

RACINE COUNTY LAND CONSERVATION  
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**RACINE COUNTY LAND AND WATER CONSERVATION COMMITTEE**  
**Also Known as a Subcommittee of**  
**THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE PLANNING COMMITTEE**  
Public Works Conference Room – 14200 Washington Avenue  
Monday, 6:00 p.m., December 5, 2022

**SUMMARY MINUTES OF COMMITTEE MEETING**

Committee Members Present: M. Osterman, T. Wishau, G. Horeth, T. Rutkowski  
T. Greil, J. Eckman

Committee Members Excused: T. Hincz, R. Grove, O. White

Youth in Governance Present: Mabel Beversdorf

Youth in Governance Excused: Charles Letsch, Rabeka Liberto

Staff Present: C. Sampson

1. Chairman M. Osterman took roll call and called the December 5, 2022, Racine County Land and Water Conservation Committee meeting to order at 6:01 p.m.
2. A motion by T. Wishau, seconded by G. Horeth to approve the minutes from the November 7, 2022 meeting. The motion was approved (6-0) by the Committee.
3. A discussion regarding two transfers into the Racine County Soil & Water Resource Program Grant Funding. A transfer of \$12,000 from Jefferson County's SEG funds and \$9,500 from Kenosha County's bond funds were discussed. A motion by T. Wishau, seconded by G. Horeth to approve the two transfers. The motion was approved (6-0) by the Committee.
4. A discussion about the LWCC Chair signing approvals on transfer agreements prior to approval from the Committee. M. Osterman explained the State Statute does not clearly define the LWCC Chairman's ability to approve transfers prior to Committee approval. Also, the contract itself does not clearly show this designation. C. Sampson stated he contacted WI DATCP and received an email stating that the LWCC Chairman's authorized signature does signify Committee approval. M. Osterman asked the Committee if they felt a motion or resolution be needed to verify this action. After some discussion, G. Horeth made a motion, seconded by T. Rutkowski, to allow the LWCC Chairman to sign agreements representing the Committee for SWRM transfers received by Racine County with this documentation presented at the next Committee meeting and SWRM transfers from Racine County to other counties will be approved by the Committee. The motion was approved (6-0) by the Committee.
5. C. Sampson stated the WI DATCP requires cost share agreement extension approvals from the Committee. Currently, there are 9 nutrient management contracts in place that Racine County is waiting for submitted certified nutrient management plans. If the plans are submitted prior to

December 30<sup>th</sup>, then the agreements will not need extensions. If the plans are not submitted, they will be listed on the WI DATCP SWRM Extension Report approved by the LWCC. After some discussion, a motion was made by Jason Eckman, seconded by Taylor Wishau to approve the extension request.

6. M. Osterman presented an educational powerpoint about Septage Spreading in Wisconsin to explain how the WI DNR regulates the program and how agriculture is involved. M. Osterman and C. Sampson presented the power point to the Committee and answered questions.
7. C. Sampson stated the Allison Hamm (LCD staff) sent a letter requesting participation in the student poster contest (theme is "One Water") to all Racine County schools and received responses from: Waterford Union High School, Jerstad-Agerholm Middle School, Gifford Elementary School, and Goodland Montessori. Some Committee members expressed interest in helping judge the posters and C. Sampson said they will be invited in January. M. Osterman explained the individual county's have a contest and the winning posters advance to a Regional Contest. The Southeast Regional Contest winners will then advance to the State Contest and finally the winning State Poster's advance to NACD's National Contest.
8. Watershed Protection Committee of Racine County update was started by T. Greil. He stated Jim Stute is working on a USDA grant and is going to be a speaker at the National No-till conference. He stated the producer-led conference is on December 13<sup>th</sup> and the Discovery Farms conference is on December 14<sup>th</sup>, both held in the WI Dells.

Osterman asked how the yields were at Case Eagle Park. T. Greil said the corn yield was better than expected and averaged about 160 bushel per acre. T. Greil said they were still waiting on finalized plot research results that will be made available this winter.

The WPCR Winter Workshop will be on February 10, 2023 with David Brandt as the guest speaker. The event will be held at the Cotton Exchange in Waterford.

9. C. Sampson gave a handout to the Committee of completed construction best management practices in 2022. C. Sampson stated Jon Grove on staff does most of the design and construction inspection and provided the list of projects. C. Sampson gave an overview of each of the projects and answered questions.
10. M. Osterman said NRCS was asking how to streamline and improve program delivery to expand access to extra program funds. Secondly, how can NRCS expand capacity among partners to assist with outreach. M. Osterman asked the Committee for any thoughts or ideas. T. Greil asked if the ideas would be incorporated into the Farm Bill. M. Osterman said the ideas would be moved to the State Board and then to the NACD to be potentially included in the Farm Bill.

