Protecting Your Water from Polluted Runoff

A Citizen's Toolkit to Using Wisconsin's Laws to Reduce Polluted Runoff

A Publication of the Wisconsin Clean Water Coalition

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Primary Toolkit Authors

Juniper Garver-Hume — Clean Water Coalition Coordinator

Kerry Schumann — WISPIRG State Director

With thanks to Jennifer Jankowski for final edits

For a copy of this guide:
Phone (608) 257-2424
Email: cleanwater@wisconsinrivers.org
Web: www.wisconsinrivers.org

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INTRODUCTION

Wisconsin is said to mean "the gathering place of waters," and indeed the state is rich with this liquid gold. We use our rich water resources for drinking, swimming, fishing, and other recreational opportunities. Water is also essential to the health of our communities and economies. The state of Wisconsin boasts more than 44,000 miles of rivers and streams[1], approximately 15,000 lakes[2], and an incredible groundwater supply used for industry, crop irrigation, and drinking. Wisconsin is known for its agriculture, an industry dependent on a clean water supply. Residents of the state of Wisconsin are not the only ones enjoying our rich supply of water. Tourism is one of the top three industries in the state collecting nearly $10 billion dollars every year for the state of Wisconsin[3]. Visitors come to enjoy the Lake Michigan lakefront, the beaches of Door County, and the scenic lake views of the Dells. There is little question that clean water is essential to life, but it is also important to our economy and gives us numerous recreational opportunities.

Pause for a moment and think about the water in your area. Is it clean? Is it protected from polluted runoff? When it rains, what is washed off the agricultural land or the streets of your community and transported into your lakes, rivers, or groundwater?

In many parts of Wisconsin the surface runoff-- water which runs over the surface of the land and into water bodies-- during a rain storm or snowmelt is polluted with pesticides, trace metals, sediments, manure, and more. Polluted runoff has serious adverse impacts on the waters of our communities. Because clean water is so important to the health of our communities, the state of Wisconsin has recently strengthened the regulations of nonpoint source pollution, otherwise known as "polluted runoff". To learn how to protect the water in your community from polluted run off, read this Citizen's toolkit.

How to Use This Toolkit

Use this Toolkit to educate yourself and find out how you can use the state's improved Polluted Runoff Management Program to protect your water. Citizens can play an important role in ensuring the implementation of the new polluted runoff management plan by voicing support for program funding, working with the Wisconsin Department of Natural Resources, the state Department of Agriculture, Trade and Consumer Protection, and county government to properly implement the rules. Citizens can also serve as watchdogs to ensure that violations of the rules and local polluted runoff issues are addressed.

The **Citizen's Checklist** will get you started quickly and easily. **Chapter 1** provides an overview of the importance of clean water to Wisconsinites. **Chapter 2** discusses the ways nonpoint source threatens Wisconsin waters. **Chapter 3** explains the standards and requirements of Wisconsin's polluted runoff management rules, which were approved in July 2002 and took effect October 1st, 2002. **Chapter 4** offers ways that you and/or your organization can help monitor implementation of the Runoff Management Program in your watershed or community

1 Wisconsin DNR Rivers Management Program website, http://www.dnr.state.wi.us/org/water/fhp/rivers/ as accessed 08/01/02.
2 Wisconsin DNR, Wisconsin Lakes, GP 5/01, page 11, http://www.dnr.state.wi.us/org/water/fhp/lakes/lakes1.pdf, 08/01/02.
[3] Wisconsin Department of Tourism website http://agency.travelwisconsin.com/PR/Tourism_Facts/Facts.shtm 09/02/02

We hope you will join the Clean Water Coalition (CWC) in protecting the waters of Wisconsin from polluted runoff. Please let us know of any useful resources or if we can assist you. The CWC can be reached at (608) 257-2424 or cleanwater@wisconsinrivers.org.

The Clean Water Coalition[4]

The Clean Water Coalition (CWC) was organized to promote the adoption and implementation of effective rules to control polluted runoff. Polluted runoff affects 40% of our streams and rivers and 90% of our lakes. The coalition consists of a broad range of organizations representing over 160,000 citizens across the state of Wisconsin. Farmers, fishers, conservationists and professional environmentalists joined together to fight for stronger water quality protection in Wisconsin. The coalition monitored the rule-making process, submitted public comments, and generated public support for a strong rules package. Now that the rules are finalized, the Clean Water Coalition will be actively engaged in monitoring and facilitating implementation, which may take several years. The Clean Water Coalition helped pass the toughest water quality standards in the nation and plans to make sure the program is fully funded and implemented in order to protect Wisconsin's waterways and help lead the nation in water quality standards.

[4] A list of the Clean Water Coalition member organizations and contact information can be found in Appendix A.

CITIZEN'S CHECKLIST TO USING WISCONSIN'S POLLUTED RUNOFF RULES:

Step 1: Understand the Problem

You may have heard about a fish kill in the stream near your home or problems in your city with managing storm water. You may be concerned about the safety of swimming in your favorite lake and wondering why the beach has been closed again. Whatever has provoked your interest, take the first step by simply learning about why polluted runoff is a problem. For general information about polluted runoff, see Chapters 1 and 2.

Step 2: Get to know the Program

Starting on page 8, Chapter 3 outlines some of the key performance standards and requirements in the new polluted runoff management program. The rules themselves are lengthy, but you don't have to read the entire document to begin to understand how Wisconsin intends to address nonpoint pollution sources in the state.

Step 3: Keep your eyes open

Now that you know what causes polluted runoff in your watershed and how the Wisconsin program aims to prevent this pollution, take a walk through your neighborhood, keeping your eyes open for polluted runoff. Do you notice a large amount of sediment coming off a new development? Is your city applying pesticides heavily to neighborhood parks? Chapter 4 begins with suggestions on how to watch for polluted runoff at home.

Step 4: Progress Report Tracking

The Department of Natural Resources and the Department of Agriculture, Trade, and Consumer Protection plan to implement the new program, but without vigilance and support from the public they may not do so in a timely manner. The Clean Water Coalition invites you to help track the program implementation progress. Become a member organization of the coalition to stay informed and ask for our Progress Questionnaires to monitor implementation progress in your neighborhood. The second part of Chapter 4 outlines our plans for monitoring the implementation process and tells you how you can get involved.

CHAPTER 1
THE VALUE OF CLEAN WATER

Wisconsin's relationship with water is characterized by both stewardship and abuse. This state has a longer history of protecting its water than many other states. Coon Valley, Wisconsin, was the location of the US Soil Conservation Service's first watershed project in 1933. The state constitution itself protects the waters of the state as part of the public trust. But our waters have also been contaminated by decades of misuse by industry, agriculture, developers, cities and others. This disregard for water resources has caused 552 impaired waters – waters that do not meet state water quality standards for specific substances or for designated uses. Polluted runoff is a principle cause of degradation for 47 percent of these impaired waters. Groundwater supplies are being pushed to their limit in many areas, beach closings due to health risks are issued on a regular basis, and fish kills have occurred across the state from polluted runoff.

Given the importance of water in our lives, it is worth examining briefly, just how valuable water is to Wisconsin citizens. In Wisconsin, "[water] is an essential element of the economic, environmental, aesthetic and social health of the state."[5] Economically, clean water is integral to Wisconsin industries such as beverage, food, and paper production to name a few. It is often the main attraction for tourists and essential to a wide variety of recreation opportunities available in Wisconsin. For example fishing, duck hunting, boating, and waterslide parks depend on clean healthy waters. Proximity to clean water is also a significant factor in property value. Many of these water uses are essential to the health of our communities and economies, but not all of them are kind to our waters. Sometimes use can become abusive.

5 University of Wisconsin Extension, Water Issues in Wisconsin series, "The Economic Value of Water: An Introduction," G3698-1, p. 1, http://www1.uwex.edu/ces/pubs/pdf/G3698_1.PDF as accessed 08/13/02.

CHAPTER 2
UNDERSTANDING THREATS TO WATER QUALITY IN WISCONSIN[6]

We do not have an infinite supply of clean, accessible water. With the passage of the federal Clean Water Act in 1972, Congress acknowledged that we had a serious problem with water pollution and made a commitment to clean up America's waters. In the 30 years that have passed since that landmark law set water quality standards, we have seen a dramatic reduction in water pollution that comes directly from industrial pipes, also known as point source pollution. Although we still have point source pollution, and, indeed, industries are allowed to dump some amount of pollutants into lakes, rivers and streams, the direct dumping of mass quantities of contaminants -- chlorine, PCBs, industrial chemicals, and other toxic substances -- has decreased.

