

June 4, 2019

Dear State Legislators,

As the 2019-21 State Budget continues to be debated and edited, as a group of conservation organizations, we hope you will take the following items into consideration.

As you know, too many Wisconsinites cannot turn on the taps in their homes and safely drink the water. Our drinking water is being contaminated from numerous sources including lead, nitrates from agriculture pollution, and emerging contaminants like PFAS – chemicals found in firefighting foam. This is a reality for many families and entire communities who are at risk for short-term and long-term health consequences. It is clear, addressing drinking water contamination is overdue. A comprehensive approach that combines efforts to provide clean drinking water to affected citizens with pollution reduction efforts is the appropriate response.

We were encouraged to see the bipartisan commitment from Governor Evers and Speaker Vos on water quality and making drinking water a top policy priority this legislative session. A state budget is about priorities and needs to set the foundation for the enormous task of reducing water contamination. The budget, as it currently stands through last week's Joint Finance Committee's actions, does not set up the Department of Natural Resources (DNR) nor the Speaker's Task Force on Water Quality in an effective way to address water quality issues.

We need legislators to embrace the need for more resources to protect our water and recognize the actions made thus far have been inadequate to reach these goals. We recommend, in initiating priorities for Year of Clean Drinking Water remedying the current deficiencies in the state budget and take the following items into consideration:

Well Compensation Grant Program

Roughly 1.7 million people in Wisconsin depend on private wells to get their drinking water. It is estimated that 42,000 private wells in Wisconsin exceed the health standards for nitrates.

Governor Evers' Budget proposed expanding eligibility for the program by making it easier for more households to replace contaminated wells by ensuring wells that served residential homes qualified for the program with nitrate and arsenic pollution. The **JFC** reduced funding available to families to replace their contaminated wells by \$400,000 a year and did not expand eligibility for the program.

- **Recommendation:** Increase funding for the Well Compensation Grant Program and expand eligibility to ensure that the families most impacted by polluted wells with nitrates and arsenic are also able to get their wells replaced.

Lowering Lead Levels

Lead poisoning, especially in young children, can lead to profound and permanent health problems, including damage to brain development. Eighty-one communities, urban and rural, have lead laterals that need to be replaced, an estimated 170,000 lead service lines are still in use in Wisconsin. **Governor Evers' Budget** proposed \$40 million in bonding for the replacement of up to 50 percent of the cost to replace lead service lines through the Safe Drinking Water Loan Program. The **JFC** eliminated all money for lead lateral replacement.

→ **Recommendation:** Restore \$40 million in funding for lead lateral replacement.

Funding Oversight of CAFOs

A 2015-16 nonpartisan legislative audit found that manure pollution violations from Concentrated Animal Feeding Operations (CAFOs), were not being enforced 95 percent of the time. That report called for a common sense solution – adequate staffing and adequate funding at the DNR to allow it to function properly which could be achieved by a 20:1 permit-to-staff ratio. In 2018 there were 101 recorded manure spills in Wisconsin. **Governor Evers' Budget** proposed to increase permit fees for CAFOs to \$660 each year and \$3200 to review and reissue their wastewater permits every five years. This increase in fees would help to fund five new positions at the DNR to oversee CAFO permits and regulation which would get to the 20:1 goal. The **JFC** delayed making a decision on raising CAFO permit fees and funding new staff positions at DNR.

→ **Recommendation:** Increase CAFO permit fees to \$660 each year and \$3200 every five years on reissuance and provide five additional staff positions. The positions should be housed at DNR because activities related to review of permit applications, facility inspection, and enforcement actions are based on DNR administrative rules and statutory authority developed to meet federal standards and approved by EPA for that purpose. The DNR is the only state agency federally delegated to enforce water pollution laws from potential environmental harm a CAFO may pose.

