

Variance Streamlining & EPA's Role in the Variance Process

Government Affairs Seminar 2019

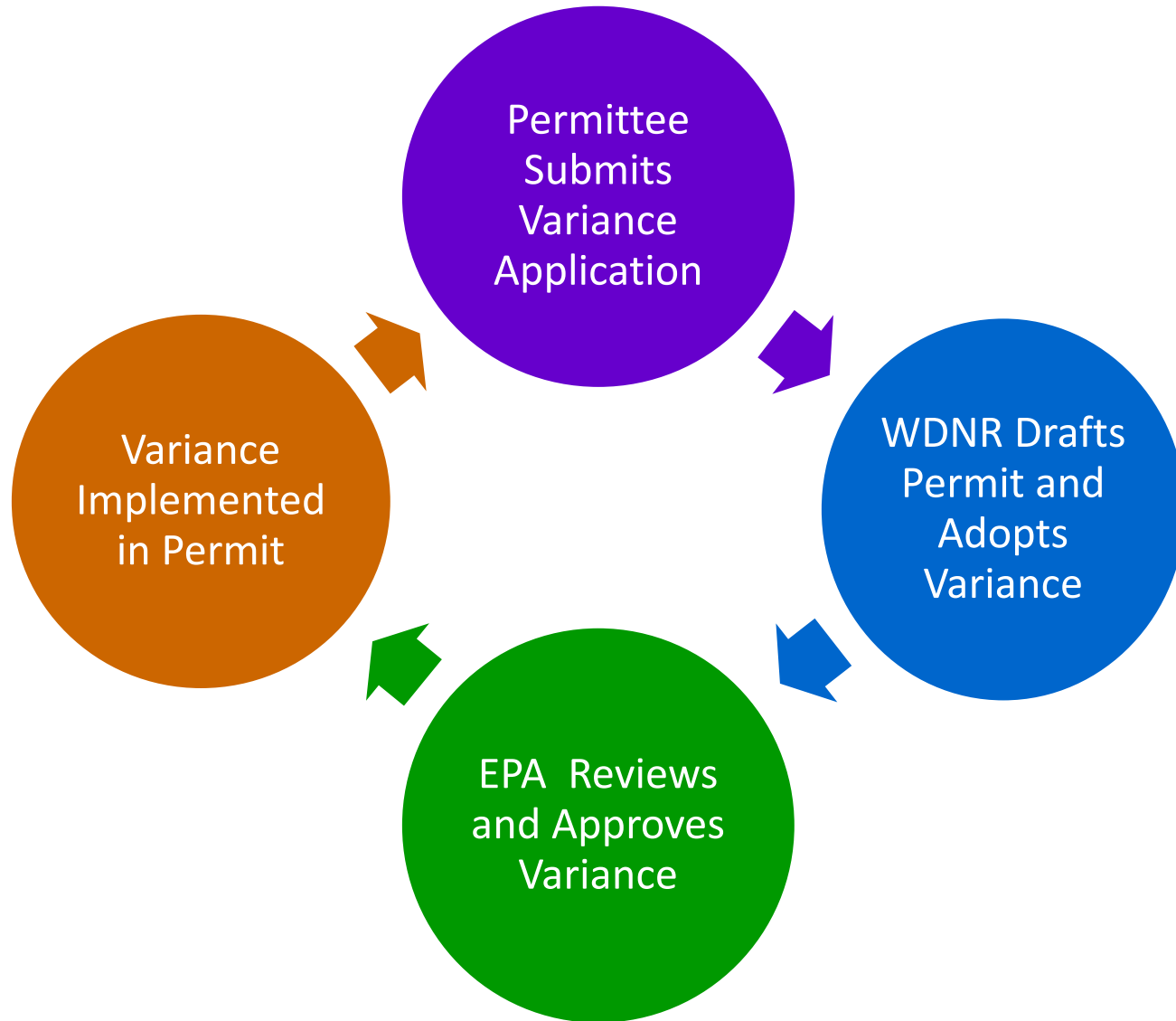
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Definition

Variance – is a temporary change to a designated use and criterion (effluent limitation or standard).

- Used to make incremental progress when standard cannot be met and the amount of reduction is not precisely known.
- All variances that the State adopts (individual or multi-discharger) are considered standard actions. Therefore, they must be reviewed and approved by EPA prior to implementation.



EPA's Role

- Endangered Species Act consultation
- Consultation with affected Tribes
- Review final variance for compliance with Clean Water Act and approve or disapprove.



EPA's Review and Approval/Denial

- **45-day Public Notice Review** – includes review of permit conditions, PMP/SRM, and variance justification documents to determine if they meet federal variance requirements. Provide comments to WDNR.
- **60-day Final Variance Review** – after the State adopts the variance, EPA reviews final variance for compliance with Clean Water Act and makes decision to approve or deny (90-days).

