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To: DNRGUIDANCEDOCUMENTS@wisconsin.gov

RE: Comments of the League of Wisconsin Municipalities on Draft Guidance EGAD No. 3800-2018-01, Interim Municipal Phosphorus Reduction Credit for Leaf Management Programs

To Whom It May Concern:

I am submitting these comments for the League of Wisconsin Municipalities after consultation with private and public sector engineers and consultants. The League represents cities and villages across the state, many of which are regulated under MS4 permits and implement leaf management programs for phosphorus reduction. I appreciate the opportunity to comment on this draft guidance document and we have prepared the following comments.

1. General Applicability. The League objects to the limitation of the applicability of this guidance only to “medium density residential” land use. There is no justification for this limitation. The limiting criterion should be focused on the percent tree canopy over the street pavement or the right-of-way. If the minimum canopy cover is met, then the phosphorus loading (and leaf removal benefits) would be the same as what was measured in the USGS studies. The unit phosphorus loadings as applied in WinSLAMM are the same for vegetated source areas for all residential land use categories. Since WinSLAMM does not differentiate the unit phosphorus loadings, the resulting benefits of fall leaf removal are not impacted. Further, it is not practical for municipalities to alter their leaf removal programs based on WinSLAMM residential densities (low, medium, high). The League strongly urges the department to extend the applicability of the Interim Municipal Phosphorus Reduction Credit for Leaf Management Programs to urban areas that meet the WinSLAMM definition of low-, medium-, or high-density residential, as long as the other conditions of “Section D Guidance Content” are met.
2. Section C. Background and Definitions, 5th paragraph: We suggest the sentence “The reduction in total phosphorus may vary with the type of street cleaner so for this credit, only regenerative air street cleaners may be used at this time” be deleted. This sentence is misleading and seems to imply that credit is only allowed if municipalities use regenerative air for street cleaning after terrace leaf removal. Table 1 (and elsewhere in the Guidance) mechanical broom sweepers are allowed for a total phosphorus credit.
3. Section D. Guidance Content:
 - a. First paragraph: The guidance states that “this credit may not be taken in addition to phosphorus reductions from other BMPs in the drainage area at this time.” The League disagrees with the implicit assumption that other BMPs would be duplicative of leaf management over the same drainage area. This sentence should be revised to provide that a municipality can claim and utilize credits from other BMPs in the same drainage

- area if it can be demonstrated that the combination of BMPs is not duplicative of credits generated by a leaf management program.
- b. Second paragraph, 2: The guidance only applies to curb and gutter streets with storm sewer drainage systems. The League believes there may be other street scenarios for which the guidance could also be available. For instance, it may be applicable to streets without curbs but that run adjacent to waterbodies. The League requests that this language be revised to provide municipalities with flexibility to demonstrate to the department that despite having curbless streets, this credit should nonetheless be available to them.
 - c. Second paragraph, 3a: The criteria of using "...average of one or more mature medium to large canopy trees . . ." is ambiguous. An objective definition of what is meant by "medium to large canopy" would help reduce the uncertainty of this criterion.
 - d. Second paragraph, 3b: The proposed new guidance increases the minimum street canopy cover from 17% to 40% in order to qualify for a phosphorus reduction credit. Does this mean that MS4s who have already calculated total phosphorus (TP) reduction under the March 8, 2018 guidance no longer qualify for the TP reduction if the street canopy cover was less than 40%? The guidance should state this result and clarify how MS4s who have already conducted the analysis are to proceed.
 - e. Third paragraph: This guidance should define the word "terrace."
 - f. Table 1: We suggest adding a footnote to reference the column "Applicable annual TP % Reduction" to read: "Reduction from a "no controls" condition as modeled in accordance with DNR guidance."
 - g. Page 7: The department should remove language under Table 1 providing: "For municipalities located in northern Wisconsin, an earlier start for leaf management activities should be considered." This language is vague (what constitutes "northern Wisconsin"?) and should be revised to clarify that credits are available as long as street cleaning activities are commenced by the date indicated in Table 1 or municipalities use street leaf conditions, documented in photos, as the determination of when to begin leaf management. Deference shall be given to photo evidence determining the commencement of the municipal leaf management activity to generate credits. Municipalities should receive phosphorus reduction credits based on photographic evidence of the leaf conditions regardless of the start date.

The League greatly appreciates the opportunity to provide the above comments on this guidance document. Please feel free to contact me if you have questions on these comments or would like to discuss them further.

Best Regards,

Toni Herkert, Government Affairs Director
Wisconsin League of Municipalities