November 20, 2017

Ms. Amy Minser
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313-6727

RE: Comments on Draft Guidance for Municipal Phosphorus Reduction Credit for Leaf Management Programs

Dear Ms. Minser:

We are submitting comments on behalf of the League of Wisconsin Municipalities with respect to the Wisconsin Department of Natural Resources’ draft guidance entitled “Interim Municipal Phosphorus Reduction Credit for Leaf Management Programs” (the “Guidance”).

The League is comprised of 190 cities and 398 villages in Wisconsin. Many of these communities with MS4 responsibilities have formed the Local Government Stormwater Group. This group works with consulting engineers and legal counsel on stormwater regulatory issues throughout the state. For many MS4 communities, leaf management programs will be an essential component of plans for meeting TMDL limits. Thus, it is vital that this Guidance establish appropriate guidelines for implementation of these programs.
November 20, 2017
Page 2

The League largely concurs with the comments submitted by the City of Madison regarding this Guidance. The League wishes to highlight three comments of particular import.

First, the League is concerned that the Guidance underestimates the assumed total phosphorus (TP) reduction due to leaf collection efforts in medium density residential areas. The guidance assumes a reduction of 17% total phosphorus based on an annual fall TP load of 43% for medium density residential areas. However, a USGS study has found that the fall TP load is closer to 60% of the annual TP load and, thus, leaf collection efforts should represent a 24% TP reduction. The League requests that the Guidance reflect this 24% TP reduction.

Second, the League reiterates the request that the Department expand this Guidance to include low density residential areas and medium density residential areas with alleys where canopy coverage is approximately the same as medium density residential areas. The USGS leaf study found that the essential issue for phosphorus delivery is canopy coverage and not housing density. Thus, the principles underlying this Guidance are equally applicable to low density and medium density residential areas with alleys with approximately the same canopy coverage.

Finally, the League requests that the Department reconsider its position that the leaf management credit may not be taken in addition to phosphorus reductions from structural BMPs. Structural BMPs remove only the fraction of phosphorus infiltrated. Given this limited removal capacity, the League requests that DNR reconsider this position or provide additional information regarding the basis for this position.

We appreciate the opportunity to comment on this Guidance and would be glad to discuss this with you further.

Best regards,

STAFFORD ROSENBAUM LLP

Paul G. Kent
Vanessa D. Wishart

PGK/VDW:mai
cc: Curtis A. Witynski, League of Wisconsin Municipalities