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- About Us
- Issues & Actions
- Citizen Voices Matter
- Resources
- News & Events
- Petition for Corrective Action

Home » News & Events » News » Retired WI DNR staff and chiefs ask EPA for prompt action in Clean Water Act compliance

Retired WI DNR staff and chiefs ask EPA for prompt action in Clean Water Act compliance

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NEWS TAGS

- wolves (1)
- wolf (2)
- wetlands (3)
- water (4)
- transportation (5)
- rural (6)
- rail safety (7)
- public trust doctrine (8)
- phosphorus (9)
- mississippi river (10)
- mining (11)
- land (12)
- lakes (13)
- great lakes compact (14)
- great lakes (15)
- government (16)
- frack (17)
- frac sand (18)
- frac (19)
- federal (20)
- energy (21)
- endangered (22)
- enbridge (23)
- drinking water (24)
- crude oil (25)
- coal (26)
- clean water act (27)
- air (28)
- agriculture (29)

Today, 45 former Wisconsin Department of Natural Resources staff and division chiefs sent a letter to the U.S. Environmental Protection Agency expressing their concerns about the status of Clean Water Act regulations and enforcement in Wisconsin.

A cover letter by Wisconsin Wildlife Federation and retired DNR Secretary George Meyer and Midwest Environmental Advocates Executive Director Kimberlee Wright explains why the Petition for Corrective Action to the EPA is an important prompt for the federal agency to step in and clarify how Wisconsin is out of step with the Clean Water Act.

The Petition outlines very specific concerns about inadequate state rules, laws and allowances for the public to access their rights in access to clean, safe water. The letter from DNR staffers with decades of experience with the natural resources protection agency goes beyond the Petition and expresses deep concerns about political and anti-science pressures on agency staff, a greater leniency toward polluters, and cuts to staff and budgets for adequate permitting and enforcement.

Everyone involved in these letters have worked for the Wisconsin Department of Natural Resources in the past and many continue to protect Wisconsin's valuable natural resources and public rights in the environment today. They wanted to express, with great care and concern, why they want their many decades of research, labor, data collection, mapping, testing and relationship-building with the public to not be unraveled by the direction of the agency's leadership.

Letter from George Meyer, Director of the Wisconsin Wildlife Federation and Kimberlee Wright, Executive Director of Midwest Environmental Advocates to the EPA on the former DNR staffers' statement:

This letter constitutes Petitioners' response to a Wisconsin Department of Natural Resources (DNR) press release indicating that the 75 issues named in the EPA 2011 legal deficiency letter are resolved or are being addressed by the Department. Petitioners utilize this letter and accompanying documentation to urge the EPA to acknowledge that significant steps remain prior to declaring the Wisconsin Pollutant Discharge Elimination System (WPDES) Program as compliant with the Clean Water Act.

Attached is a collection of letters submitted by more than 40 DNR retirees, all calling on the EPA to thoroughly analyze DNR allegations that WPDES Program deficiencies are resolved and WPDES permits adequately protect Wisconsin's water resources. The attached letters demonstrate that unresolved water quality issues have a real impact on real people on a daily basis. Unfortunately, these letters also demonstrate that meaningful change is needed before Wisconsin can reclaim its historical status as "a leader in many water-related areas." Though the DNR retirees share concerns in their letters that extend beyond the PCA, a commitment from the state and federal government to promptly and comprehensively respond to the Petition would be a first step toward fixing WPDES Program deficiencies.

[Petitioners requested that the Wisconsin Natural Resources Board \(NRB\) allow public comment regarding the PCA at the Board's December meeting.](#) The Natural Resources Board responded that ongoing litigation prevents the Board from addressing PCA-related matters. Although Midwest Environmental Advocates (MEA) appreciates the need to protect confidentiality during ongoing litigation, the lack of a state-supported public forum for discussion deprives Wisconsin residents of a venue to voice concerns and/or insight regarding the water quality impact of various DNR and state legislative decisions.

Because it is extremely important for all Wisconsin residents to have the opportunity to provide feedback regarding WPDES Program deficiencies, Petitioners will continue to seek alternative means by which to submit comments to relevant state and federal authorities. Petitioners understand the EPA's position regarding the need to conduct a preliminary investigation. However, Petitioners and our growing list of partners will also continue to seek a public hearing or other venue for all interested Wisconsinites to speak to concerns relating to unresolved WPDES Program issues that were addressed in the EPA 2011 legal deficiency letter.

