriate and swift actions to remedy the issues identified. This audit spans a decade and highlights some challenging problems throughout,” stated Senator Robert Cowles (R-Green Bay), Co-Chair of the Legislative Audit Committee. “Although solutions won’t come overnight, it is important that we address our water quality issues in a comprehensive manner,” Cowles concluded.

From 2005 through 2015, LAB found that DNR met its goal of having no more than a 10 percent backlog for municipal permits for 4 of these 11 years, but never met this goal for industrial permits in any of these years. DNR did meet its goal of having no more than a 15 percent backlog for CAFO permits for 9 of these 11 years.

In CAFO permitting, DNR largely relies on individual permittees to monitor their own activities, inspect their operations, and report annually to DNR. However, LAB found that only 36 of approximately 1,900 annual reports required to be submitted by CAFO permittees had been electronically recorded as being received. Also, DNR regional staff indicated they do not have time to thoroughly review each annual report submitted.

In another finding, LAB concluded that DNR did not consistently follow its own policies when issuing enforcement letters, known as notices of violation, to municipal and industrial permittees. DNR issued a notice of violation for only 33 of the 558 instances (5.9 percent) for which such a notice should have been issued based on its policies.



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“This finding is troubling and I am awaiting further explanation from the agency on how they plan to address inspections and noncompliance” Cowles stated. “In addition, I am asking the Legislative Audit Bureau to analyze the amount of funding it would take to supplement the DNR’s wastewater permitting staff and program operations to address the issues identified in the audit.”

Among DNR’s five regions, LAB also found there were significant differences in the extent to which DNR achieved its inspection goals, and in the extent to which notices of violation were issued.

LAB makes recommendations to improve program administration, better align DNR’s enforcement practices with its policies, and increase regulatory consistency among its regions.

“I appreciate the excellent work of the Legislative Audit Bureau in its audit of Wastewater Permitting and Enforcement,” said Representative Samantha Kerkman (R-Salem). “The LAB’s recommendations will assist the DNR in its program improvement efforts.”

Copies of LAB’s report (report 16-6) may be obtained from its website at www.legis.wisconsin.gov/lab or by calling (608) 266-2818.

SENATOR COWLES

P.O. Box 7882 • Madison, WI 53707-7882
(608) 266-0484 • Fax: (608) 267-0304

REPRESENTATIVE KERKMAN

P.O. Box 8952 • Madison, WI 53708-8952
(608) 266-2530 • Fax (608) 282-3666