T. Rutkowski said the funding could be potentially used in a carbon sequestration program.

T. Wishau suggested more farmer education on hemp cultivation and farming.

J. Eckman suggested a program on the impacts of solar farming and potential crop production loss.

C. Sampson stated to streamline program delivery that the County's and Producer Led groups can assist to provide outreach either at events or through mailings.

11. Other business: M. Osterman stated January 2<sup>nd</sup> and 16<sup>th</sup> are considered Holidays and the Ives Grove Complex will be closed on those days which pushes the next LWCC meeting to February 6<sup>th</sup>.

T. Rutkowski said Ron Doetch, a Kenosha farmer, was going to talk about regenerative agriculture at his farm at 10 a.m. tomorrow for anyone interested in attending.

A motion by T. Wishau / G. Horeth to adjourn at 7:22 p.m. The motion was approved (6-0) by the Committee.

Respectfully submitted,

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Monte Osterman, Chairman  
Land and Water Conservation Committee

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Chad Sampson, Recorder

# Multi-discharger Phosphorus Variance



## ELIGIBLE POINT SOURCES:

A point source must meet all of the following to request a MDV:

- Must be an **existing facility**
- Requires a **major facility upgrade** to comply with their phosphorus WQBELs
- Meets the primary and secondary **substantial** indicators
- Agrees to **reduce its phosphorus load** during the variance timeline
- Implements a **watershed project** to help curb nonpoint source phosphorus pollution

An eligibility quiz is available online to help point sources make this determination.

## ACRONYMS

DNR: Wisconsin Department of Natural Resources

DOA: Wisconsin Department of Administration

EIA: Economic Impact Analysis

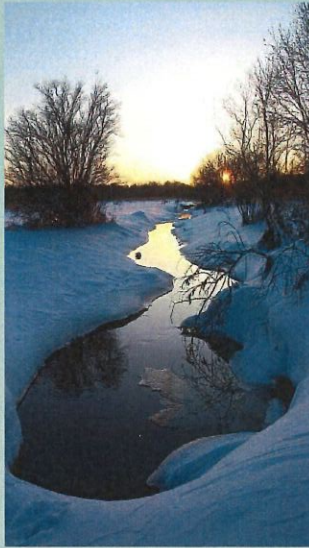
LCD: Land and Water Conservation Department

MDV: Multi-Discharger Variance

WPDES: Wisconsin Pollutant Discharge Elimination System

WQBEL: Water quality-based effluent limit

## What is a multi-discharger variance?



### A MULTIDISCHARGE VARIANCE (MDV) IS...

- A time extension for point sources facing restrictive phosphorus limits to comply with limits
- An opportunity for point sources to make meaningful strides towards water quality improvements in a more economically effective manner
- Approved on a case-by-case basis and implemented in a WPDES permit

### A MDV IS NOT...

- An individual variance pursuant to s. 283.15
- A final compliance option for point sources
- Water quality trading or adaptive management
- Permanent

## What the MDV requires:

A point source is responsible for evaluating its compliance options such as facility upgrades, water quality trading, adaptive management, and, potentially, a phosphorus MDV. If a facility meets the eligibility requirements and requests the MDV, the WPDES permit will, upon approval, be modified or reissued with the following requirements:

1. **Reductions of effluent phosphorus:** Point sources are required to reduce their phosphorus load each permit term. Interim limitations will be included in the permit based on current effluent quality, opportunities for optimization, and other site-specific considerations.
2. **Implement a watershed project:** Point sources must implement one of the following watershed project options to help reduce nonpoint source of phosphorus pollution:
  - Enter into an agreement with DNR to implement a project to offset the amount of phosphorus their discharge exceeds the target value.
  - Enter into a DNR-approved agreement with a third party to implement a project to offset the amount of phosphorus their discharge exceeds the target value.
  - Make payments to county LCDs of \$50 per pound times the number of pounds of phosphorus their discharge exceeds the target value.

The approval determination must be re-evaluated each permit reissuance of the MDV project timeline. The legal requirements of the MDV determination as well as general implementation procedures can be found in s. 283.16, Wis. Stat.

## MDV APPROVAL & DURATION

EPA approved the MDV on February 6, 2017, which is effective until February 5, 2027. Permit terms and conditions that reflect the MDV cannot extend beyond the term of the variance expiration date. Several options are available to extend the current MDV approval to encompass the full time period allotted in s. 283.16, Wis. Stat., including:

- Seeking EPA approval on updated MDV packages, and
- Providing a compliance schedule after MDV expiration.

The Department will continue to work with EPA and stakeholders to pursue these options to maximize the duration of the MDV as necessary and appropriate. Section 283.16, Wis. Stat., authorized the DNR to seek MDV approval for up to 3 permit terms.

## County Payment Option

### ONLINE RESOURCES

- MDV Implementation Guidance
- Informational Webinars
- Application Materials
- County Resources
- Watershed Project Resources
- MDV Package Submitted to EPA
- Local contact information



A grass waterway is an example of an agricultural BMP that can be used as part of a watershed project.

