



Good afternoon, my name is Kimberlee Wright and I serve as the executive director of Midwest Environmental Advocates. I particularly appreciate the effort the Task Force is putting into travelling around the state to listen. Most businesses and industry groups have ample resources to lobby and advocate for policies they prefer. A forum like this represents the kind of open government the rest of us need to have a chance to be heard.

Many of the people you'll hear from are leaders in their communities who on a regular basis have to balance work, family time and even mowing the yard with the time and expense of travelling to a forum like this for just a few minutes of your time. I appreciate your valuing what they have to say, they know more about their own communities than any of us.

I do worry about the people not in this room today or at other Task Force gatherings. The health risks families' face is serious and for every speaker that is aware of the risks they face, there are thousands of people who don't know their risks. I've been impressed with the La Crosse County Board's efforts to use the resources they have in the most effective way to inform people of the risks they face and to give them consistent information on what to do about it. Even then, there are many people who just don't know that their children are at risk from excessive nitrates, agricultural pesticides, E.coli, viruses and all the emerging threats like PFAS.

Midwest Environmental Advocates is the only public interest environmental law center in Wisconsin that provides direct services to families and community groups. Citizens have extensive rights under our major environmental laws but even people with comfortable middle class incomes can rarely afford to access their legal rights by paying a private attorney. MEA has one case where the other side has likely spent well over \$2 million dollars to fight a modest win for a community where people still can't drink their water.

MEA was founded when the popular office of the Public Intervenor, established by Governor Warren Knowles in 1967 in the Wisconsin Department of Justice, was abolished in a late night vote on a budget bill in 1995. Not including the public in a major policy shift that impacted their rights is just the kind of thing Intervenors helped citizens with. The Intervenors provided pro bono service and advice to citizens with environmental problems and people who were denied meaningful participation in decision-making.

When Paul Hassett was the president of Wisconsin Manufacturers and Commerce he had this to say about the Public intervenor. "The Public Intervenor's Office was unique to Wisconsin and allowed us to practice democracy at its base. It gave ordinary people a chance to call

somebody without paying them to look after their problems. Often the Public Intervenors avoided legal action with basic problem solving. “

MEA staff and Board are honored to have Dr. Susan Davidson as the president of our Board of Directors. Dr. Davidson has dedicated her career to providing care to families with high risk pregnancies. She's also invested a lot of her personal time educating her peers on the environmental impacts on health, especially on pregnant women and infants. Through working with Dr. Davidson I've come to understand that pollutants that might not make me sick can cause birth defects if a developing fetus or infant is exposed to a very small amount at the wrong time. That next generation is who we all should be thinking about as we decide just how much pollution we are willing to tolerate in our drinking water.

There is no safe amount of lead for infants and children. Small exposures can impact their lives forever with cognitive declines, neurological problems and other significant impacts. As a mother and grandmother I don't accept anything less than resolving the lead in water systems as a serious policy priority. In the least, government at every level should have the capacity to ensure families at risk know it and understand how to protect their health until lead pipes are replaced. There is a group in Milwaukee, the Milwaukee Water Commons where one of the staff created a portable sink with a water tank that she takes to community events and festivals to demonstrate how to install an over faucet filter and makes clear the importance of changing the filter as needed. That kind of innovative, inexpensive and effective action should be supported.

We are learning a lot about “emerging contaminants” like PFAS. There is at least one well in La Crosse that is impacted and one well near my house in Madison has been taken off line due to PFAS contamination. The Department of Health Services is working on protective standards for Wisconsin. I urge you to act quickly on the administrative rules to implement these standards when they come before you. This known carcinogen is being found in more and more community water supplies around the state and our families and our children deserve our best efforts.

It is estimated that 94,000 households in Wisconsin are at risk from unsafe levels of nitrates in their drinking water. In the past couple of days a peer reviewed scientific paper came out showing more than 12,000 people a year in our nation are at risk of cancer from high nitrates in drinking water. The second phase of the SWIGG study was just released this week which showed the level of nitrates found in the first phase persists.

Wisconsin is one of the few states that don't require agricultural producers to employ effective conservation practices to prevent polluted runoff unless all of us pay for them. I implore you to fully fund County Conservationists and provide them the resources they need to ensure best management practices are used to protect our surface water, groundwater and

ultimately the water we drink. Public education and assistance is sorely needed for the many families at risk who don't know what they're up against or what to do about it if they do.

Another serious and known problem in Western Wisconsin is the leaching of heavy metals into surface and groundwater when naturally occurring sulfide minerals are exposed to air and water creating acidic runoff in the process of mining and processing frac sand. The DNR has documented these toxins in drinking water wells and in trout streams. Certain kinds of sand deposits carry a higher risk of heavy metal leaching than others yet stormwater discharge from industrial-scale sand operations are managed under a general permit, not site specific, that is more appropriate for small sand and gravel operations. The DNR needs adequate staff and resources to better understand these discharges and promulgate proper standards to manage stormwater runoff to protect our health and our public waters.

It concerns me deeply that the many people don't know they're at risk from toxins like arsenic, mercury, copper and lead in their drinking water. Even people testing for nitrates and bacteria don't know what kind of testing to do and the labs capable of this kind of testing are limited. We must adequately fund our public agencies and make resources available to local governments to ensure everyone at risk knows how to keep their family safe.