However, we are still far from achieving the goal of the Clean Water Act --that all of America's waterways be safe for fishing and swimming. In large part, that is because we still face a pollution problem that is less direct but no less toxic–*polluted runoff*, or nonpoint source pollution. Polluted runoff is caused when rain or snowmelt run off the land and into the water, carrying pollutants from agricultural fields, roads, roofs, parking lots, and construction sites.

Agricultural Runoff

Agricultural runoff is the largest cause of non-point source water pollution in Wisconsin.[7] The latest National Water Quality Inventory indicates that agriculture is the leading contributor to water quality impairments, degrading 60 percent of the impaired river miles and half of the impaired lake acreage in the U.S.[8]

In rural areas, livestock waste, pesticides, and fertilizers contain chemicals, which pose numerous health threats when they get into drinking water. Common pollutants from agricultural pollution include nitrates, phosphorus, bacteria, ammonia, and sediment.

High levels of nitrates that get into drinking water supplies can increase the risk of blue-baby syndrome, or methemoglobinemia.[9] Blue baby syndrome can become a danger when nitrate levels reach levels of 10 parts per million and can actually cause death in infants, as is common in the Gaza Strip in Israel[10] and as occurred recently in South Dakota. Unlike infants, adults can tolerate nitrate levels at 10 parts per million in the short term. However, long-term ingestion of nitrogen-elevated water has been linked to some forms of cancer[11]. Nitrates have also been linked to spontaneous abortions in humans. In 1996, the

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[6] This chapter is copied with permission, in large part, from "Reducing Runoff Pollution: Solutions for Wisconsin's Number One Water Quality Problem," a report by the WISPIRG Foundation, February 2002, unless otherwise noted. This report is available online at http://www.wispirg.org/reports/Solutions_to_Runoff_Report.pdf.

[7] Wisconsin DNR, Bureau of Watershed Management, www.dnr.state.wi.us/org/water/wm/nps/admrules.html. As accessed 11/04/02

[8] U.S. Environmental Protection Agency, EPA Pointer #1, *Nonpoint Source Pollution: The Nations Largest Water Quality Problem*. PA841-F-96-004A.

[9] U.S. Environmental Protection Agency, *The Report of the EPA/State Feedlot Workgroup*, Office of Wastewater Enforcement and Compliance (September, 1993), pg. 17.

[10] Stephen Elliott, *A Month Without Rest; Travel Notes From Israel During the Intifada*, The Sun, February 2002, pg. 20.

[11] *Nitrate: rerun of an old horror*, 1988, Health and Environmental Digest, Vol.1, No. 12. Freshwater Foundation, Minneapolis, MN.

Center for Disease Control linked the high nitrate levels in Indiana well water to spontaneous abortions.[12]

Excessive nitrate levels in drinking water are a serious problem in Wisconsin. A recent study by the University of Wisconsin found that in the Mendota Watershed in Dane County, over 40 percent of private wells contained unsafe levels of nitrates.[13] UW-Extension ground water specialist Chris Mechenich estimates that about 7,000 wells in Wisconsin may contain unsafe levels of nitrates.[14]

Phosphorus is also a common contaminant caused by agricultural practices and is extremely detrimental to aquatic ecosystems. Elevated levels of phosphorus cause accelerated plant and algae growth, or eutrophication, which causes premature aging of lakes and ponds.[15] The repercussions include blocking underwater plants from needed sunlight and depleting oxygen levels needed by fish and other creatures. Low oxygen levels in water can result in fish deaths. Even humans feel the effects of elevated phosphorus levels, as excess phosphorus is often what causes lakes to become thickly covered with algae, making them unfit for swimming. Phosphorus is a serious problem in Wisconsin, with 50 percent of soil samples tested containing excessive levels of the contaminant.[16]

Agricultural runoff also pollutes waterways with erosion sediment. Sediment carries with it 60 to 90 percent of the total phosphorus load entering Wisconsin waterways[17] and cropland is the main source of sediment erosion in the state.[18] Erosion is caused when farmers crop right up to stream banks, don't buffer streams with vegetation, or fail to fence off livestock pastures and barnyards from waterways. As sediment builds up in rivers, lakes and streams, it makes the water cloudy and can kill aquatic plants and animals by decreasing sunlight, changing the temperature of the water, and changing the flow of the water. Sediment also covers gravel spawning beds that some fish need to reproduce.

Manure and other animal waste also contain bacteria and pathogens that can make people sick if they reach drinking water supplies. In fact, in 1993, cryptosporidium -- most likely from animal waste -- got into Milwaukee's drinking water system, killing over 100 people and sickening 400,000 others.[19]

The impact of agricultural runoff on Wisconsin waterways is very clear. Not only do we see the slow destruction of waterways through the build up of phosphorus and sediment from erosion, but we also see massive fish kills caused by polluted runoff. For example, in June of 1998, runoff from a large dairy near Cleveland in Manitowoc County created a plume of contaminated water that stretched a quarter-mile into Lake Michigan, killing

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[12] Spontaneous Abortions Possibly Related to Ingestion of Nitrate-Contaminated Well Water, LaGrange Cty, IN, 1991-1994. Morbidity and Mortality Weekly, report 26, Centers for Disease Control, July 5, 1996, pg. 569-571.
[13] Ron Seely, Wisconsin State Journal, *Alarming numbers for water wells; nitrate levels are higher in the Lake Mendota Watershed than in any other area in the state*, August 4, 1999.
[14] Rick Barrett, *Nitrate controversy could surface; Water testing at farm days could stir up debate on blue babies, other safety*. Wisconsin State Journal, July 13, 1999.
[15] Horne, A.J. and C.R. Goldman. Limnology 2nd Edition, McGraw-Hill, New York. 1994.
[16] U.S. Environmental Protection Agency, *Agricultural Phosphorous and Eutrophication*, USDA Agricultural Research Service ARS-149, July, 1999.
[17] U.S. Department of Agriculture Natural Resources Conservation Service, *Core Four Conservation Practices*, August 1999.
[18] Lohr, Terry, Primary Sources of Runoff Pollution in Wisconsin, November 2000.
[19] EPA. "Clean Water." /public/data/r02earth/web/epa30/water.pdf, 2000, http://www.epa.gov/Region2/epa30/water.pdf. (22 Jan 02).

hundreds of game fish as well as thousands of minnows and other smaller fish.[20] In December of 2000, 1,200 trout were killed by a manure spill that ran into Bostwick Creek in La Crosse County.[21] In June 2001, over 5,000 trout died in Black Earth Creek in Dane County from polluted runoff following a heavy rainfall in the watershed. Up to 86 percent of the trout in certain stretches of the stream were lost.[22]

Construction

Erosion is a big problem in both urban and rural environments, particularly as increased development leads to more construction sites. According to a study by the US Department of Agriculture, between 1982-1997 Wisconsin lost more than 2.3 million acres of farmland to development [23].

Construction sites are the leading source of sediment runoff into urban waterways. For example, in the Lake Mendota Watershed, construction sites were responsible for 23 percent of total sediment load while accounting for only 0.3 percent of all land area. As mentioned earlier, sediment build-up in rivers, lakes and streams can kill aquatic plants and animals by decreasing sunlight, changing the temperature of the water, and changing the flow of the water.

Construction sites can contribute to polluted runoff both during the construction process itself and as a result of the site design. During construction, soil is most likely to be exposed to wind and water erosion, adding to the sediment load. Site design impacts whether water infiltrates and becomes groundwater or whether it runs off as polluted surface water.

