

Audit Raises Questions About Clean Water Protection

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The Legislative Audit Bureau's recently released audit of the DNR Wastewater Permitting and Enforcement efforts should raise concern about how well that agency is protecting water quality in Wisconsin. The problems identified by the nonpartisan auditors could be remedied with adequate staff and close adherence to policies established in partnership with the federal Environmental Protection Agency to assure compliance with the Clean Water Act.

KEWAUNEE, WI - We all drink water. We expect the water to be clean when it comes out of the faucet. We also expect that someone is looking over the safety of our water.

Residents in Kewaunee County wonder more than most if the water they drink is really safe. Well water tested in a random sample last November found a third of Kewaunee wells were contaminated with bacteria or unsafe levels of nitrates.

The likely culprits of well contamination are large livestock farms known as concentrated animal feeding operations (CAFOs). Kewaunee County has more CAFOs permitted by the Department of Natural Resources (DNR) than any other county except Brown.

The nonpartisan Legislative Audit Committee (LAB) recently reviewed the DNR's work related to our state's pollution discharge elimination system. The DNR staff is charged with watching over about 1,250 industrial and municipality-owned wastewater treatment plants and the discharge of over 250 large farms – mostly large dairies.

This system is a partnership between the state and the federal government to make sure Wisconsin meets its goals for clean water. The federal Environmental Protection Agency (EPA) relies on Wisconsin's DNR to assure compliance with the Clean Water Act.

State law sets Wisconsin's policy, "to restore and maintain the chemical, physical, and biological integrity of its waters to protect public health, safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial, agricultural, and other uses of water."

Inspections and a permit system exist to make sure those who discharge into our environment do so following the rules.

But auditors found serious problems.

For example, the DNR issued a notice of violation in only 33 of 558 instances (5.9%) for which such a notice should have been issued based on DNR policies. A notice of violation is part of the required enforcement system. The official letter may include steps required by the permittee to come into compliance with the law.

Wisconsin has experienced significant growth in CAFOs. From 2005 to 2014, there was an 80% increase of CAFO permits.

Farmers are required to send in annual reports including any manure spills and required testing. Auditors found that the DNR electronically records as received only a fraction of these reports. DNR staff told auditors they do not record report submissions because they are too busy with other duties. Staff also indicated they did not have time to thoroughly review the reports.

Inspections provide the oversight to enforce the law. The DNR strategy is to inspect CAFOs at least twice in a five-year period. Auditors found that while the number of CAFO inspections increased, the percentage of CAFOs inspected twice within a five-year period never exceeded 48%.

With the DNR inspecting less than half of CAFOs twice within a five-year period, you might think the DNR Secretary would be calling for more staff and more inspections.

Instead, Secretary Stepp, in her written response to the audit, changed the rules. She wrote the Department would commit to only one inspection of each CAFO during a five-year period.

In what sport, or business, does a team who cannot make a goal move the goalpost?

The Secretary did acknowledge the number of staff conducting review and inspections was below what was needed, but she never made a request to increase staff. In the most recent budget, the Department actually eliminated 66 positions, although none were inspectors.

The Secretary also wrote that almost 30% of the Bureau of Water Quality staff retired in 2010-11. One effect of lack of staff is a backlog in reviewing permits. Auditors found in the 11-year study period the DNR never met its goal of having no more than a 10% backlog for industrial permits. Only in 4 of 11 years reviewed did DNR meet this goal for municipal permits.

In July 2011, the federal EPA notified the state of 75 issues requiring DNR action. LAB auditors pointed out details yet to be resolved related to the EPA notice.

Wisconsin had a tradition of clean water. The DNR has both a legal and a moral responsibility to protect our water. Auditors uncovered details that should concern us all. We need to call on DNR leaders to take steps necessary to protect our water.

Tags: Untagged