It is voluntary for County LCDs to participate in the MDV. County LCDs should submit the "County Participation Form" to the DNR by January 1st of each year they wish to receive funding. At least 65% of MDV funds must be spent to bring farmers and other agricultural sources into compliance with NR 151 agricultural performance standards. The remaining funding may be spent on staffing, innovative projects, monitoring, modeling, demonstrations, etc. If a County chooses to participate, they will agree to:

- Develop a plan to use funds (due 1 year after funds received)
- Use the MDV funds appropriately
- Submit annual reports to the DNR until funds are used

Funds must be targeted to the highest phosphorus loading areas within the participating county. This may or may not be the same watershed the MDV funds were generated in. A "watershed plan" form has been created to help streamline the development and submittal of MDV watershed plans to DNR. Section 3.04 of the MDV Implementation Guidance is also designed to provide instructions to County LCDs on how to develop a successful MDV plan. Visit <http://dnr.wi.gov/>, search "statewide phosphorus variance" for more information.

## Determining Substantial Impacts

A two-step process was used to determine if phosphorus standards compliance has a substantial impact to point source discharges. The purpose of the first step, commonly referred to as the "primary screener", is to determine the phosphorus standards' economic impact on dischargers in each category. The second step, referred to as the "secondary screener", gauges the wider community's socio-economic well-being and ability to adapt to changes that accompany implementation of phosphorus standards. In order to meet the "substantial determination" test, a facility must meet the primary screener and one or more secondary screeners. Permittees should review Appendices A-G of the MDV Implementation Guidance or the "eligibility quiz" at [dnr.wi.gov](http://dnr.wi.gov), keywords "statewide phosphorus variance" for specific eligibility information:

### Primary Screeners:

- Median household income (municipal WWTFs)
- Estimated compliance costs within the discharge category (industries)
- Estimated compliance costs within the county (industries)

### Secondary Screeners:

- Median household income (industries only)
- Transfer receipts as a share of total personal income
- Jobs per square mile
- Population change
- Net earnings by place of residence
- Job growth
- Capital costs as a share of total wages



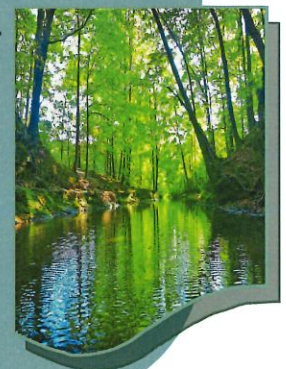
Fact sheet for information only  
Prepared by:  
Wisconsin Department of Natural Resources  
Box 7921  
Madison, WI 53707-7921

## REVIEWING THE MDV

- In order to comply with federal requirements, DNR must triennially review new information to determine if revisions are needed to the MDV including the substantial and widespread socioeconomic determination.
- DNR will also review facility-specific applications of the MDV upon permit reissuance to re-evaluate the need for the variance and update permit terms and conditions associated with s. 283.16, Wis. Stat. and the EPA-approved MDV.
- DNR may request EPA approval of revised phosphorus MDV packages in the future based on new information gathered from these analyses. This may extend the duration of the MDV.

## FOR MORE INFORMATION

- Visit the DNR website: <http://dnr.wi.gov/>, search "phosphorus"
- Send comments or questions to [DNRphosphorus@wisconsin.gov](mailto:DNRphosphorus@wisconsin.gov)



RESOLUTION NO. 2023-RUGN

A RESOLUTION BY THE RACINE COUNTY LAND AND WATER CONSERVATION COMMITTEE TO SUPPORT THE RACINE URBAN GARDEN NETWORK’S URBAN AGRICULTURAL CONSERVATION PLANNING GRANT PROPOSAL TO THE NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS.

WHEREAS, the National Association of Conservation Districts (NACD) provides innovative planning grants for up to \$10,000 to support urban agriculture; and

WHEREAS, the Racine Urban Garden Network (RUGN) is applying for an NACD planning grant to plan the re-design and upgrade of the Marquette Street Garden space to create a teaching garden; and

WHEREAS, the creation of this teaching garden will enable people to have access to green space and increase conservation education, gardening education, growing healthy foods, and provide these healthy food choices to both children and adults in the local community.

NOW, THEREFORE, BE IT RESOLVED by the Racine County Land and Water Conservation Committee has reviewed and approves this proposal for the RUGN to apply for the NACD Planning Grant.

Respectfully submitted,

RACINE COUNTY LAND AND WATER CONSERVATION COMMITTEE

VOTE REQUIRED: Majority

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Monte Osterman, Chairman

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Robert Grove, Vice-Chairman

\_\_\_\_\_  
Jason Eckman

Prepared by:  
CES

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Tom Greil

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Taylor Wishau

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Olga White

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Tom Rutkowski

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Greg Horeth

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Tom Hincz