Developed Urban Areas

Urban areas of Wisconsin have many of the same runoff problems as rural areas. Most of the urban landscape is dominated by surfaces that are impervious to water, such as parking lots and rooftops. Following periods of rainfall, storm events, and spring snowmelt, water runoff picks up pollutants and debris from roads and roofs and deposits them directly into waterways, without being filtered by soil or natural vegetative cover.[24]

Urban runoff contains contaminants ranging from trace metals, oil, grease and salt from roads to nitrates and phosphorus from lawn and golf course fertilizers. Even bacteria from pet waste runs into our waterways. Contamination from runoff and storm water was probably responsible for at least 90 days of beach closings in Milwaukee in 2001.[25]

Typically, the water most concentrated with metals is that which flows off of roads and other areas heavily used by automobiles, buses, and trucks. Urban metal runoff includes lead, chromium, nickel, cadmium, and copper. These metals come from vehicle exhaust,

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[20] Rick Barrett, Wisconsin State Journal, *Big farms: profits and perils*, July 27, 1998.
[21] Wisconsin State Journal, *Manure runoff kills 1,200 trout*, December 8, 2000.
[22] Wisconsin Department of Natural Resources, *Report on the Black Earth Creek Fish Kill*, November 9, 2001, p. 5.
[23] Whitney Gould, Milwaukee Journal Sentinel, *Growing Smarter: the struggle with sprawl*, January 20,2000.
[24] Losko, Robert, Developing Successful Runoff Control Programs for Urbanized Areas, Northern Virginia Soil and Water Conservation District, Fairfax, Virginia, July 1, 1994.
[25] Mark Dorfman, *Testing the Waters 2002; A Guide to Water Quality at Vacation Beaches*, Natural Resources Defense Council, July 2002.

worn tires, engine parts, brake linings, weathered paint, and even rust.[26] While trace metals do naturally occur, unnaturally high concentrations are toxic to aquatic life and can contaminate groundwater.[27]

Contaminants like bacteria, nitrates, and phosphorous from fertilizers and pesticides cause the same health and environmental problems in urban environments as they do in rural communities. Much of the organic bacteria in urban environments originates from animal feces. Bacteria that stem from animal waste, such as cryptosporidium, can cause widespread sickness and even fatalities, when ingested by the young or the elderly. Nitrates and phosphorous -- the effects of which were described in the agricultural section above -- come from fertilizers being used on private lawns, public parks and golf courses. Also, nearly 70 million pounds of active pesticide ingredients are applied to urban lawns each year, and homeowner surveys indicate that about half of urban lawns are given regular pesticide applications.[28] Those applications contain about 338 different active ingredients,[29] and studies have shown that even banned pesticides are still showing up in streams many years after being banned.[30]

Runoff in urban environments also alters the natural water cycle. The predominance of impervious surfaces that forces rainfall and snowmelt to run off into waterways rather than filtering into the groundwater causes a water cycle in which groundwater levels are too low and open water levels are too high. This change in the natural water cycle can cause major flooding, destroying stream banks, and causing damage to both the natural and the built environment.

Roads and Transportation

As mentioned above, the runoff most concentrated with trace metals is that which flows off of roads and other areas heavily used by motor vehicles. The U.S. Environmental Protection Agency reports "roads, highways, and bridges are a source of significant contributions of pollutants to our nation's waters. Contaminants from vehicles and activities associated with road and highway construction and maintenance are washed from roads and roadsides when it rains or snow melts. A large amount of this runoff is carried directly to water bodies."

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[26] Armstrong, David E. Urban *Stormwater Infiltration: Assessment and Enhancement of Pollutant Removal,* Proposed to Wisconsin Department of Natural Resources. (1991)

[27] U.S. Environmental Protection Agency, Controlling Nonpoint Source Runoff Pollution from Roads, Highways, and Bridges. http://www.epa.gov/OWOW/NPS/roads.html as accessed 11/04/02

[28] *Urban Pesticides: From the Lawn to the Stream*, Watershed Protection Techniques, 2(1): pg. 247-253.

[29] Immerman, F and D. Drummon, *National Urban Pesticide Applicators Survey*, 1985. Research Triangle Institute, Publication No. 2764/08-01F.

[30] Urban Pesticides: From the Lawn to the Stream, Watershed Protection Techniques, 2(1): pg. 247-253.

CHAPTER 3
REGULATING POLLUTED RUNOFF[31]

Historical Overview of the Proposed Rules

In 1994, the Department of Natural Resources was petitioned by Wisconsin's Environmental Decade to create rules to curb run off pollution. Instead of creating rules to curb run off, the DNR formed a committee called the Animal Waste Advisory Committee to recommend voluntary guidelines. The 1994 Animal Waste Advisory Committee (AWAC) report outlined four prohibitions, which were included in the 1997 Wisconsin Act 27.[32] Those four prohibitions are:

1. A livestock operation may have no overflow of manure storage structures;
2. A livestock operation may have no unconfined manure pile in a water quality management area (near rivers, streams or groundwater recharge);
3. A livestock operation may have no direct runoff from a feedlot or stored manure into the waters of the state;
4. A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.

In the 1990s, two independent Legislative Audit Bureau reports found the Wisconsin's polluted runoff program was not adequate to meet water quality goals. Acting on these reports, the Legislature passed two key reform mandates in 1997 and 1999 instructing the Department of Natural Resources (DNR) and the Department of Agriculture, Trade, and Consumer Protection (DATCP) to overhaul their programs to control polluted runoff. Many of the changes to the rules were originally "recommended in 1994 reports from the Legislative Audit Bureau and from the Animal Waste Advisory Committee (AWAC)."[33]

The two state agencies have developed nine rules: eight written by the DNR and one, -- a rule for implementation of farm conservation practices-- written by DATCP. One rule outlines performance standards for various sources of polluted runoff from agriculture to urban storm water. The remaining rules support these standards by identifying appropriate best management practices, providing a regulatory framework for implementation, or prescribing grant-making activities for pollution prevention. These rules received final approval from the Wisconsin legislature in July of 2002, and are effective on October 1st, 2002.

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[31] This section is copied, in large part, from the Clean Water Coalition General Rules Fact Sheet (revised 06/19/02), unless otherwise noted. This fact sheet is available online at http://www.wisconsinrivers.org/cleanwater_index.html. Other portions of this section come from "Reducing Runoff Pollution: Solutions for Wisconsin's Number One Water Quality Problem," a report by the WISPIRG Foundation, February 2002. This report is available online at http://www.wispirg.org/reports/Solutions_to_Runoff_Report.pdf.

[32] DATCP Outreach Advisory Committee Meeting, "Definition of Terms Included in the Four Prohibitions: Introduction," October 21, 1998.

[33] Bazzell, Darrell, DNR Secretary, Memorandum of Correspondence to the Natural Resources Board, December 7, 2001, File Ref. 3200.

The Polluted Runoff Management Program specifically involves the following administrative rules[34]:

NR 120 – Priority Watershed and Priority Lake Program (recreated);
NR 151 – Runoff Management (new);
NR 152 – Model Ordinances for Construction Site Erosion Control and Storm Water Management (new);
NR 153 – Targeted Runoff Management Grant Program (new);
NR 154 – Best Management Practices, Conditions, and Standards (new);
NR 155 – Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Grant Program (new);
NR 216 – Storm Water Discharge Permits (amended);
NR 243 – Animal Feeding Operations (recreated);
ATCP 50 – Soil and Water Resource Management (recreated).

Polluted Runoff Management Program in Wisconsin

Wisconsin's newly approved runoff management plan is the strongest in the nation. Through the efforts of the Clean Water Coalition some major protections for Wisconsin's water quality were included in these new rules.

The Clean Water Coalition recognizes that the rules are not perfect. The cost to the state and counties is substantial, but the cost share requirements are intended to facilitate compliance with the performance standards. Cost-sharing only applies to agricultural performance standards; other standards are not subject to this requirement. Dates for implementation and compliance are included in the rules, but enforcing these dates and standards will require watchfulness on the part of citizens and adequate funding from the legislature.

The Clean Water Coalition applauds key victories during the nonpoint rule-making process, including: closing some of the gaping loopholes in the original draft of the rules, pushing the rulemaking process forward when it stalled, inclusion of a nitrogen-based standard for nutrient management with a pledge to initiate new rules to develop phosphorus management tools by 2005, and moving the rules a bit closer to balancing compensation to farmers with reasonable cost to the state and counties. The CWC helped lead the effort to push for several elements of the new rules including: a) the rules require nutrient management plans (NMPs) for all farmland, b) vegetated protective areas (also known as buffers) are now required for construction sites and roads, and c) the rules include clear erosion control goals for construction sites. Additionally, the Coalition appreciates strengthened wetland protections in the rules and that counties and DNR have the ability to set standards which are stronger than the state minimum for targeted areas.

Finally, the rules themselves do not include a vegetative buffer requirement for agricultural lands. In the end, the Natural Resources Board passed a resolution committing the DNR to put in place a mandatory buffer rule by the beginning of 2008. This compromise eliminated any conflict with farmer eligibility for federal Conservation Reserve

[34] The final Natural Resources rules are available online at http://www.dnr.state.wi.us/org/water/wm/nps/admrules.html. DNR expects that they will be officially published in September 2002. The DATCP rule is available online at http://datcp.state.wi.us/arm/regulation/prop-rules/atcp_50.html.

