

Friends of Milwaukee's Rivers Talking Points for Public Hearings on SEWRPC's Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds

Public Comment due by Wednesday, October 24th, and should be submitted to: Southeastern Wisconsin Regional Planning Commission, Michael G. Hahn, Environmental Engineer, W239 N1812 Rockwood Dr., P.O. Box 1607, Waukesha, WI 53187-1607. Phone is 262-547-6721 and email is mhahn@sewrpc.org

Comment: The proposed 5-Year Level of Protection for Sanitary Sewer Overflows (SSOs) is illegal under Federal and State law. MMSD (and other treatment plants) must eliminate SSOs and address both point and non-point sources of pollution affecting our waterways.

As stated in Plan documents for both the MMSD 2020 Facilities Plan as well as the SEWRPC Plan, MMSD is setting forth ongoing investments and facilities improvements to be made in order to provide a 5-year target level of protection (LOP) for sanitary sewer overflows (SSO) and “adequate treatment” under the projected 2020 population and land use conditions. This essentially states that sanitary sewer overflows of sewage will continue to occur and can not be eliminated in the next 20 years, nor will striving for this be a goal of this water quality plan. Sanitary sewer overflows are clearly illegal under the Clean Water Act and prohibited under State permits designed to protect our public health and environment. Planning for SSOs as part of the MMSD Facilities Plan and related Regional Water Quality Plan is unacceptable. While we acknowledge that there may be special extreme weather conditions that cause SSOs, we agree with recent US EPA guidance that prohibits affirmative defenses for dumping sewage, instead giving our State and Federal regulatory agencies appropriate enforcement discretion to deal with these special circumstances. Furthermore, the law exists to create a “level” playing field, and we are concerned about the regional and statewide precedence of illegally allowing MMSD to have a 5-year level of protection. This is also not fair to the other treatment plants in southeastern Wisconsin who are complying with the law and making the necessary expenditures to keep their sewerage systems well maintained.

Comment: Cost effectiveness can be used to prioritize future actions but not to justify continuing pollution of our waterways.

Although we realize that eliminating SSOs is a costly endeavor, the Clean Water Act does not allow for overflows in the name of cost effectiveness, and zero overflows need to remain the goal. While we agree that costs should be factored in when prioritizing future actions, cost cannot be used as an excuse to continue to violate the law and pollute our waterways. Citizens should not have to choose between safe and clean drinking water and adequate sewage treatment, or between having sewage in our basements and sewage in our rivers. These are false choices.

Comment: The MMSD 2020 Facilities Plan (201 Plan), as well as the SEWRPC Regional Water Quality Plan (208 Plan), must comply with Clean Water Act

fishable and swimmable goals, and address antidegradation requirements regardless of cost-effectiveness.

One of the biggest problems with the current proposed 2020 Facilities Plan, and to a lesser extent with the Regional Water Quality Plan, is that these plans focus almost exclusively on physical/chemical water quality and compliance with discharge permits, that they do not adequately address fishable/swimmable goals and antidegradation requirements (e.g. backsliding or deteriorating water quality is prohibited under the law) under the Clean Water Act. The waters of the Milwaukee River Basin have not been protected as envisioned under the Clean Water Act, and decisions have been made over the years by the regulatory agencies such that the goal requirements of the Clean Water Act have not been met. Although many of those decisions were logical and sound at the point in time they were made, we are left with rivers that do not meet fishable/swimmable requirements and current water quality standards that do not protect fishable/swimmable uses as they should. In addition, many of our local waterways have “variance” standards, which essentially “write them off” and provide them with much lower levels of protection than baseline State water quality standards. This is a problem as all our available data shows that the waters of the Milwaukee River Basin are being increasingly used for all forms of recreation: fishing, canoeing, kayaking, sculling, and in some areas, wading, swimming, and water skiing.

We will never meet fishable/swimmable standards without looking comprehensively at both point source and non-point source controls, as well as a mix of “soft” or “green” approaches and “grey” or “infrastructural” approaches. The SEWRPC Plan has made a good effort to identify non-point source solutions, however, acknowledging that there is currently little funding to deal with these problems. In order to do both non-point and point source controls to meet fishable/swimmable standards, we will need to increase sources of funding and that this is politically unpopular. However, pretending that we can improve water quality by shifting money from infrastructural projects to non-point projects without raising additional funding levels is unrealistic. Again, we cannot practice an either/or approach and expect to meet fishable/swimmable standards. We must strive to meet general use recreational standards in all of our waterways, and work to upgrade our stream health and not continue to meet only variance standards. This will require creative funding mechanisms, which have not been identified or recommended.