This slide shows a timeline of the well-documented problems with Wisconsin's Clean Water Act permitting program or the Wisconsin Pollutant Discharge Elimination System (WPDES permits). This program is the main tool we have to protect the waters of Wisconsin. When the Clean Water Act was passed at the federal level in 1972, engineers and biologists from the Wisconsin DNR and our UW system were tapped to help write the implementing regulations based on Wisconsin's leadership in using science to manage our water resources. For many years Wisconsin was a leader in the nation at implementing and enforcing the Clean Water Act. The Wisconsin River went from a sewage canal full of industrial waste to one of the highest quality rivers in the nation under the protections in the Clean Water Act. Unfortunately the Wisconsin River is being degraded by nutrient pollution, undoing historic investments already made. In addition to public health risks, the re-polluting of the Wisconsin River is degrading the diversity of aquatic life that helps keep the system in balance. If it is considered too expensive to address existing problems surely it is too expensive to squander investments the public has already made for clean water.

In addition to protecting public rights by providing direct services to citizens, MEA monitors and tracks the details of the WPDES permitting program. More than a decade ago we began seeing a steady decline in the technical accuracy of permits, weakened enforcement and a dramatic reduction in citizen's rights to meaningful participation as required by law.

This timeline shows how thoroughly the WPDES program has been studied indicated the extent of detailed reforms needed to regain compliance with the Clean Water Act. My purpose in going through this with you is so you understand that repairing this program, our

most powerful tool to protect water already has a road map for repair. It is low hanging fruit. Adequate resources for DNR staff are essential to recover our onetime excellence in water management and protection. The longer we let this problem go, the harder and more expensive it will be to restore and protect our clean water.

In 2011, after years of watchdogging by MEA, the US-EPA issued a letter putting DNR on notice of 75 serious deficiencies in the WPDES permitting program. As I already indicated, EPA created a clear road map for fixing these problems.

This graph shows a downward trend in enforcement, but what I want you to see when you look at it is how it represents problems in people's everyday lives. Heartbreaking stories from grandparents who can't teach their grandchildren to swim in the lake they learned in due to dangerous levels of algae from excess phosphorus runoff. The vast majority of Wisconsin's waters that are considered impaired are degraded by phosphorus pollution largely driven by agricultural runoff. When we starve our County Conservationists and our DNR of resources we put everyone at risk. There are good men and women in our public agencies that can't keep up with the many responsibilities they have from staff cuts and lack of funding. They can make a difference if they are supported.

In 2015, MEA represented 16 Wisconsin residents in a petition for corrective action to the EPA asking them to hold Wisconsin accountable to the Clean Water Act and to fix the long list of problems already identified. Each of the petitioners are community leaders who volunteer to clean up local waterways, participate in community science projects to try and resolve serious water problems. They signed the petition to EPA because after years of working through the channels available to them they just couldn't get anywhere.

When our own government doesn't have the resources or political will to protect our public waters the burden falls to ordinary people. It's unfair to add the costs and burdens to the people most in harm's way from pollution, but thank goodness they step up to protect us all. Kewaunee County is probably the most visible of these community efforts because so much is at stake when a family could get deathly ill from drinking their own water. For every community leader and champion there are many more people who don't know they are at risk. In Kewaunee County an elderly man was repeatedly admitted to the hospital stumping his doctors as to what was wrong. One of his neighbors learned of this and helped him understand he was ingesting water polluted with E.coli and other pollutants.

Not long after MEA filed the petition for corrective action a Legislative Audit Bureau study of the WPDES program validated our analysis and added some serious elements to the list of problems. People around the state were and are concerned and weren't feeling listened to when instead of solving problems the legislature often increased the challenges through weakening basic water protection standards and cutting resources and professional autonomy for the public servants who best know how to tackle these issues.

For me a silver lining in the severe setbacks we've had in water quality around the state is in how many people of every background and political persuasion are working together, educating their communities and standing up for all of us. If you are aware of the history of our Wisconsin Conservation Congress you were as surprised as I have been to see water quality concerns overwhelmingly pass in all 72 counties.

I was so proud of the more than 500 people who showed up at the Capitol in February of 2017 to make their concerns known to their elected officials. This was a grassroots, all volunteer led effort. They were adamant they didn't want their voices filtered through any large organizations' lens. These were Democrats, Republicans and Independents coming together in common cause to make visible the level of their concern for our clean water future.

Things can and do change. I was thrilled to read Senator Cowles comments on the inclusion of four new positions for DNR WPDES management in the Joint Committee's budget. It's unfortunate that CAFOs still aren't covering the costs of permitting like other industries must, but at least the funds collected will go to the DNR instead of some being skimmed for the general fund. Senator Cowles expressed what most citizens believe when he said, "water should be a bi-partisan issue.

You've heard from some very knowledgeable and talented public professionals during these hearings. We have all the talent we need to get back on track. Historically the DNR played the role of the big ship that pulled us all forward together. The DNR and other state agencies can and should play leadership roles in harnessing the amazing talent we have in this state. They need resources to protect our clean water future and our health today.

I hope you are as inspired as I am as you listen to good people who stand up for clean water, lead their community efforts to keep people safe and do this on top of their jobs and family responsibilities. Without these champions over the last decade our water would be in more trouble than it is.

Arlen Christenson is an unsung conservation hero for most of the state. He's fought for public rights his entire career as an assistant attorney general, law professor, president of the Public Intervenor board and as the founding board president of MEA. I often share his words to remind us who we are as Wisconsinites. "The waters of Wisconsin belong to all of us, the people of Wisconsin. The state holds them in trust solely for our benefit. It is the State Legislature's obligation to act as trustee to preserve and improve the quality of our waters. The Department of Natural Resources has been delegated important responsibilities for implementing this obligation. Underlying every act of the Legislature and the DNR is the fundamental fact that they act, not as owners, but as trustees for the true owners: we the people."