Enhancement Program (CREP) funds without completely eliminating a state buffer requirement. Buffers were the biggest issue that the coalition fought for and this promise from the NRB will need to be guarded so it is not forgotten between now and 2008.

These rules set enforceable statewide standards for pollution abatement, outline practices for meeting these standards, and enhance cost-share grant programs in the following areas:

- Agriculture;
- New construction and new post-construction projects;
- Developed urban areas; and
- Transportation (including roads, road-building, and airport runways).

Knowing the details of what these new rules require; how landowners, municipalities, developers and farmers can meet the new standards; and who is responsible for enforcement, are important components for monitoring the implementation of this polluted runoff management program. The following sections outline what the new rules require.

More detailed information regarding the Natural Resources rules 120, 151-155, 216, and 243, can be obtained from the Department of Natural Resources, Runoff Management Education Coordinator, at carol.holden@dnr.state.wi.us or (608) 266-0140. More detailed information regarding ATCP 50 can be obtained from the Department of Agriculture, Trade, and Consumer Protection's Richard Castelnuovo, at 608-224-4608 or send an email to richard.castelnuovo@datcp.state.wi.us.

Agricultural Standards

Prior to the completion of this polluted runoff control program, agriculture performance standards varied from county to county. A few counties had much stronger standards than the new statewide program calls for, but most did not. The significance of this new program is that now agricultural facilities statewide will be required to meet the same performance standards. Required practices now include:

- →management plans for manure, pesticide, and fertilizer application,
- →controlling soil loss, and
- →better management of manure storage.

The DNR is ultimately responsible for implementation of these new agricultural performance standards, but will be working with local municipalities --primarily counties -- as well as DATCP to achieve full implementation of these performance standards.

Cropland Standards

The program addresses problems with sediment, nutrient and pesticide runoff from Wisconsin cropland through requirements of:

- Cropping best management practices to keep soil erosion rates at or below tolerable soil loss (T); *(NR 151.02)*

- Nutrient management plans (effective January 1, 2005 for existing cropland impacting outstanding or exceptional resource waters, source water protection areas, and impaired waters; and effective January 1, 2008 on all other existing cropland and effective Oct. 1, 2003 for new cropland)); *(NR 151.07)*
- Nutrient management plans must be prepared by qualified planners, be based on soil tests from a certified laboratory and follow the Natural Resources Conservation Service (NRCS) Nutrient Management Standard 590 (nitrogen-based) After 2005, plans will incorporate the NRCS phosphorous-based standard;*(ATCP 50.04)*

Manure Management

- Statewide standards for new and refurbished manure storage facilities; *(NR 151.05)*
- The diversion of runoff away from feedlots, manure storage areas, and barnyards within water quality management areas; areas (1,000 feet from a lake, 300 feet from a river or a site susceptible to groundwater contamination) *(NR 151.06)*
- The prohibition of the following: manure overflows from storage facilities, unconfined manure piles near water bodies, direct runoff from feedlots or stored manure into waters, and unlimited livestock access to waters. *(NR 151.08)*

Animal Feeding Operations

Concentrated animal feeding operations (CAFOs -- that is animal feeding operations with 1,000 animal units or more) are actually point sources of pollution under current regulations and are subject to the Clean Water Act permit program called Wisconsin Pollution Discharge Elimination System (WPDES). This regulation of CAFOs, sometimes called factory farms, has basically been changed to reflect current federal regulations and to clarify requirements pertaining to CAFOs.

- Manure management plan requirements are spelled out in greater detail and new operations must consider both nitrogen and phosphorous as well as follow NRCS Standard 590 to minimize entry of nutrients to groundwater and surface waters.; *(NR 243.14(1))*
- WPDES permitted CAFOs must comply with the livestock performance standards and prohibitions prescribed in NR 151, which include the manure storage prohibitions described above; *(NR 243.13(1)(a))*
- CAFOs are not eligible for cost sharing under ch. NR 153 and 154 for compliance. *(NR 243.13(1)(a) Note)*

Cost-share Requirement

- Farms defined as "existing" under DNR rules are entitled to cost-sharing *if* the farms are required to comply with the new standards. Grant programs to facilitate implementation of these new agricultural standards and required practices are included in the rules. This funding is found in two DNR rules and the new DATCP rule:

- Funding will continue to be made available under the Priority Watershed and Priority Lake Program (NR 120) through 2009, when these projects end. Starting

immediately, additional grant programs will be made available statewide under ATCP 50 and NR 153; *(NR 120)*

- NR 153 establishes the Targeted Runoff Management Grant Program to provide funding to local governments to control nonpoint sources of agricultural runoff. Supplementing the Priority Watershed/Lake Program, these funds could be used for cost-share and technical assistance to private landowners.
- ATCP 50 improves a cost sharing grant program, which provides funding for county conservation staff and cost-share payments to farmers for the implementation of agriculture conservation practices.
- Non-state sources of funding such as federal or local government may also be used and may be combined with state funding to cost share implementation

Vegetative Buffer Requirement[35]

Studies show that vegetative buffer zones are highly effective for controlling sedimentation, erosion, and pollution from runoff. Sedimentation occurs when excess soil particles accumulate in water bodies, which can suffocate organisms and reduce sunlight needed by aquatic life. Pollutants that are attached to soil particles are transported by sediment to the water. Two common pollutants, phosphorus and nitrogen, cause excessive algae growth, deteriorate water quality, and can kill fish. Phosphorus and nitrogen are the basic nutrient elements of fertilizer (both chemical and manure).

Buffers trap sediment and allow phosphorus and nitrogen to filter into the soil, thereby preventing it from getting into the streams and lakes. Buffers also provide habitat for wildlife, control stream temperature critical to cold-water fish, and are a source of organic matter needed by aquatic life.

In the final draft of the nonpoint pollution control rules, vegetative buffers are not a required practice. However, the state Natural Resources Board adopted a separate resolution on May 22nd, 2002, which will require a mandatory buffer provision to be in place by January 1st, 2008. A buffer research committee coordinated through the University of Wisconsin, College of Agricultural and Life Sciences will base the required agricultural buffer performance standards on research to be completed December 31, 2005.

Benefits of buffers include:

- ❖ Prevent stream bank erosion
- ❖ Filter out pollutants and sediment
- ❖ Protect groundwater
- ❖ Improve aquatic habitat
- ❖ Improve wildlife habitat
- ❖ Protect against flooding
- ❖ Add natural beauty
- ❖ Shield agricultural fields and livestock from wind
- ❖ Prevent heavy equipment rollovers near sloping shorelines and stream banks

"This approach provides Wisconsin a real opportunity to develop better policy," says DNR Secretary Darrell Bazzell. "We will be able to base our rules on research that is

[35] This section is copied, in large part, from the Clean Water Coalition Vegetative Buffers Fact Sheet (revised 07/01/02). This fact sheet is available online at http://www.wisconsinrivers.org/cleanwater_index.html.

specific to Wisconsin's diverse geography and agricultural setting, not on research conducted in other states."[36]

The Clean Water Coalition supports the requirement of buffers and argues for wider buffers in order to maximize the gains from this practice. The Coalition will ensure that this promise to include buffers from the Natural Resources Board is not forgotten over the next six years.

Construction Standards

The built landscape contributes to water pollution by preventing water from filtering into the ground and by creating other sources of pollutants. Construction sites are notorious sources of sediment and toxic pollutants. Developed areas are built to remove water as quickly as possible and deposit it in the nearest waterways, along with all of the pollutants picked up by the water.

Under the polluted runoff rules, new and redevelopment construction sites in both urban and rural settings will be required to prevent or manage polluted runoff through a number of different practices.

During Construction

Construction sites of five or more acres of land-disturbing activity (one or more acres after March 10, 2003) will be required to:

- Write and adhere to a plan to reduce sediment by 80% or to the "maximum extent practicable" using Best Management Practices (BMPs). In addition, practices must be used to prevent sediment tracking, sediment discharge due to dewatering, and protect storm drain inlets; *(NR 151.11)*
- Manage the use, storage, and disposal of chemicals, cement, and other materials to prevent them from polluting runoff. *(NR 151.11(6)(d))*

Post-Construction

Starting two years after the rules become effective, new development projects and redevelopment projects will also have to prepare and implement a plan to reduce post-construction runoff. Under the new rules, **post-construction sites of one acre or more** (two years after the effective date) will:

- Use practices which reduce suspended solids by 80% (or to the maximum extent practicable) for newly developed sites; *(NR 151.12 (5)(a)1)*
- Use practices which reduce suspended solids by 40% (or to the maximum extent practicable) for redevelopment sites and in-fill development under 5 acres that occurs before Oct. 1, 2012; *(NR 151.12 (5)(a)2,3)*
- After Oct 1, 2012, in-fill development will have to reach the 80% reduction in total suspended solids; *(NR 151.12, 5(a)4)*

[36] Wisconsin Department of Natural Resources website, http://www.dnr.state.wi.us/org/caer/ce/news/on/2002/ON020529.htm#art2, accessed 6/19/2002.

