

Wisconsin's Phosphorus Rules

A new day for Wisconsin's waters



Unlike other pollution regulated under the Clean Water Act, phosphorus pollution largely comes from nonpoint sources, such as runoff from city streets and agricultural fields. Because existing water quality regulations largely fail to effectively address nonpoint pollution, the impact of this pollution continues to increase.

In 2006, the Environmental Protection Agency (EPA) declared that 61% of assessed rivers and streams, 72% of lakes, reservoirs and ponds, and every wetland in Wisconsin was threatened or impaired. In more than a quarter of those water bodies, high phosphorus levels were listed as the cause.

The problem continues to get worse, but the state's phosphorus rule offers hope for Wisconsin's waters.

Since the 1970s, the EPA has asked states to develop plans to reduce phosphorus pollution. In 2010, Wisconsin became the second state to do so when we passed our creative and flexible phosphorus rule.

Clean Wisconsin has been active throughout this rule-making process.

We provided leadership on the DNR's phosphorus rule advisory committee, and organized and attended small group negotiations outside the advisory committee to develop the state's implementing language. As the deadline for a final rule draft approached, we worked to resolve differing perspectives and correct the proposed rule language, which would not have met Clean Water Act requirements as originally written. Working closely with other environmental organizations, we submitted draft language to the DNR; much of the final rule language was used and established the Watershed Adaptive Management Option, a flexible, cost-effective tool for achieving water quality standards.

Clean Wisconsin continues to serve a pivotal role in determining how to practically implement these rules and is a key player in Dane County's Phosphorus Rules Pilot Project and elsewhere in the state including Milwaukee, Green Bay, Racine and Menomonee.

The Significance of the Phosphorus Rules

Adaptive Management: First of its Kind

The crux of these rules is their flexibility, particularly the rules' Watershed Adaptive Management Option, the first of its kind in the nation. Traditionally, point and nonpoint pollution sources have been treated separately; **adaptive management allows point sources, like factories and wastewater treatment facilities, to work with farmers to achieve significant pollution reductions at a much lower cost.** Point sources avoid expensive technologies that cost tens of millions of dollars and landowners receive financial assistance to make cost-effective improvements that reduce pollution running off their farm fields.

Bottom Line: Water Quality

Adaptive Management vastly differs from water quality trading in Wisconsin. Water quality trading allows permittees to offset their pollution by a calculated amount, yet has no requirement to meet water quality standards; the trading does nothing to reduce phosphorus pollution, but allows entities to trade among themselves to bring their discharge limits back to the already-high and polluting baseline. **Adaptive Management requires meeting water quality standards that actually improve the water.**

If point sources choosing Adaptive Management fail to meet water quality standards for phosphorus, they must still meet the water quality standards and would have the significant financial burden of meeting discharge limits via expensive control technology at their facilities. Because of this, point sources that chose Adaptive Management will be highly motivated to ensure watershed restoration efforts are done correctly and efficiently.

Overcomes frustration, lack of funding

Adaptive Management overcomes a primary frustration of watershed planning efforts nationwide: A lack of reliable, consistent, and sufficient funding to develop, and most importantly, implement watershed plans. **Adaptive Management helps ensure that necessary funding sources exist because if they fail, the permittees will have a much larger expense to bear.**

Catalyst for Collaboration

Point source permittees are likely to have strong relationships with community leaders, agencies and decision-makers who play important roles in watershed restoration. These relationships can help recruit additional stakeholders, generate data and financial resources, create community buy-in and stakeholder consensus, develop successful runoff control strategies with landowners and farmers, and ultimately achieve watershed restoration.

Phosphorus runoff controls can also elicit involvement and support that a phosphorus cleanup effort alone may not, from land stewardship to soil science, limnology to local policy and more. This collaboration, plus significant public interest in watershed restoration, means Adaptive Management plans serve as catalysts to collaboration and coordination of entities at all levels, public and private.

A Strong History

Clean Wisconsin has championed additional legislation to keep phosphorus out of waters and fought to maintain existing protections.