Cleaning Up Contaminated Sediment

Due to heavy industrial activities in the last century, there are many areas along the Great Lakes, in Wisconsin, that have excessive levels of legacy pollutants and toxins accumulated in the water and soil near old industrial sites. **Governor Evers' Budget** proposed \$25 million in bonding to clean up contaminated sediment in five areas of concern in the Great Lakes Basin. These areas include the Milwaukee Estuary, Sheboygan River, Lower Green Bay and Fox River, Lower Menominee River (in Marinette, shared with Michigan), and St. Louis River (in Superior, shared with Minnesota). The \$25 million funding amount would leverage \$165 million in other expenditures, including almost \$130 million in federal and local government funding, and \$35 million by responsible parties. The **JFC** reduced funding to clean up contaminated sediment by \$21 million, turning down substantial matching federal funds, to provide only \$4 million in bonding for contaminated sediment cleanup. The opportunity to get matching federal has never been greater with recent multimillion-dollar

allocations in the federal Great Lakes clean-up programs currently available to all Great Lakes states. Now is the time to reinvest in our waterfront communities.

- **Recommendation:** Restore funding to \$25 million to leverage currently available additional funds and clean up the five areas of concern in the Great Lakes Basin while the federal money can match our state payments.

Polluted Runoff: Implementing Non-Point Pollution Programs

County land and water conservation departments are usually the first point of contact for landowners, providing technical expertise and access to cost-share funds to help implement conservation work. These services result in expert informed management practices that achieve landowner objectives and reduce agricultural runoff pollution, while meeting reasonable soil and water conservation standards at the same time. **Governor Evers' Budget** proposed \$10.4 million for county land and water conservation staff. Despite several members of the Speaker's Water Quality Task Force showing their support for increasing funding for the county conservationists to \$12.4 million (the baseline funding goal identified in state statute), the **JFC voted** to reduce funding for the county conservation staffing grants to \$9.4 million.

- **Recommendation:** Adopt funding levels of \$12.4 million for county conservation staff that has been promoted in the Speaker's Task Force public hearings.

There are many other items that could be considered, especially relating to polluted runoff. These recommendations specifically include:

- Increase funding for Soil and Water Resource Management grants which were cut by \$3.5 million from Governor Evers' proposal. These grants help farmers implement water quality controls and increase nutrient management planning through a localized approach.
- Increase funding for Nonpoint Source Water Pollution Grants and Contracts which over \$1 million was cut from Governor Evers' proposal. These grants help with water pollution abatement efforts and the contracts would aid the implementation of new standards regulating manure application on Silurian bedrock under NR 151 in Northeastern Wisconsin.
- Increase funding for Lake and River Protection grants which were cut by \$1.45 million from Governor Evers' proposal. This is an important investment in things like wetland restoration, shoreline habitat, and conservation easements that provide whole system solutions to address water quality issues.
- Increase grant program funding for the implementation of Total Maximum Daily Load (TMDL) plans which were cut from Governor Evers' proposal by \$4 million in bonding for water pollution control infrastructure and one position for grant management for TMDL plans and lake and river grant implementation. This would support local grants to municipalities and counties to implement best management practices in preventing and reducing both urban and agricultural nonpoint source water pollution.

There are many actions and considerations that should be taken into account to truly get to clean water solutions. While access to clean drinking water is important, it is only one part of a bigger solution. We can all agree that families need access to clean drinking water now and they need to know their leaders are working to clean up the pollution contaminating their wells. We also need to do a better job using the tools we already have to protect our water from pollution sources. A real clean water solution needs to be comprehensive and include providing access for the people with contaminated drinking water now, preventing and reducing current pollution through enacting additional protections, and providing the necessary resources to state agencies, counties, researchers and scientists to be able to do their jobs and protect our water.

We ask that you ensure these bipartisan commitments to addressing water quality and that the priorities of both parties are made real by taking our recommendations into account. Failure to provide real, tangible solutions for clean water both in the budget and during this legislative session would indicate legislators are not serious about clean water in Wisconsin.

Sincerely,



Clean Wisconsin



River Alliance of Wisconsin



Sierra Club



Wisconsin Conservation Voters



Wisconsin Environment



Wisconsin Lakes



Wisconsin Wildlife Federation

CC: Members of the Joint Committee on Finance and Members of the Water Quality Task Force.