- Employ design that reduces peak runoff discharge from two-year, 24-hour storms. This does not apply to some post-construction sites, redevelopment sites, and in-fill of less that 5 acres; *(NR 151.12, 5(b))*
- Implement practices that allow water to infiltrate into the ground rather than being conveyed directly to waterway, with pretreatment required in some cases to protect groundwater; *(NR 151.12, 5(c))*
- Create protective "buffer" areas between developments and lakes, streams, rivers; and wetlands *(NR 151.12(5)(d))*
- Construct motor vehicle fueling and maintenance areas to reduce petroleum runoff. *(NR 151.12(5)(e))*

Cost-share

BMPs related to meeting construction and post-construction performance standards in new development are not eligible for cost-share through grants made to local government units under either the Targeted Runoff Management Grant Program (NR 153 or the Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Grant Program (NR 155). However, these grant programs may be used to develop ordinances, utility districts, and storm water management plans for implementing construction site erosion controls, and post-construction runoff controls from new development. They also can be used to design and install best management practices in developed urban areas.

Developed Urban Areas Standards

The proposed rules will apply to **developed areas with an average density of 1,000 people per square mile or greater**. By March 10, 2008, municipalities will be expected to:

- Create a public information and education program about proper clean-up of yard, fertilizer and pesticide use, and pollutant waste disposal; *(NR 151.13)*
- Properly manage leaf and grass clippings; *(NR 151.13)*
- Apply fertilizers according to a site-specific nutrient management plan to properties of over 5 acres or more of pervious surface where fertilizers are applied (this standard also applies to private property); *(NR 151.13&14)*
- Detect and eliminate illicit storm water discharges; *(NR 151.13)*
- Communities subject to state WPDES storm water permits under NR 216 must do all of the above plus create and follow a storm water management program that reduces total suspended solids by 20% before March 10, 2008 and by 40% before March 10, 2013 (or to the maximum extent practicable by these dates). *(NR 151.13)*

Both the Targeted Runoff Management Grant Program (NR 153) and the Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Grant Program (NR 155) provide funding to local governments for implementation of new standards and practices in developed urban areas.

Roads and Transportation Standards

The proposed rules would require new transportation related projects to use pollution reduction practices similar to those for construction of other development.

- Transportation construction sites would adhere to a written plan to reduce sediment load in runoff by 80% using BMPs and manage pollutants so they are not washed into the waters of the state; *(NR 151.23)*
- New urban residential roads would conform to similar standards for reduction of suspended solids, peak discharge, infiltration, protective areas, and fueling and vehicle maintenance areas, as the post-construction development standards outlined above; *(NR 151.24)*
- In most cases, rural roads and highways will meet the standards by using vegetated areas, called swales, designed to slow runoff velocity; *(NR 151.24 (10)(a))*
- Department of Transportation would develop and implement storm water management plans for DOT highways located within permitted municipalities to reduce pollutant runoff by 20% beginning March 10, 2008, and by 40% beginning March 10, 2013. *(NR 151.25)*

Steps to Implementation: What You Can Expect

DNR and DATCP are currently working with county conservationists through the Wisconsin Land and Water Conservation Association (WLWCA) to determine exactly how these new rules will be implemented. An APPROXIMATE timeline follows to give you an idea of what to expect and how to get more information as it develops.

Table 1: Implementation Timeline (Approximate)	
September 2002	Final revisions of rules and publication.
October 1st, 2002	Rules in effect.
Fall 2002	DNR, DATCP, and WLWCA develop guidelines for rules implementation.
Fall 2002	DNR, DATCP, and counties train staff on implementation of rules.
Fall 2002	DNR, DATCP, and counties develop informational materials for education of regulated parties and general public.
As available	Informational materials disseminated.

The Wisconsin Land and Water Conservation Association has volunteered to develop a website to make information about the rules available. It will be a centralized spot for landowners, operators, developers, citizens, and others to access information about the rules, implementation and how the rules might apply to them. Look for the link to this website at http://wlwca.org

Who Is Responsible in Your Watershed?

As mentioned earlier in this toolkit, the primary Wisconsin state agency responsible for protecting the waters of the state is the Department of Natural Resources. The DNR carries out this duty in cooperation with the Department of Agriculture, Trade, and Consumer Protection, and with a multitude of local city, town and county governments. Thus, it is the DNR that is ultimately accountable for preventing polluted runoff. The county conservation departments will be in charge of day-to-day implementation of a majority of the on-the-ground work. Funding for implementing best management practices will come from federal, state, county, and local sources.

Knowing who is responsible for implementing the polluted runoff rules in your area is an important step in tracking the implementation process. Find out who the conservation staff in your county are by visiting the Land and Water Conservation Department Directories to personnel and websites at www.wlwca.org. If you do not have internet access you can call your county government to find out or contact WLWCA at (608) 833-1833.

At the state level both DNR and DATCP will be involved in implementation of these rules. Information about Runoff Management and the new nonpoint program is available at http://www.dnr.state.wi.us/org/water/wm/nps/index.htm or contact Carol Holden at (608) 266-0140. For information from DATCP visit their website at http://datcp.state.wi.us/arm/regulation/prop-rules/atcp_50.html or contact Richard Castelnuovo at (608) 224-4608.

CHAPTER 4

MOVING FROM POLICY TO PRACTICE: WHAT YOU CAN DO TO PREVENT POLLUTED RUNOFF

As a citizens' group or individual you have a variety of opportunities to get involved in curbing polluted runoff. Once you have learned to recognize the pollution problems in your area and understand how the state program aims to address those problems, you can be a catalyst for program implementation and enforcement. Some of the actions you can take include:

1) **Know Your Watershed** –- Get to know the concerns in your watershed and bring problems to the attention of your county conservationist, municipal government, or DNR staff.

2) **Comment through the Permitting Process** –- Permits are required for large Confined Animal Feeding Operations otherwise known as factory farms. Most developed urban areas are required to get storm water permits. These permitting processes include a public comment period.

3) **Voice Your Support for Funding** –- Funding is key to the success of the Polluted Runoff Management program. So **stay informed** about funding decisions that might impact program funding. Voice your support when key decisions are on the floor in the state legislature by **writing a letter to your representatives** or **generating media attention**.

4) **Watershed Watch** –- Help the CWC track implementation of the Polluted Runoff Management Program. Questionnaires will be available to monitor the progress of implementation for agriculture, construction, developed urban areas, and roads and transportation statewide.

5) **"Friend of Clean Water" Awards Program** –- The CWC will be giving awards to cities, county conservation departments, farmers, and building contractors in recognition of their efforts at good stewardship in protecting our water from polluted runoff

Know Your Watershed

Developing an awareness of polluted runoff issues in your watershed is the first step toward protecting your waterbody -- be it lake, river, stream, or groundwater – from polluted runoff. There are a few basic questions to ask in order to get started. Is your waterbody already impaired by water pollution? Or is it identified as a state Outstanding or Exceptional Resource Water? What types of nonpoint pollution potentially impact your waterbody? How might the performance standards in the new rules apply to nonpoint sources in your watershed? What is your city, town, or county doing towards implementation of the polluted runoff program in your watershed? Who is responsible for addressing polluted runoff regulation in your area?

In this information era, it can be surprisingly easy to find answers to these questions. The DNR maintains their list of impaired waterbodies, otherwise known as the 303(d) list on their website at: http://www.dnr.state.wi.us/org/water/wm/wqs/303d/waterbody.html. This list is not comprehensive and listings are limited by the standards used for listing and the staff time available for updating the list. Organizations like the River Alliance of Wisconsin believe that more waterbodies in the state qualify as impaired, but have yet to be added to the 303(d) list.

Waters that are classified as Outstanding or Exceptional Resources Waters are not as clearly listed on the DNR website so the best option is to call the DNR Basin Team Leader in your watershed. To find out who that person is and how to reach them visit, http://www.dnr.state.wi.us/org/gmu/sidebar/teamleaders.html.