2008

September 2008

Phosphorus rule stakeholder group convenes; Clean Wisconsin is an original member

2009

March 2009

Clean Wisconsin helps pass phosphorus fertilizer ban, eliminating a source of phosphorus in our waters

November 2009

Clean Wisconsin helps pass ban on phosphorus in dishwasher detergent

2010

March 2010

Natural Resources Board releases draft phosphorus rule for public comment

June 2010

Natural Resources Board approves phosphorus rule

September 2010

Legislature approves phosphorus rule

December 2010

Phosphorus rule goes into effect; EPA approves rule

2011

March 2011

Gov. Walker threatens to delay phosphorus rule in budget; Clean Wisconsin pushes back, engaging members, meeting with key legislators, and doing press

May 2011

Gov. Walker threatens to repeal NR 151, which affects the phosphorus rule

June 2011

After pushback from key Republican legislators, the Joint Committee on Finance removes Gov. Walker's phosphorus rule delay and NR 151 repeal from budget

2012

June 2012

Dane County phosphorus rule pilot launches. Clean Wisconsin is a partner in the project

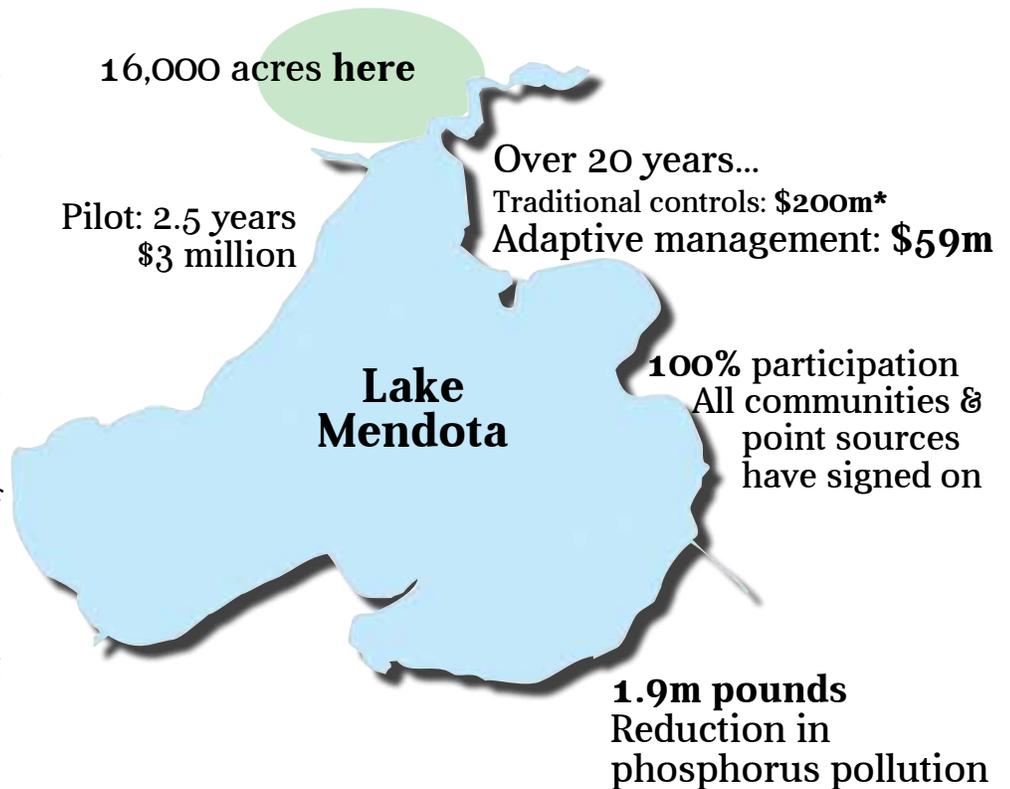
Dane County Phosphorus Rule Pilot Project



Lake Mendota

On June 11, 2012, leaders in Dane County announced the creation of a small-scale pilot project on the northwestern shore of Lake Mendota that uses adaptive management; Clean Wisconsin is a partner in this project. Through this project, we hope to clean Dane County's lakes and show communities across the state that the phosphorus rules provide a cost-effective means to clean our lakes, rivers and streams. If successful, Wisconsin's innovative phosphorus rules could become a model for states across the nation that are struggling with water quality issues.

Here's a snapshot of this landmark initiative



*\$200 million would be the cost to Madison Metropolitan Sewerage District alone; \$59 million would be split among all stakeholders involved in the adaptive management plan