Finally, we thank the signatory DNR retirees for remaining vigilant in regard to protection of Wisconsin's water resources. Even after extended civil service, these retirees remain committed to civic engagement. We hope the attached letters serve as a reminder that water quality issues in Wisconsin are far from resolved and in fact continue to have wide-sweeping impacts upon all residents of our State.

Petitioners look forward to continued collaboration to address unresolved WPDES Program deficiencies that endanger Wisconsin's water resources and public health.

Sincerely,

George Meyer, Executive Director, Wisconsin Wildlife Federation, DNR Secretary, 1993-2003

Kimberly Wright, Executive Director, Midwest Environmental Advocates

Letter from 45 former DNR staff and division chiefs to the EPA:

On October 20, 2015, 16 Wisconsin residents petitioned the EPA to require corrective action regarding Wisconsin's Clean Water Act deficiencies. The DNR's first public response to the Petition was a press release wherein the Department indicated that all 75 technical shortcomings in the Wisconsin Pollutant Discharge Elimination System Program were resolved or close to resolution. The primary focus of this letter is to implore the EPA not to allow unsupported assertions of resolution to stymie the comprehensive, prompt response to the Petition. The undersigned, retired DNR employees support the Petition and ask the EPA to consider the erosion of DNR's mission and operating procedures, in addition to the 75 technical shortcomings identified by EPA in 2011, as a real and ongoing threat to Wisconsin's compliance with the CWA.

Erosion of the public trust began in part in the mid-1990s with the elimination of the Natural Resources Board-appointed DNR Secretary. This elimination allowed more political influence in decisions affecting natural resources; a problem only magnified by elimination of the Public Intervener's Office that gave ordinary citizens the ability to challenge government decisions. Significant changes within the past five years exert a further synergistic effect on the 75 deficiencies listed in the EPA's 2011 letter to the DNR.

Among the most serious problems with the "new DNR" are the following:

- 1) The current DNR top management, the Governor, and the Legislature exhibit anti-science behavior including: drastic cuts in science budgets; orders to cease discussion of climate change and its effects on the environment; gag orders on DNR employees commenting on science issues (only DNR administrators may speak to the press); and exclusion of science professionals from negotiating sessions with entities seeking DNR permits or approvals. Because effective government is essential to the protection of Wisconsin's waters, CWA non-compliance will persist and worsen if the State continues to cut DNR staffing and funding.
- 2) The "Wisconsin is Open for Business" slogan clearly applies to DNR environmental permitting. Although DNR has historically balanced its decision-making using social, economic, and environmental factors, the clear bias is now in favor of keeping business happy at the expense of CWA goals and protecting natural resources for the common good.
- 3) Structural reorganizations have placed much greater authority for final permit conditions in the hands of political appointees rather than DNR biologists, engineers, lawyers, and other Department experts. Bypassing scientific and legal expertise conveys to permit applicants an almost limitless potential for negotiation with DNR upper management. This potential is realized as the number of permittees increase without a corresponding increase in Department staffing or funding. Increasing pressure from DNR top managers to review permit applications, nutrient management plans and related documentation also leads to technically and legally deficient permits.
- 4) The "value" of aquatic resources to the top management of the "new DNR" has nothing to do with balanced aquatic communities, the intrinsic value of the resource, or the moral obligation to manage Wisconsin's waters in the name of public interest. Water is now a commodity to be sold and traded in the marketplace.
- 5) Environmental enforcement effort and results have declined significantly in the past five years. Inadequate permit review and enforcement unacceptably shifts the financial and technical burden of industry review to citizens. One example, also set forth in the Petition, is the exponential increase in dairy CAFOs with stagnant enforcement numbers and staffing levels.

The EPA must seriously consider the recent assault on the basic principles of the CWA by the Legislature, the Governor, and DNR political appointees when examining the need to correct deficiencies in the DNR's exercise of its CWA permitting authority. If EPA does not require a prompt and robust fix of WPDES Program deficiencies, absent rescission of the DNR's permitting authority the general quality of aquatic resources in Wisconsin will decline for the first time since the passage of the CWA in 1972. Allowing this decline would have financial implications for all Wisconsinites: prior and significant public investment in water clean-up would be mooted; water pollution would pose greater and greater threat to public health.