Another way to learn about your watershed and the pollution concerns in your community is through the EPA Surf Your Watershed website (http://www.epa.gov/surf/). This website includes a variety of information that is accessible to the public on various watershed health indicators, geographic information, monitoring tools, and related links. Unfortunately, the data sets for the state of Wisconsin are not complete, so you may not find data on water quality in your watershed.

While we can not list all the signs to look for when monitoring the water in your community, the toolkit should give you a good idea of what to start looking for and what questions to ask. An effective strategy for protecting the water in your community can be as simple as asking questions and paying attention to what is happening in your area. Take a look around on your bus, walk, bike, or drive to work. Learning to recognize good pollution control practices is important

Some problems are obvious such as a fish kill after a storm or sediment washing onto the street and down the storm drains from a construction site. Other problems are not visibly obvious such as whether the city has integrated pest management plans for its large parks or whether the DOT is working on developing its storm water management plans for DOT roads in your area. Whether you want to report a potential nonpoint pollution source or find out how the rules are being implemented in your watershed, probably the best person to contact is your county conservationist. These individuals are listed at http://www.wlwca.org/Pages/LCDDirectory.html. City staff people may also be able to help you with your concerns.

One last way to identify the polluted runoff concerns in your watershed is to **participate in one of the many watershed monitoring programs** in the state. Lisa Conley of Wisconsin Association of Lakes has compiled a list of programs. It should be available in the near future on the Wisconsin Academy of Sciences, Arts, and Letters website as part of their Waters of Wisconsin project at: http://www.wisconsinacademy.org/wow/index.html. You can also contact Lisa Conley via email, lconley@yahoo.com, to find out how to obtain a copy of the list.

Citizens interested in river and stream monitoring can check the Water Action Volunteers website: http://www.clean-water.uwex.edu/wav/. The site has downloadable fact sheets on parameters to measure, a list of monitors and the data they collect, a site for entering data, a list of lending libraries of monitoring equipment, and supplies around the state, funding tips, and storm drain stenciling and river cleanup information. You can also

e-mail Kris Stepenuck at kris.stepenuck@ces.uwex.edu or call her at either (608) 265-3887 or 264-8948.

Once you decide what type of nonpoint source is most likely to threaten the waters in your area – whether it be agriculture, construction, developed urban areas, or roads and transportation – Chapter 3 should help you **learn about the performance standards which apply in your watershed**.

Comment Through the Permitting Process

Large Concentrated Animal Feeding Operations, otherwise known as factory farms, and many developed urban areas are subject to Clean Water Act permits. The Clean Water Act permits, also called WPDES permits, regulate the discharging of pollutants directly into our waterways from a point source. These permitting processes include a public comment period. A public hearing may be held if deemed necessary by permit review staff at DNR. Clean Water Act permit (WPDES) notices to the public are published in the legal notice section of the local newspaper or you can find current permits open to comment at the DNR website: http://www.dnr.state.wi.us/org/water/wm/ww/drafts/PubNot.htm. Also check out Midwest Environmental Advocates website for information on how to comment on Clean Water Act (WPDES) permits: www.midwestadvocates.org

Take the time to **review and comment on WPDES**. WPDES permits regulate the amount of pollution allowed into Wisconsin's waterways. For more detailed guidance on CAFO concerns take a look at the Global Resource Action Center for the Environment guide – *How to Confront a Factory Farm: The GRACE Factory Farm Project Guide to Confronting a CAFO.* This guide can be found online at http://www.factoryfarm.org/guide/. Another excellent resource is *Permitting an End to Pollution: how to scrutinize and strengthen water pollution permits in your state*. This guide is designed to help citizens influence issuance of water pollution permits, that is the National Pollutant Discharge Elimination System (NPDES). In Wisconsin NPDES is in fact the WPDES permit program. *Permitting an End to Pollution* is quite user friendly and can be found online under the publications section of the Clean Water Network's website: www.cwn.org.

Voice Your Support for Funding

Adequate funding is necessary to ensure implementation and continuation of the new runoff management program. Wisconsin is currently struggling with a budget deficit. That means that voter support for funding polluted runoff management is essential. **Stay informed** about funding decisions that might impact this program and **voice your support** through letters, phone calls, or emails to your state legislator when they are making these critical decisions.

Currently, funding for nonpoint programs will come from two sources; in part from bonding and in part from federal Farm Bill funds. Funding to get the program started is adequate, but more resources will be needed for successful monitoring and implementation of the management program. Identifying funding decisions that will impact water quality protection can be challenging at times, but it is still important to stay informed and speak up when decisions are being made.

Stay Informed

The best way to stay informed about funding for polluted runoff management is to become a member of **the Clean Water Coalition.** Monitoring the implementation of these rules is the number one priority of the CWC. Through becoming a member organization you add your voice to this coalition in support of effective implementation of the rules. The CWC Coordinator will keep you informed of action that needs to be taken and will ask for your support of Coalition activities. To learn more about the Clean Water Coalition, take a look at our Principles and Process online at: http://www.wisconsinrivers.org/cleanwater_index.html or contact the CWC Coordinator at (608) 441-8411. You are always welcome to add your name to the CWC email list as a friend of the Coalition rather than a member. This is a really good way to stay informed even if your organization is not interested in joining or if you are not affiliated with an organization.

The cost-share requirement allows funding for agricultural Best Management Practices to come from any source. Therefore, if state funding falls short, other entities, such as a lake management district, can force local farmers to comply by coming up with the funding necessary for cost sharing. This opens the door to more sources of revenue, but should not undermine the need for state level funding of this program. Non-profits, local governments, individuals, a resort, and virtually any entity with dollars to spend can cost-share implementation of BMPs. Keep an eye out for alternative funding opportunities.

Write to Your Legislators[37]

It takes only a few minutes to **write a letter**, but those few minutes can make a big difference. When Representatives, Senators, City Councilors or any decision-maker receives enough letters on a particular issue, they realize that their constituents care. And, knowing you care is often a first step toward getting a decision-maker to pay attention to an issue. Your letter can educate a decision-maker about the facts of a problem, it can help them to realize that citizens in the community are concerned, and it can sway their thinking and actions.

To find out who your state legislator is and his/her address go to http://www.legis.state.wi.us/waml/ and enter your address.

Here are some suggestions to give your letter the greatest impact:

~ **Use your own words and your own stationery if you can:** A personally written letter has even more impact than pre-printed postcards, petitions or form letters. Using a word processor is ideal, but a neatly handwritten letter is fine too.

~ **Be concise:** Most busy decision makers (and their staff) won't take the time to read anything longer than one page.

~ **Be constructive in your comments:** Don't be unnecessarily critical, and never threaten or insult the decision maker. If you have the opportunity,

[37] This section is copied, with permission, from the WISPIRG Foundation *Activist TOOLKIT*, available online at www.wispirg.org/toolkit.

thank the person to whom you are writing if she or he took a positive stand on a relevant issue, or did something else you appreciate.

~ **Identify your subject clearly:** If possible, refer to legislation either by its bill number or by its popular name, such as Clean Water Act. And, be sure to use your letter to educate the decision maker. She or he may not be aware of some of the problems you are facing or of some of the specific sections of the pending legislation.

~ **Personalize your message:** People tend to remember a good story or example a lot better than a series of facts or statistics. Make sure your letter tells the decision maker why this issue matters to you personally.

~ **Mention your affiliation to local organizations and groups**, if they're pertinent.

~ **Ask the decision maker to do something specific if that is appropriate:** For example, ask them to vote for or against a particular amendment, request hearings, or co-sponsor a bill. At a minimum, ask for a reply on what action or position they will take.

~ **Ask for a reply to your requests and questions:** Be sure to include your contact information so s/he can get back to you.

Here is a sample letter to a decision maker:

Dear Representative _____,

Every single person is dependent on clean water to stay alive and healthy. Polluted runoff is the number one threat to clean water in the nation. Here in Wisconsin runoff contaminates 40 percent of our streams, 90 percent of our inland lakes, many coastal waters, and much of our groundwater. Polluted runoff threatens the health and welfare of Wisconsin's citizens.

In July of 2002, the state Senate Environmental Resources Committee and the Assembly Agriculture Committee approved eight Natural Resources Rules and one ATCP rule which now constitute the state's Runoff Management Program. The performance standards in these rules are the strongest in the nation and with adequate funding can be effective at protecting Wisconsin's waters.

Unfortunately, the current budget bill does not fully fund the grant programs and associated staffing needed to continue implementation and enforcement of these rules.

