

August 13, 2019



The Honorable Todd Novak
Chair, Water Quality Task Force
State Representative
State Capitol, 310 North
P.O. Box 8953
Madison, WI. 53708-8953

Dear Rep. Novak and the Water Quality Task Force Members:

On behalf of Milwaukee Riverkeeper and the undersigned organizations, collectively representing thousands of families and Wisconsinites, we submit these written comments regarding priority water quality issues in the Greater Milwaukee Area. We appreciate the creation of the Speaker's Task Force on Water Quality and the effort the Task Force is making, travelling around the state to hear the concerns of residents relating to our treasured waters. Nonetheless, we have concerns that the listening session agendas, to date, include only pre-invited speakers primarily from industry, business and agriculture, leaving only a short time for the people to share concerns about our State's waters and public health. Please consider these written comments in your assessment and final report.

Thank you for holding a listening session in Milwaukee, the largest and oldest City in Wisconsin, which is currently grappling with unique water challenges. Hosting a listening session in the Milwaukee area affords our community members the same opportunity that you are offering to others throughout the State.

Funding and innovative solutions to address lead crisis.

There is no safe amount of lead for infants and children. Small exposures can impact the lives of children forever with documented reductions in IQ, other cognitive declines, neurological problems and other significant impacts to their health. In 2014, over 8.6% of children under 6 tested in Milwaukee had elevated blood lead levels (BLLs) according to a 2014 Report on Childhood Lead Poisoning in Wisconsin by Wisconsin Department of Health Services. And this problem extends to other urban parts of the State including Racine (6.2% of children with elevated BLLs) as well as rural areas such as Sheboygan County (6.3% of children with elevated BLLs) and Richland County (5.1% of children with elevated BLLs), to note a few examples.

While lead in drinking water is a statewide issue, Milwaukee, in particular, suffers the most from lead contamination because the housing stock is old. Water filters are only a temporary solution because they need to consistently be replaced. Lead in drinking water is a critical issue for the undersigned groups; however, the impact from lead could also include lead paint, and this problem should be addressed holistically from a housing and public health perspective. Continued health impacts to Wisconsin children and adults from lead exposure will create ripple effects on the quality of our workforce, our economy, our communities, and our quality of life. While the problem is intimidating, kicking the can down the road is not a solution. Not only will removing and replacing lead pipes improve public health, property values, and quality of life, it will also create jobs and job training for those who need it.



We challenge this Task Force and the Governor to convene a group of thought leaders from the private, academic, government and public sectors with a goal of solving this lead issue in a specified period of time. The funding that will be required to address lead could come from a bolstered state revolving fund and by the State providing bonding authority for lead reduction programs and water infrastructure improvements at the municipal or county level. We support the funding proposed in Governor Ever's budget for lead abatement, which was removed. We also support a proposed bill by Senator Johnson, LRB – 3764/1, which increases the bonding authority for the Safe Drinking Water Loan Program by \$40,000,000 and requires the Department of Administration to allocate up to \$40,000,000 of the authorized public debt to projects involving forgivable loans to private users of public water systems to cover not more than 50 percent of the cost to replace lead service lines. The lead contamination issue will plague our state for years and for budgets to come if something is not done now to start to address it.

Innovative financing for water infrastructure projects.

Upgrades to grey infrastructure and pursuing substantial new opportunities for green infrastructure projects are needed to reduce sewage overflows, minimize flooding, and protect water quality in light of increasing frequency of severe wet weather events in our State and beyond. Recently, other States, such as Iowa, Minnesota, and Ohio, passed bills that create innovative ways to fund water projects using sales taxes, property taxes, and other fees. These States use funds collected to pay for replacement and upgrades of sewage and storm water infrastructure, in addition to drinking water, and some also fund wetland protection and other source water protection practices. We are urging the Task Force to recommend Wisconsin pass similar bills to fund water projects.

In Milwaukee, while Milwaukee Metropolitan Sewerage District has made large strides in reducing sewer overflows over the last few decades, extreme wet weather is happening at increasing frequency and putting our water quality and communities at risk. Further, despite many Milwaukee area municipalities replacing approximately 1% of their failing sewage/stormwater infrastructure per year, while also addressing infrastructure that is meeting the end of its useful life (especially in our older cities), our infrastructure is not able to handle the increased frequency of extreme storms. While many of these problems are due to past development and poor storm water management practices, failing/old infrastructure must be replaced to be more climate resilient. We encourage you to study how other states are addressing their water infrastructure crises and to consider similar tools as you move forward in this process.

Area of Concern: contaminated sediment clean up and leverage of federal funds.

The Milwaukee River Estuary Area of Concern (AOC) has been identified as a priority in the next Great Lakes Action Plan for 2020-2024 by U.S. EPA. This could mean hundreds of millions of dollars coming into our region to address legacy contamination that is concentrated on the bottom and along the sides of our waterways. We have already finished about \$75 million in projects to clean up portions of the Kinnickinnic River and Milwaukee River in Lincoln Park, and we have at least \$200 million more in sediments to clean up. In order to access 65% in federal funding for future projects, we need a 35% state and local match. These projects do not require long term, ongoing funding.

