

Fwd: July 11 CARPC Public Hearing on MMSD Outfall at Badger Mill Creek, Tom Wilson Comments

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Sent: Tuesday, July 9, 2024 8:38:54 PM

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Subject: July 11 CARPC Public Hearing on MMSD Outfall at Badger Mill Creek, Tom Wilson Comments

To the Capital Area Regional Planning Commission:

My name is Thomas Wilson and I am writing as a Commissioner for the Madison Metropolitan Sewerage District. I am the lone appointee to the District Commission by the Towns in the District. I respectfully request that CARPC approve and recommend the proposed Dane County Water Quality Plan Amendment to the Wisconsin Department of Natural Resources Revising the Point Discharge Locations of Treated Effluent from MMSD's Nine Springs Wastewater Treatment Plant. The amendment would have the effect of removing the outfall for MMSD from Badger Mill Creek near Verona, and instead moving that small volume to the Badfish Creek outfall, so that MMSD would just have one outfall for its effluent.

As a District Commissioner, I have a view into staff and leadership's hard work and dedication to the District's mission to protect public health and the environment. Sometimes, however, that mission conflicts with regulatory requirements, public will, and fiscal responsibility, as is the case with phosphorus permit compliance in Badger Mill Creek and the Sugar River. As the former long-time Attorney/Administrator/Clerk-Treasurer for the Town of Westport, and former long-time Executive Board member for the Dane County Towns Association, I am acutely aware of the financial constraints local governments face. The District faces these same constraints, along with increasing capital costs due to increased permit requirements, aging infrastructure, and capacity upgrades needed to accommodate Dane County's growth. This is further complicated by the fact that low-cost loans to support wastewater infrastructure have been extremely hampered at the state and federal levels. As the District looks to additional funding sources, the cost of projects will undoubtedly increase, and these costs will be passed along to owner communities such as the towns that make up the District, and eventually individual homeowners, renters, and businesses. These constraints were a significant factor in the decision-making process, particularly when it came to the costly issue of phosphorus compliance in Badger Mill Creek due to permit requirements.

Discontinuance of MMSD's minor effluent discharge to Badger Mill Creek is the most fiscally responsible and sustainable option for permit compliance, and has little effect on both watersheds at issue. In its work on this issue, the District did consider other options. One such option was treatment technology, which totaled more than \$24 million, with additional annual energy, materials, and staffing costs. This would increase annual service charges by 2.2% to 3.7% over baseline, with anticipated increases upward of 9% for several years. It would also delay other critical infrastructure projects benefiting larger portions of the District's service area. As a Commissioner, I could not justify this additional cost to the local governments I serve when there is a more fiscally responsible option that meets regulatory requirements. I also hoped a watershed approach option considered had been possible. The District considered a compliance option for Badger Mill Creek built on adaptive management. As a longtime member of the Yahara WINS Executive Board, I have seen how successful this approach can be when the elements align, as in the Yahara River Watershed. However, due to the lack of available land for phosphorous reduction projects and other compliance constraints as recognized and confirmed by the U.S. Environmental Protection Agency and Wisconsin Department of Natural Resources, these do not align for Badger Mill Creek.

In a nutshell, the issue here is essentially how to handle the new Clean Water Act Permit requirements MMSD is now required for the Sugar River Watershed. It is a very complicated issue as noted above, but also because in the 1990's the District took over the Verona plant at Verona's request, but due to some pressure by the County Executive and others, decided to spend money to discharge the effluent taken back into the Sugar River Watershed at Badger Mill Creek rather than Badfish Creek. The easiest and cleanest way for the District to comply with the new permit requirements would be to just shut off the flow back to Badger Mill Creek. Added to this is that Badger Mill Creek was barely a trickle back in the day but is now a Class 2 Trout Stream, and disrupting flow would probably damage that, especially in low flow times. Also, adding about 7% more discharge (which is what the flow back to Badger Mill is as a percentage of all of the District's effluent) would not arguably be insignificant. It would add flow and everything that goes with that to an already fragile and damaged Badfish Creek. Adaptive Management is really not an option because there is no TMDL needed to be met by all of the local governments in the watershed (yet), and also doing a satellite treatment plant or upgrading the plant for treating the Badger Mill Creek effluent could cost up to \$20 million or more. The cost of the plant would be born by the District ratepayers as a whole, so for instance DeForest, Windsor, Waunakee, Westport, Middleton, and most Madison customers would be paying more in their rates to handle the project in another watershed, while those south of Verona in like Montrose and Belleville will not pay. Thus, this is like an Occam's razor situation: The simplest explanation is usually the best one. Here, discontinuing the flow to Badger Mill creek is the simplest answer to solve this difficult question. So then, to MMSD's request to amend the Water Quality Plan, the simplest answer is also the best...yes.

Despite the difficult decision to discontinue effluent return, the District remains committed to the health and resilience of Badger Mill Creek. The District is an active partner in the watershed through the Badger Mill Creek Stakeholder Group and have committed \$1 million for projects that support the Creek's well-being. This ongoing commitment is a testament to the District's

dedication to the issue, and the commitment of the other stakeholder group participants is incredibly appreciated.

For additional information, I link here MMSD's Resolution approving this action, as well as the staff memo recommending the same:

May 25, 2023 CAR (staff memo): https://onbase.madsewer.com/OnBaseAgendaOnline/Documents/ViewDocument/%20Review%20and%20Approve%20Final%20Badger%20Mill%20Creek%20Phosphorus%20Compliance%20Solution_Commi.pdf?meetingId=208&documentType=Agenda&itemId=3474&publishId=4132&isSection=false

May 25, 2023
Resolution: https://onbase.madsewer.com/OnBaseAgendaOnline/Documents/ViewDocument/Review%20and%20Approve%20Final%20Badger%20Mill%20Creek%20Phosphorus%20Compliance%20Solution_Draft%20.pdf?meetingId=208&documentType=Agenda&itemId=3474&publishId=4133&isSection=false

I appreciate and understand the challenge presented to Madison Metropolitan Sewerage District, CARPC, local communities, and the DNR on this issue. However, based on the data presented through the District's review process and as will be shared by the District at the public hearing, I respectfully request that the Commission approve and recommend the proposed Dane County Water Quality Plan amendment to the Wisconsin Department of Natural Resources.

Thank you for your consideration. I would ask that this communication please be made part of the official public record on this matter.

Respectfully submitted,

Thomas G. Wilson, Commissioner
Madison Metropolitan Sewerage District

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