I urge you to support a balanced state budget that fully funds the Targeted Runoff Management Grant Program, the Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Grant Program, funding to the Department of Agriculture, Trade, and Consumer Protection for cost-share and county staffing grants, as well as the Department of Natural Resources Water Division, which is responsible for implementation and enforcement of the polluted runoff management rules. Without adequate staffing and cost-share funding these rules are as good as nonexistent.

I cannot emphasize strongly enough the importance I put on your vote in this matter. There are few things more important to life than clean water and a healthy, livable environment. The state of Wisconsin is responsible for protecting the public trust in waters. In order to do that effectively, water protection programs like the Runoff Management Program need to be adequately funded. A healthy river is at the heart of a healthy community and to keep a river healthy it must be protected from polluted runoff.

I look forward to hearing your position on this issue.

Sincerely,

Name
Your Contact Information

Generate Media Attention

Writing your representatives may not feel like enough or you may want to tell the general public about your concerns. Yet another opportunity to act is to generate media attention. You can write an Opinion Editorial or a letter-to-the-editor. Publication is not guaranteed, but the chances are good if you put some time and thought into your writing. For details on how to approach writing to you local newspaper take a look at WISPIRG's Activist Toolkit online at www.wispirg.org/toolkit/media.html.

Below is a brief summary of how to get printed in your local newspaper
To find local newspapers online visit www.gebbieinc.com/daily/wi.htm

Op-ed (Opinion Editorial)

Most papers allow readers to submit op-eds for publication in their editorial section. They generally must be around 500 words and deal with a current issue. Interesting angles on a hot topic are more likely to be printed so be creative and thoughtful in your writing. It is also important to be accurate and to think of a local angle to your story, if possible. Submit op-eds to the editor of the opinion page and then follow-up to make sure they received the editorial. Be sure to ask whether they are willing to print it.

LTE (letter to the editor)

Most newspapers print letters to the editor on a regular basis. Their policy is usually printed on the opinion page of the paper. Letters to the editor respond to a current issue and are substantially shorter than op-eds. An average length is about 200 words. Again, follow-up is important. Call to see if they received your lte and whether they plan on printing it. It helps to tie your lte to an article the paper recently published and to give it a personal touch.

Sample outline:

State the problem/topic

Our waterways are being polluted by run off pollution. The programs to fix this are in place but are not adequately funded in the recent budget proposal.

State the solution

Clean water should be a priority for our state. Full funding should be granted to the runoff management programs.

Summary

I would like my children to be able to drink, fish, and swim in the waterways of this state, so I ask my state representatives to push for full funding for clean water programs.

Watershed Watch – Track Implementation of the Runoff Management Program

The Clean Water Coalition plans to track the rules implementation process and to issue a progress report in 2004. The overall idea is to assess — two years after the nonpoint rules take effect — how much progress has been made in putting polluted runoff prevention practices into place.

We invite you and members of your organization to **participate in this monitoring project**. In order to have a representative picture of how successful the implementation is, we will need assistance from organizations throughout the state.

The report, and therefore the monitoring, will cover each of the four major activities regulated by the Runoff Management Program: agriculture, construction, developed urban areas, and roads and transportation. The water quality threats associated with these four areas were outlined in Chapter 1 of this toolkit, and how the rules address these threats in found in Chapter 2. The timeline and plan for rule implementation is very important to keep in mind for this project. A summary of Steps to Implementation can be found at the end of Chapter 3.

The Wisconsin Public Interested Research Group (WISPIRG), in conjunction with the Clean Water Coalition, is currently developing questionnaires, which can be used to assess progress made in the implementation process. Ideally, these questionnaires would be used initially to get a baseline for your area --- where does your city/county/town currently stand? Then after two years they would be used again and answers compared for our report. Not only will issue a progress report, but also we hope that asking these questions will draw agency and county staff attention to the need and public desire for rule implementation.

To give you a general idea of what we aim to do with this monitoring and our report, the following is an outline of the goals/questions to be answered for each category.

Agriculture

- Are erosion controls being installed? Are they achieving tolerable soil loss (T)?
- Are qualifying nutrient management plans being developed and followed by farmers? What percentage of agriculture operations meets nutrient management requirements?
- Is manure storage being handled in accordance with new standards and prohibitions?
- Economically how is this program working for counties and farmers? Is 70 to 90 percent cost share affordable for the state and counties? Is sufficient cost-share funding available?

Construction

- Are construction sites writing and adhering to erosion control plans. Are construction site erosion control plans actually reducing sediment loads by 80%?

- ❖ Are chemicals, cement, and other materials being properly used, stored and disposed of to prevent polluting runoff?
- ❖ How are municipalities/counties monitoring and enforcing construction requirements? Are plans in place for monitoring post construction performance?

Developed Urban Areas

- ❖ Have developed urban areas (DUAs) created public education programs about yard waste, fertilizer and pesticide use, and pollutant waste disposal? How effective are the education programs?
- ❖ Have DUAs set up leaf and grass clipping management programs?
- ❖ Do DUAs have nutrient management plans that they follow where required? How do they ensure that these plans are followed?
- ❖ What is their program/plan for detection and elimination of illicit storm water discharges?
- ❖ Do they have a storm water management plan, which reduces total suspended solids by 20%? If not why not or what is their plan to achieve this?

Roads and Transportation

- ❖ Do transportation construction sites have and use a written plan to reduce sediment load by 80%? What percentage of sites meets this requirement?
- ❖ Do new urban residential roads meet post-construction standards regarding reduction of suspended solids, peak discharge, infiltration, protective areas, and fueling and vehicle maintenance areas?
- ❖ Do new rural roads and highways have vegetative buffers?
- ❖ Has the Wisconsin Department of Transportation started developing storm water management plans to reduce pollutant runoff by 20%?

Please let us know if you are interested in lending your organization's time and volunteers to this project. For more information on this implementation-tracking project, to see the tracking questionnaires, please contact either WISPIRG or the Clean Water Coalition Coordinator:

WISPIRG
Kerry Schumann, State Director
1050 Regent St., Ste. L2
Madison, WI 53715
Phone: (608) 251-1918
Fax: (608) 287-0865
Email: wispirg@chorus.net
Website: www.wispirg.org

Clean Water Coalition
CWC Coordinator
c/o River Alliance of Wisconsin
306 East Wilson St., Ste. 2W
Madison, WI 53703
Phone: (608) 257-2424
Fax: (608) 260-9799
Email: cleanwater@wisconsinrivers.org
Website: www.wisconsinrivers.org

"Friend of Clean Water" Awards Program

The Clean Water Coalition is also planning a "Friend of Clean Water" Awards program. Cities, county conservation departments, farmers, and building contractors who are making progress towards rule implementation will be given awards to recognize their efforts as good stewards in protecting our water from polluted runoff. To increase visibility of the program, awards will be given both at early stages of clean water projects and at later stages.

To learn about our Clean Water Awards program and how to make nominations please contact the Sierra Club or the Clean Water Coalition Coordinator:

Sierra Club, John Muir Chapter
Contact: Caryl Terrell, Chapter Director
222 S. Hamilton St. -- #1
Madison, WI 53703
Phone: (608) 256-0565
Fax: (608) 256-4562
Email: cterrell@execpc.com
Website: http://wisconsin.sierraclub.org/

APPENDIX A

CLEAN WATER COALITION MEMBER DIRECTORY

✶ CWC Steering Committee representatives

Aldo Leopold Trout Unlimited
Contact: Clinton Byrnes, President
921 South Spring St.
Beaver Dam, WI 53916
Phone: (920) 855-6669

Antigo Trout Unlimited
Contact: Scott Henricks, President
213 Mary St.
Antigo, WI 54409-2536
Phone: (715) 623-3867
Email: Henricks51@g2a.net

Citizens for a Better Environment-Wisconsin
Contact: Dr. Jeff Foran, President
1845 N. Farwell Ave. Ste. 220
Milwaukee, WI 53202
Phone: (414) 271-7280
Fax: (414) 271-5904
Email: cbewi@cbemw.org
Website: www.cbemw.org/wisconsin.html

Citizens to Save Neenah Wetlands
Contact: David Peck, President
594 Plummers Harbor Rd.
Neenah, WI 54956
Email: dpeck@uspower.net

Concerned Citizens of Newport
Contact: Hiroshi Kanno, Vice Chairman
N9947 Thompson Drive
Wisconsin Dells, WI 53965
Phone: 608-253-7266
Fax: 608-253-4028
Email: ccn@saveamericaswater.com or hirok8@aol.com
Website: www.saveamericaswater.com/ccn/

