



WISCONSIN LEGISLATURE

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July 23, 2012

Senator Kathleen Vinehout, Co-chair
Joint Legislative Audit Committee
Room 3 South, State Capitol
Madison, Wisconsin 53702

Representative Samantha Kerkman, Co-chair
Joint Legislative Audit Committee
Room 315 North, State Capitol
Madison, Wisconsin 53702

Dear Senator Vinehout and Representative Kerkman:

Recent media coverage has raised concerns about actions taken by the Department of Natural Resources in addressing violations related to the improper spreading of human waste. Specifically, it has been alleged that a waste hauler based in southeastern Wisconsin injected three times the permissible amount of untreated human waste into farm fields.

It has been reported that the department's investigative staff raised concerns about the potential effects of this violation on public health and recommended the case be forwarded to the Department of Justice. However, it has also been reported that a top department official instead directed staff to issue citations, which totaled \$4,338.

We are concerned about regulatory efforts associated with the application of sewage to farm fields. Because it has been more than 20 years since the Legislative Audit Bureau last reviewed the department's regulatory efforts in this area, we believe an audit is needed at this time. Therefore, we respectfully request that the Audit Bureau be directed to evaluate the department's regulatory efforts associated with the disposal of wastewater, including:

- Reviewing trends in revenues, expenditures, and staffing levels;
- Reviewing how enforcement practices have changed over time, including the extent to which private well testing has been required;
- Analyzing trends in the amount and type of wastewater that is allowed to be applied to farm fields;

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- Reviewing current and past practices for referring enforcement cases to the Department of Justice and the extent to which staff enforcement recommendations were followed by agency officials;
- Examining the fairness and consistency of enforcement practices;
- Determining whether enforcement practices address high-priority violations and repeat offenders; and
- Assessing the adequacy of data systems used to track permits, inspections, and enforcement actions.

An audit focusing on these topics would address many of the questions legislators have about such regulatory efforts. Thank you for your time and attention to this matter.

Sincerely,



ANDY JØRGENSEN
State Representative
37th Assembly District



JON RICHARDS
State Representative
19th Assembly District