



Comments to Wisconsin Department of Natural Resources on draft administrative rule NR119 - Phosphorus Site-Specific Water Quality Criteria

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These comments from Wisconsin's Green Fire – Voices for Conservation are specific to the sampling requirements in NR119.06 (1) Site Specific Criteria (SSC) study area (c) for a less stringent SSC for phosphorus on a flowing water system:

NR 119 only very generally addresses study site selection by major stream order and proximity to outfalls. Once a site is selected, the Viewing Bucket Protocol appropriately specifies study conduct. However it also does not include important factors regarding monitoring site selection.

It is presumed that WPDES permit holders will use the provisions of NR119, and specifications within the viewing buck protocol, to attempt to demonstrate that they qualify for a less stringent SSC for phosphorus based on stream biology. It is therefore important that the two documents include sufficient detail such that intentional or unintentional bias does not occur in selection of study sites.

The ability of flowing water to support primary production is dependent on several things in addition to nutrients in the water column. Suitable substrate is important to sustain periphytic growth as is tree canopy sufficiently open to allow sunlight to reach the stream. Streams are often diverse systems with varying combinations of substrate and canopy. Within an NR119 delineated study area the stream could have 50% suitable substrate for periphytic growth. This could be small individual patches or larger reaches. Likewise the reach could have 50% of stream surface shaded by tree canopy. Given this situation it is possible to select study sites to either selectively show impact (suitable substrate with open canopy) or selectively fail to show impact (unsuitable substrate or with heavy tree canopy).

Additional detail must be provided in either NR119.06 (1) (c) or in the Viewing Bucket Protocol to prevent intentional or unintentional biased results from unrepresentative site selection.

Additionally, the use of the Viewing Bucket Protocol as the basis of a less stringent SSC for phosphorus is a very important application. As such, it belongs in the easily available public WisCALM document. The cumbersome DNR electronic guidance system, where it currently resides, is insufficient public access. It is requested that the timing of rule promulgation be synchronized with inclusion of the Viewing Bucket Protocol in WisCALM so that all procedures are appropriately located in documents readily accessible to the public.

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