(PMP/SRM = Pollutant Minimization Program/Source Reduction Measures)

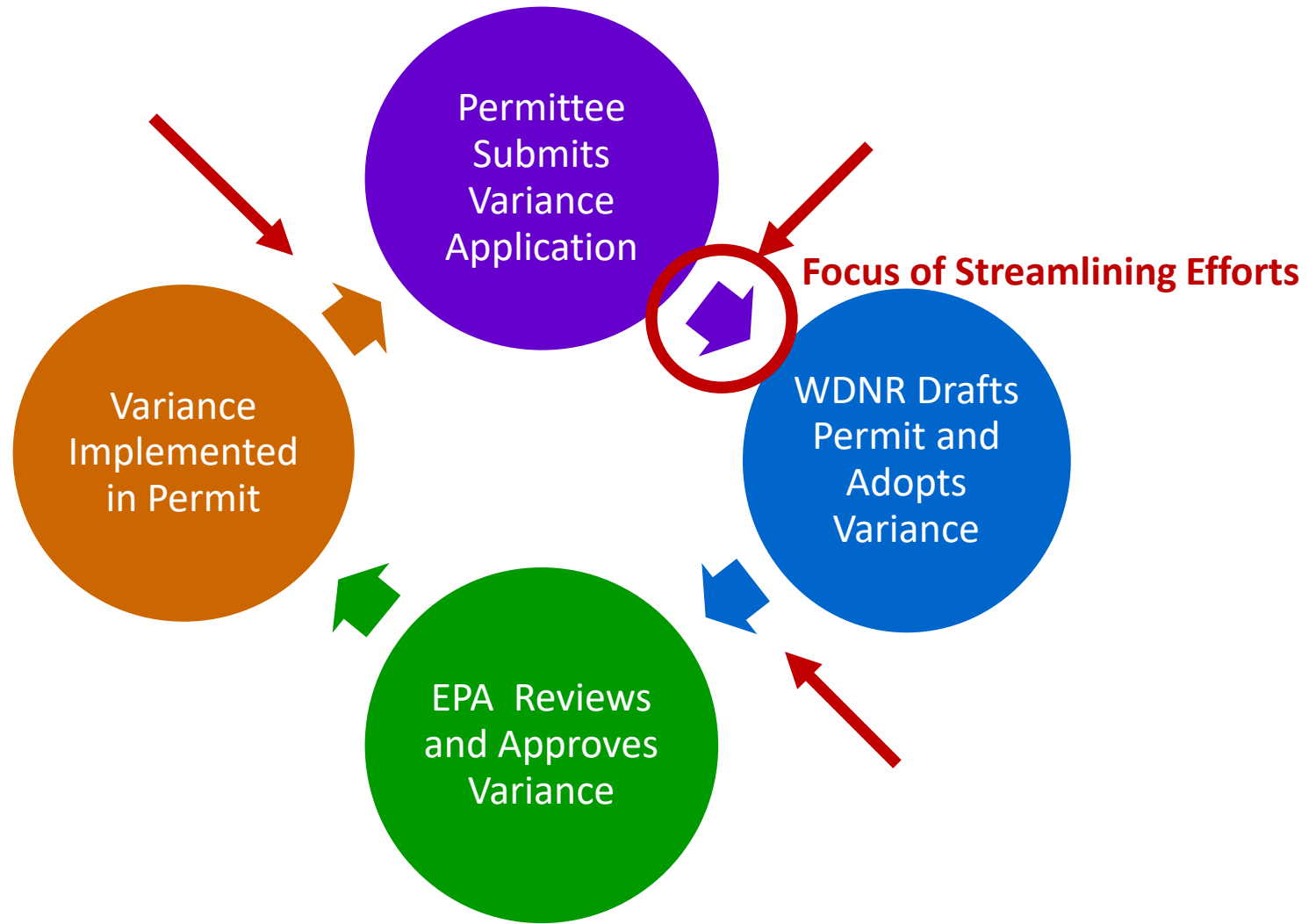
EPA's Additional Roles

- Provide technical and programmatic guidance.
- Provide technical support.

Example: Individual Phosphorus Variances (IPVs)

- WDNR issued 1st IPV permit in July 2018.
- 12 of the 41 variance permits issued in 2018 contained IPVs.

Variance Streamlining



Streamlining Efforts - Current

- Phosphorus
 - Variance Justification and Determination
 - Year 3 checklist
 - Variance flow chart (IPV vs. MDV)
 - Permit Requirements
 - Traditional facility upgrade optimization worksheet
 - List of potential PMPs

(IPV = Individual Phosphorus Variance, MDV = Multi Discharger Variance, PMP = Pollutant Minimization Program)

Streamlining Efforts - Current

- Templates
 - PMP/SRM Action Table
 - Blank, fillable template
 - Clearly illustrates variance length justification

[[Enter Facility Name]]
 [Enter Parameter] Pollutant Minimization Plan (PMP)
 Permit Number: [Enter Permit Number]
 Date: [Enter proposed permit term]

PMP Activities	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year
1.					
2.					
a.					
b.					

Streamlining Efforts - Under Development

- PMP templates for Individual Phosphorus Variances
 - List of potential PMP actions by facility type and compliance option
 - **Examples;**
 1. Recirculating Sand Filter Facilities w/ exploration of WQT
 2. Mechanical Plants w/ exploration of WQT
 3. Facilities where current user rates are >2% MHI
 4. Minor upgrades to meet

(PMP = Pollutant Minimization Program, WQT = Water Quality Trading,
MHI = Median Household Income)

Streamlining Efforts - Under Development

- Annual Variance Report Review Checklist
 - Internal WDNR document used to review annual reports.
 - WDNR to share checklist with permittees prior to annual report submittal and after review is complete.

Streamlining Efforts - Proposed

- Streamline Mercury Variance
 - Similar concept as a MDV but not a MDV
 - Facility must meet certain predetermined criteria
- Variance Applications
 - Update questions and information required
 - Pre-filled fields when submitting with permit application (permittee name, permit no., etc)
- PMP/SRM Templates
 - For chloride and mercury



Questions? Comments? Concerns?

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