



**RESOLUTION #** 32-7/16

**TO: HONORABLE MEMBERS OF THE LA CROSSE COUNTY BOARD OF SUPERVISORS**

**ITEM #** 7-16

**BOARD ACTION**

Adopted:

For: 23

Against: —

Abstain: —

Abs/Excd: 6

Vote Req: —

Other Action: —

**HEALTH & HUMAN SERVICES BOARD ACTION**

Adopted:

For: 8

Against: 0

Abstain: 0

Abs/Excd: 0

**RE: RESPONSE TO THE WISCONSIN LEGISLATIVE AUDIT BUREAU REPORT "WASTEWATER PERMITTING AND ENFORCEMENT, JUNE 2016"**

**WHEREAS**, the Wisconsin Department of Natural Resources (DNR) administers the Wisconsin Pollutant Discharge Elimination System (WPDES) program which regulates discharges of pollutants to surface and groundwater from concentrated animal feeding operations, industrial wastewater treatment facilities and municipal wastewater treatment plants; and,

**WHEREAS**, there are 17 facilities with WPDES permits discharging pollutants within La Crosse County:

- Metallics, Inc. #0054500
- NSPW French Island Generating Station #0070785
- Stella Jones Corporation – Bangor # 0056880
- United States Geological Survey #0045756
- A1 Advanced Pumping Service Inc #0058891
- Bangor Wastewater Treatment Facility #0031224
- Bills Pumping Service, LLC #0061468
- Bostwick Valley MHP WTF #0028908
- Brookview Mobile Home Court, LLC #0030911
- Holmen Wastewater Treatment Facility #0024261
- La Crosse City #0029581
- Maple Grove Estates Sanitary District #0036552
- Mindoro San Dist 1 WWTF #0029106
- Rockland Water Sewer Utilities WWTF #0028967
- St Joseph Sanitary District #0031186
- West Salem Wastewater Treatment Facility #0020389
- Babcock Genetics #0056529; and,

**WHEREAS**, the nonpartisan State of Wisconsin Legislative Audit Bureau recently reviewed the DNR's performance implementing the WPDES program and found the DNR failed to administer and maintain a WPDES program consistent with the requirements established under the Clean Water Act and Chapter 283, Wis. Stats.; and,

**WHEREAS**, 36 of 1,900 required self-monitoring annual reports submitted by concentrated animal feeding operations were electronically recorded by the DNR and 98% of the required annual reports were not electronically recorded and, therefore, not available to DNR managers responsible for monitoring compliance and enforcing regulations; and,

**WHEREAS**, regional DNR staff indicated to the Legislative Audit Bureau they do not have time to thoroughly review each required annual report and at least 5 of 12 concentrated animal feeding operations required to have groundwater monitoring wells exceeded their permit limits, including one in La Crosse County with exceedances beginning in 2005; and,

**WHEREAS**, the DNR issued a notice of violation to 33 permittees when 558 should have received notices of violation based on the DNR's enforcement policies; and,

**RE: RESPONSE TO THE WISCONSIN LEGISLATIVE AUDIT BUREAU REPORT "WASTEWATER PERMITTING AND ENFORCEMENT, JUNE 2016"**

**WHEREAS**, from 2005 through 2014, 87 concentrated animal feeding operations were reissued WPDES permits even though the permittees were not in substantial compliance which is contrary to Section 283.53(3), Wis. Stats.

**NOW THEREFORE BE IT RESOLVED** that the County Board of Supervisors hereby requests the following actions be taken in response to the Legislative Audit Bureau findings for all WPDES permittees located within La Crosse County: the DNR will ensure the records of all inspections and determinations are electronically recorded and available in a timely fashion to DNR staff responsible for monitoring and enforcing environmental regulations, the DNR will conduct inspections of permittees within 12 months of expiration of their current permits and not reissue permits before inspections are conducted, the DNR will reissue WPDES permits only when the permittee is in substantial compliance as required by Wisconsin Statutes, and the DNR will follow its enforcement policy and issue notices of violations when permittees violate the terms of their WPDES permit.

**BE IT FURTHER RESOLVED** that the DNR, within 90 days, will provide the County with an enumerated report of the compliance status of all WPDES permits in La Crosse County.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to Governor Walker, DNR Secretary Stepp, Senator Shilling, and State Representatives Doyle and Billings.

**FISCAL NOTE:** No fiscal impact.

Date: July 12, 2016  
[Signature]  
HEALTH & HUMAN SERVICES BOARD CHAIR

[Signature]  
RECORDING CLERK

	Reviewed Only	Recommended	Not Recommended	
Co. Admin.	<u>30</u>	_____	_____	Requested By: Jennifer Rombalski Date Requested: July 7, 2016 Drafted By: Corporation Counsel
Fin. Director	<u>30</u>	_____	_____	
Corp. Counsel	<u>DL</u>	_____	_____	
Board Chair	_____	_____	_____	

Adopted by the La Crosse County Board this 21 Day of July, 2016

STATE OF WISCONSIN  
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original resolution required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 21<sup>st</sup> day of July 2016.

[Signature]  
Ginny Dankmeyer, La Crosse County Clerk