Coulee Region Trout Unlimited
Contact: Nathan Barnhart, President
400 Gillette St. #332
La Crosse, WI 54603
Phone: (608) 779-4184
Email: Suzanna_Nathan@msn.com

Dane County Conservation League
Contact: Don Hammes, Chair
P.O. Box 44039
Madison, WI 53744
Email: dccl@dccl.org or hammesd@chorus.net
Website: http://www.dccl.org/

Douglas County Association of Lakes and Streams
Contact: Fred Anderson, President
15961 S. Bass Lake Rd.
Gordon, WI 54838
Phone: (715) 376-2377
Fax: (715) 376-4128
Email: slapinewood@centurytel.net

Environmentally Concerned Citizens of Lakeland Areas (ECCOLA)
Contact: John Schwarzmann, Sec.-Tres.
P.O. Box 537
Minocqua, WI 54548
Phone: (715) 356-4206
Fax: (715) 356-2850
Email: eccola@newnorth.net
Website:
www.wsn.org/eccola/eccolahome.html

Family Farm Defenders
Contact: John Peck
P.O. Box 1772
Madison, WI 53701
Phone/*Fax:* (608) 260-0900
Email: jepeck@students.wisc.edu

Federation of Fly Fishers – Great River Council
Contact: Phil Emmling, VP for Conservation
660 North Park St.
Madison, WI 53706
Phone: (608) 262-2899
Email: emmling@engr.wisc.edu
Website:
www.steelheadsite.com/FFF/index-grc.html

Fox-Wolf Watershed Alliance
Contact: Linda Stoll, Executive Director
P.O. Box 1861
Appleton, WI 54912
Phone: (920) 738-7025
Email: foxwolf@athenet.net
Website: www.fwb2k.org

Fox Valley Trout Unlimited
Contact: Tom Deer, President
1271 Maple St.
Neenah, WI 54956
Phone: (920) 725-6077
Email: troutricks@netzero.net
Website: www.foxvalleytu.org

Frank Hornberg Trout Unlimited
Contact: Jim Henke, President
5006 Dorothy St.
Stevens Point, WI 54481-9451
Phone: (715) 341-4503
Email: jhenke@g2a.net
Website: www.hornbergtu.org

Friends of Branch River
Contact: Tim Leahy, President
Or Vicki Meyer, Vice President
P.O. Box 301
Whitelaw, WI 54247
Phone: (920) 901-0596 (Tim)
Email: tjl1959@aol.com or
vicemayer@yahoo.com

Friends of the Jump River
Contact: Dan Haupert
W9511 Ridge Rd.
Catawba, WI 54515
Phone: (715) 474-3365
Email: payrollsusllc@centurytel.net

Friends of Milwaukee Rivers
Contact: River Keeper
7028 West State St.
Wauwatosa, WI 53213
Phone: (414) 476-6042
Fax: (414) 476-6053
Email: *mriver@ameritech.com*
Website: www.mkeriverkeeper.org

Harry and Laura Nohr Trout Unlimited
Contact: Dave Fritz, President
13528 Old G
Montfort, WI 53569
Phone: (608) 943-8454
Email: kayndave@mhtc.net
Website:
www.members.tripod.com/nohrchapter/

Madison Audubon Society
Contact: Karen Etter Hale, Exec. Secretary
222 S. Hamilton St., #1
Madison, WI 53703-3201
Phone: (608) 255-2473
Fax: (608) 255-2489
Email: masoffice@mailbag.com
Website: http://madisonaudubon.org/

Midwest Environmental Advocates
Contact: Melissa Scanlan, Exec. Director
702 E. Johnson
Madison, WI 53703
Phone: (608) 251-5047
Fax: (608) 268-0205
Email: scanlan@chorus.net
Website: www.midwestadvocates.org

Plover River Alliance
Contact: George Rogers, President
1032 Ridge Rd.
Stevens Point, WI 54481
Phone: (715) 344-9077
Email: rogersg@dwave.net

✶ **River Alliance of Wisconsin**
Contact: Clean Water Coalition Coordinator
306 East Wilson St., Ste. 2W
Madison, WI 53703
Phone: (608) 257-2424
Fax: (608) 260-9799
Email: cleanwater@wisconsinrivers.org
Website: www.wisconsinrivers.org

Save Our Unique Lands
Contact: Logan Edinger
N4732 Fairview Rd
Kennan, WI 54537
Email: edinger@centurytel.net or soul_wis@yahoo.com
Website: www.angelfire.com/wi/wakeupwisc/home.html

✶ **Sierra Club, John Muir Chapter**
Contact: Caryl Terrell, Chapter Director
222 S. Hamilton St. -- #1
Madison, WI 53703
Phone: (608) 256-0565
Fax: (608) 256-4562
Email: cterrell@execpc.com
Website: http://wisconsin.sierraclub.org/

Sierra Club, River Touring Section
Contact: Patrick Wilson, Chair
2222 Hoeschler Dr.
La Crosse, WI 54601
Phone: (608) 788-8831
Email: pbwilson@centurytel.net
Website: http://wisconsin.sierraclub.org/rts/

✶ **Southern Wisconsin Trout Unlimited**
Contact: Bill Pielsticker, President
8045 Crystal Lake Rd.
Lodi, WI 53555
Phone: (608) 592-4718
Email: billpiel@merr.com
Website: www.swtu.org

Sustainable Racine
Contact: Bonnie Prochaska, Inter. Ex. Dir.
413 Main St.
Racine, WI 53403
Phone: (262) 632-6440
Email: bonnie@sustainable-racine.org
Website: www.sustainable-racine.com

1000 Friends of Wisconsin
Contact: Lisa MacKinnon, Leg. Assistant
16 North Carroll St., Suite 810
Madison, WI 53703
Phone: (608) 259-1000
Fax: (608) 259-1621
Email: lmac@1kfriends.org or friends@1kfriends.org
Website: www.1kfriends.org

Western Lakes Wildlife Center
Contact: David Zaber, Ph.D.
6109 Gateway Green
Monona, WI 53716
Phone: (608) 251-7020
Email: dzaber@chorus.net

Whitefish Lake Conservancy
Contact: Fred Anderson, Director
15961 S. Bass Lake Rd.
Gordon, WI 54838
Phone: (715) 376-2377
Email: slapinewood@centurytel.net

✶ **Wisconsin Association of Lakes**
Contact: Donna Sefton, Executive Director or Lisa Conley
One Point Place, Ste 101
Madison, WI 53719
Phone: (608) 662-0923
Fax: (608) 833-7179
Email: dsefton@wisconsinlakes.org or lconley@usa.com
Website: www.wisconsinlakes.org

Wisconsin Audubon Council
Karen Etter Hale, First Vice President
222 S. Hamilton St., #1
Madison, WI 53703-3201
Phone: (608) 255-2473
Fax: (608) 255-2489
Email: masoffice@mailbag.com

✶ **Wisconsin's Environmental Decade**
Contact: Derek Scheer, Water Program Dir.
122 State St., Ste., #200
Madison, WI 53703
Phone: (608) 251-7020
Fax: (608) 251-1655
Email: dscheer@environmentaldecade.org
Website: www.environmentaldecade.org

✶ **WISPIRG**
Contact: Kerry Schumann, State Director
1050 Regent St., Ste. L2
Madison, WI 53715
Phone: (608) 251-1918
Fax: (608) 287-0865
Email: wispirg@chorus.net
Website: www.wispirg.org

Wisconsin Trout Unlimited
Contact: Jeff Smith
7330 Old Sauk Rd.
Madison, WI 53717
Phone: (608) 266-0267
Email: jeffrey.smith@doa.state.wi.us
Website: www.lambcom.net/witu/

Wisconsin Wetlands Association
Contact: Charlie Luthin, Executive Director
222 S. Hamilton St., Ste. 1
Madison, WI 53703
Phone: (608) 250-9971
Email: charlie@wiscwetlands.org
Website: www.wiscwetlands.org

Wolf River Trout Unlimited
Contact: Herb Buettner, President
N4297 Buettner Rd.
White Lake, WI 54491
Phone: (715) 882-8610

Yahara Fishing Club
Contact: Don Hammes, Enviro. Liaison
P.O. Box 3271
Madison, WI 53704
Phone: (608) 836-1205
Email: hammesd@chorus.net
Website: www.yaharafishingclub.org