In conclusion, the undersigned, retired DNR employees urge the EPA not to accept the assurances of DNR top managers that the Department has corrected WPDES Program deficiencies. Whether at public meetings or through alternative forums, EPA should seek the opinions of experienced DNR professional employees for a true picture of how in the last five years the DNR has compromised its mission and compliance with the CWA. Assurances of confidentiality will be essential to avoid retaliation for their candor.

Your review of the WPDES Program is the only viable option left to exert leverage on the Wisconsin governor and Legislature to restore the once-great Wisconsin DNR and to ensure compliance with the CWA.

Signed,

Joseph R. Ball, 32 years of service

Allen E. Bluhm, 12 years, 8 months of service

Theodore Bosch, 34 years of service

Patricia M. Chabot, 14 years of service

Roy M. Christianson, 6 years service, coordinator of waste load allocations for Lower Fox and Upper Wisconsin Rivers

Tim Coughlin, 29 years of service, environmental enforcement specialist

Terrence M. Cummings, 31 years of service

Andrew H. Fayram, 15 years of service

Steven M. Fix, 22 years at DNR, 3.5 years at DATCP, 4.5 years at Public Service Commission

David L. Gjestson, 30 years of service

Judith Gottlieb, 30 years of service

Ron Grasshoff, 20 years of service, Petitioner to the EPA

Lance Green, 20 years of service, air management bureau

Paul Scott Hausmann, 32 years of service

Jay Hochmuth, 37 years of service

Daniel E. Kaemmerer, 27 years of service

Patrick Kaiser, 30 years of service

Dale E. Katsma, 38 years of service

Joanne Kline, 23 years of service

Dale J. Lang, 30 years of service

Tim Larson, 31 years of service, fisheries

Jim Leverance, 28 years of service, DNR and Public Service Commission

David W. Marshall, 30 years of service, Petitioner to the EPA

Mark Martin, 40 years of service

Ronald H. Martin, 32 years of service

Bob Martini, 32 years of service

Janet Price, 10 years of service

Tim Rasman, 28 years of service

Paul W. Rasmussen, 28 years of service

Doug Risch, 27 years of service

James Schmidt, 34 years of service

Ken Schreiber, 34 years of service

Mark Sesing, 33 years of service

Donald Theiler, 17 years of service

Vanessa Thompson, 28 years of service

Tom Thoresen, 30 years of service

Richard Vogt, 23 years of service

Kenneth S. Wade, P.E., P.G., 13 years of service

Robert Wallen, Information and Education, MacKenzie Center, 31 years of service

M. Scott Watson, 25 years of service

Susan Scobell Watson, 21 years of service

William Wawrzyn, 38 years of service

Wendy K. Weisensel, 29 years of service

Ray J. White, served between 1957 – 1972

Lyman F. Wible, 15 years of service

NEW:

Joseph Ancel 28 years of service

Carl Blabaum 30 years 9 months in Water supply and pollution control

Jeff Bode 40 years of service

Tony Earl, former Wisconsin State Governor (1983-1987) and former Secretary of the Department of Natural Resources

Frank Fetter 14+ years of service

Daniel Fields 18 years of service

Nancy Gloe 26 years of service

Ruth Johnson

Lee Kernan 33 years of service in fisheries management

Documents:

[12/7/2015 Cover letter for former and retired DNR staff to EPA from George Meyer \(Wisconsin Wildlife Federation and former DNR Secretary\) and Kimberlee Wright \(Midwest Environmental Advocates\)](#)

[12/7/2015 Letter from former and retired DNR staff and division heads to EPA asking for prompt action on Petition \(large document may take time to download\)](#)

[For more on the Petition for Corrective Action to the EPA, visit the PCA webpage.](#)

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- Issues
- Actions

CITIZEN VOICES MATTER

- Overview
- Defending Our Water
- Frac Sand Mining
- Open-pit Iron Mining
- Champions of Change

RESOURCES

NEWS & EVENTS

- News
- Events
- Blog Index

PETITION FOR CORRECTIVE ACTION