

## **Waters of Wisconsin Phosphorus Working Group Final Report**

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The phosphorus working group set out to examine what it would take for Wisconsin's new phosphorus rule to succeed, identifying barriers and needs, working off earlier lists from last summer's phosphorus summit as well as the group's additional input. The group made progress identifying and discussing important issues, but because there were many concurrent meetings about the same issue going on at the same time (the new phosphorus variance rules were coming out), the working group was exchanging information on rapid developments rather than adding any new insights. The group recognized the need for more discussions and information sharing regarding water quality trading, adaptive management, and how to establish meaningful collaborations among drinking water, wastewater, and agricultural sectors.

The working group identified information needs around supporting the third party transactional side of adaptive management, which weren't being supplied through traditional agency sources. A third party was loosely defined as an entity that helps a permitted point source create and implement an adaptive management/trading plan. The third party would help identify potential phosphorus reductions and broker agreements between point sources and those generating phosphorus reductions (e.g., farmers). In some cases this entity is assumed to be the county Land Conservation Department, but the group acknowledged that other entities, e.g. consulting firms, might play this role.

The working group identified the following as necessary attributes of a third party in an adaptive management/trading structure.

- **Technical expertise.** Third parties should be familiar with phosphorus-reducing practices, particularly on the nonpoint/agricultural side, and the potential reductions associated with these practices.
- **Understanding of point source needs.** Third parties should recognize the stakes that permitted facilities face under adaptive management/trading and tailor their actions to those needs (e.g., the phosphorus reductions necessary to achieve compliance; the timeline in which reductions need to occur).
- **Local knowledge.** Third parties, if not a local organization, should be very familiar with watershed-specific factors that will influence the implementation of adaptive management/trading.
- **Process for dispute resolution.** Third parties should be able to act as mediators and facilitate the creation and execution of contracts between parties in adaptive management/trading.
- **Capacity to handle financial transactions.** Third parties are envisioned as transferring funding from permittees to landowners (or other phosphorus reduction generators).

Another need that this working group identified was an information clearinghouse on phosphorus trading and adaptive management. This website could be useful for municipalities, counties, farmers, and other people trying to create agreements and manage them. It would also serve to reduce ambiguities by providing guidance for those considering adaptive management.

Suggestions of types of resources to be included:

- Clean Wisconsin handbook (knowing where to find a TMDL report, DNR tools on impaired water, etc.).
- Successful case studies, such as the Yahara and Fox River projects (these would show importance of why they are there, their water monitoring aspects, what makes them unique, etc.), as well as projects that don't or won't work (why an adaptive management option is not pursued in that particular case).
- Existing projects - what's going on where, who is involved.
- Pool of dischargers - shows potential of who could be involved.
- Treatment plants - where they are in process of permits (in year 3 of the term they are required to declare which option they plan to take).
- Glossary of terms, NR, TMDL, point source, etc. (from Clean Wisconsin's handbook, <http://www.cleanwisconsin.org/index.php?module=cms&page=833> and DNR's Adaptive Management Handbook list of abbreviations/acronyms)

<http://dnr.wi.gov/topic/SurfaceWater/documents/AdaptiveManagementHandbooksigned.pdf>.

- Flowchart to help people navigate decisions about participating in adaptive management options.

As a starting point, UW Extension created a phosphorus web portal, which will expand to include the content outlined above (see: <http://phosphoruswaterinfo.uwex.edu/>).

The working group did not make any final policy recommendations. They noted that there are many groups, organizations, and individuals across public and private sectors across Wisconsin that are already engaged in this issue. What would be valuable is more dialogue and collaborations that include practitioners from agriculture, municipal wastewater treatment, and stormwater management sectors. The role that WOW could play is holding more public dialogues to raise more awareness about water and nutrients in general (including phosphorus).