It was a missed opportunity that \$21 million was cut from the proposed budget to address contaminated sediments throughout the state. This is a generational opportunity to clean up our rivers for current and future generations and to protect public health, improve water quality, and create economic development. In addition to sediment cleanups, there are many other priority projects—many not requiring match—that can be used to improve fish and wildlife habitat and populations, clean up our beaches, and improve water quality. While we have many water quality priorities in the State, we need to be smart about leveraging federal funding when it is there. The funds being supplied through the Great Lakes Restoration Initiative are only currently authorized until 2024, and each annual budget must be fought for at the Federal level. Support from the State Legislature to leverage what is likely a time-sensitive, limited opportunity is critical to our success and would go a long way towards addressing other water quality concerns listed above (e.g., storm water management, infrastructure repair, etc.).

Likewise, support from the State Legislature for implementation of the Great Lakes Water Quality Agreement and the Great Lakes Compact, as well as other obligations under federal treaties, is critical to protecting the Great Lakes, which is the source of drinking water for over 30 million Americans and millions of Wisconsinites. In addition, clean water is integral to our water-based tourism economy, which includes fishing, boating, swimming, and other water related activities.

Upgrade water quality rules and improve enforcement of Clean Water Act violations.

In 2011, after years of pressure from environmental groups, EPA issued a letter to the Wisconsin Department of Natural Resources (“WDNR”) outlining 75 deficiencies in the state water program. In 2015, because these deficiencies were not addressed sufficiently, a petition for corrective action was filed with the EPA by Midwest Environmental Advocates who represented Milwaukee Riverkeeper and 16 other citizens/groups, some of whom are in the undersigned list. Rulemaking was a significant deficiency on the list. While some progress has been made, there are many areas that still need rulemaking to comply with minimum federal standards. To address water quality issues, rulemaking must be a focus in the coming years.

In addition, as highlighted by a Legislative Audit Bureau report, a precipitous decline in enforcement of water quality violations over the last decade has occurred. When laws are not enforced, the people pay through either polluted drinking water, damaged natural resources, lower quality of life/public health, or shifting more responsibility on local governments to address the impacts and implement effective improvements to help us achieve clean drinkable, swimmable, and fishable waters. One way of funding these positions is to increase permit fees for businesses such as CAFOs, which was rejected in the budget. Wisconsin charges far less than neighboring states to review these complicated permit documents, and raising fees to commensurate levels would provide additional revenue to support natural resource law enforcement.

Research emerging contaminants and develop policy recommendations.

U.S. EPA has found “forever chemicals” or per- and polyfluoroalkyl (“PFAS”) contamination at the General Mitchell Airport in Milwaukee, as well as several other aviation and military sites in Wisconsin. The State has recently proposed some standards for safe levels of PFAS in drinking water, but in order to best protect the public, additional research on standards is still needed for

drinking water based on feedback we have received from experts, and more research is needed to develop in-stream water quality standards for fish and fish consumption.

Milwaukee Riverkeeper with some of our partners including University of Wisconsin-Milwaukee and Carroll University are testing for over 60 different emerging contaminants covering pharmaceuticals, personal care products, pesticides, and recreational drugs, and we are finding high concentrations of many of these chemicals in our area waterways. We need funding for research, but it's also equally important to fund a Task Force or Working Group that is looking at developing standards and policy recommendations to address many of these emerging contaminants that could threaten public health. Heavy metal contamination is also an emerging threat in many parts of the State that could be addressed by such a Task Force.

Funding and better policy to address rural well and groundwater contamination.

We encourage the Legislature to address rural well contamination caused by polluted runoff from inadequate manure spreading and failing septic tanks. Approximately 94,000 households in Wisconsin are at risk from unsafe levels of nitrates in their drinking water, and high nitrates can cause serious health issues, including “blue baby” syndrome, which can be fatal. The northern half of the Milwaukee River Basin has extensive areas of karst soils, which are very porous. Wells in these areas are highly susceptible to contamination from manure spreading, akin to the documented groundwater contamination in Kewaunee County and large areas in southwest Wisconsin. Nitrate pollution in some municipal and residential wells in the Milwaukee River Basin is on the rise. The funding included in the state budget to tackle these rural drinking water issues, as well as NR151 updates aimed at addressing this problem, is a good first step. Nonetheless and at the same time, the significant funding cuts for County Conservationists will inhibit progress made toward addressing well contamination issues. County Conservationists are the “boots on the ground” working directly with farmers to ensure that manure spreading and land management practices are protective of our streams, rivers, and drinking waters. Increased funding for County Conservationists along with more cost share funding to farmers would better manage this issue.

Wisconsin is one of the few states that does not require farmers to use best management practices to reduce pollutant runoff *unless* cost share funding is provided by the State. To have safe drinking water in this State and protect ground water resources, that policy should be expanded to require farmers to use best management practices regardless of whether there is cost share funding provided. In a time of crisis for many of our small farmers, the playing field should be leveled with regulations while still providing financial incentives for best practices.

Under the current rules, local governments cannot currently manage septic tank issues appropriately to the detriment of our drinking water resources. County staff cannot require a homeowner to fix, replace, or decommission a septic tank. While state law allows for local governments to help with cost-share funds, most do not have additional funds for these types of programs and most grant programs will not fund work on private property. We encourage you to update and improve the State rules regarding septic tank maintenance and inspection to include authority and funding to address an identified failing septic tank, especially one that may be contaminating a drinking water supply, local river, or beach.

Thank you for the opportunity to provide these comments. If you have any questions, please contact cheryl_nenn@milwaukeekeeper.org or (414) 436-0773.

Respectfully,

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