Comment: Holding the line on inflow and infiltration (I/I) is not enough. We must go after I/I more aggressively and achieve reductions.

Preventing increases in infiltration and inflow (I/I) of our sewerage infrastructure (e.g. leaky pipes, manholes, etc.) is of the utmost importance in dealing with our regional sewer capacity issues. We encourage future efforts to allocate funds for illicit discharge detection and elimination, detection of cross-connections and human fecal contamination of stormwater (e.g. Great Lakes Water Institute work on *E. bacteroides* monitoring, etc.), as well as implementing new technologies to seal up cracks and leaks in our sewers through the use of “liners” and other new practices. However, we hope that MMSD and other municipalities could move beyond “holding the line” on I/I and move to *decreasing*

I/I through increased regulations, incentives, and enforcement actions. MMSD's 2010 Facilities Plan called for a 5% decrease in I/I, and the goal for I/I reductions for the 2020 Plan should be even more stringent. Given the probability of increasingly volatile storms with global warming, we need to do much more than "hold the line" if we hope to have enough sewer capacity to deal with wet-weather events.

Comment: While we support increasing secondary capacity at South Shore Treatment Plant, sewage blending is unacceptable.

We encourage additional secondary treatment capacity at both Jones Island and South Shore Treatment Plants to eliminate the need for sewage blending. Blending or diversion around any stage of sewage treatment presents a threat to human health. We understand that when MMSD "blends" sewage at Jones Island that they are in compliance with their State WPDES permit; however, this permit does not have standards for parasites, viruses, and other bacteria that can make people sick. At present, blending is not allowed at South Shore Treatment Plant and we would be against any permit modifications allowing this to occur. We hope that the physical-chemical treatment currently being proposed as a pilot project is successful. However if it is not successful, we do not agree that the next option should be blending based on cost-effectiveness.

Comment: We support watercourse improvements to improve physical-chemical water quality as well as fishable/swimmable goals.

Although some people don't feel that the costs of watercourse improvements such as concrete channel removal and dam removal warrant the minimal improvements in water quality, we disagree. Removal of concrete channel and other related stream restoration projects to naturalize our urban streams, improves water temperature, provides resting places and habitat for fish, and makes our streams less dangerous to adjacent communities especially during flooding events. We support funding for watercourse improvements identified in the SEWRPC plan.

Comment: We support collaborative efforts to implement solutions to non-point runoff and other sources of pollution as identified in MMSD's 2020 Facilities Plan and SEWRPC's Regional Water Quality Management Plan.

We encourage MMSD and SEWRPC to continue to work collaboratively with the community toward establishing a region-wide commission (e.g. Milwaukee Regional Partnership Initiative or expanded Basin Partnership structure) to help plan and implement solutions for non-point runoff and other sources of pollution that affect water quality and quantity in southeastern Wisconsin's watersheds.

Comment: We encourage SEWRPC to come up with more concrete recommendations on how to more aggressively deal with illicit discharges to our waterways, as well as how to deal with problem outfalls discharging into our waterways where illicit discharges can not be detected. These may include end of the pipe treatment systems and other emerging technologies.

Although many municipalities are worried about the costs of such technologies, it is appropriate to conduct research and/or implement demonstration projects locally that could help determine the effectiveness of end of the pipe treatment systems, which have been very successful in other communities with failing infrastructure where illicit connections or infrastructure problems can not be detected due to the large drainage areas connected to these pipes. Our extremely high bacteria levels in many of our urban streams warrant more examination of these technologies.

Comment: SERWPC has provided solid evidence that orthophosphate, which was added to the water treatment systems of many area communities in the late 90s as an anti-corrosion inhibitor for drinking water pipes, is causing demonstrable spikes in phosphorus in many of our area rivers. SEWRPC should recommend alternatives to orthophosphate that still protect our drinking water supply as well as minimize nutrient pollution of our rivers.

Increasing levels of phosphorus from a variety of sources, including fertilizer use and anti-corrosion inhibitors (added to limit leaching of lead from pipes into drinking water), are likely contributing to algal blooms of *Cladophora* affecting our beaches. These blooms are being exacerbated by zebra mussels, which are contributing to increased clarity of the water and cycling of nutrients, which create conditions for this algal growth. Even though orthophosphate is not the greatest source of phosphorus to our rivers, we need to look at easy ways and “quick wins” to reduce nutrients in our rivers, as well as legislative and policy avenues, which include phosphorus bans in fertilizers, dishwashing and laundry detergents, etc.