

DNR Update

Government Affairs Seminar

February 23, 2012

Tom Mugan

Top 10 Topics

- Phosphorus future expectations
- Triennial Standards
- SSO (sanitary sewer overflow) Rule
- Permits Legal Authorities
- Chloride Variances
- Air Permitting
- Impaired Waters
- TMDLs (total maximum daily load)
- Presto (pollutant load estimation tool)
- Operator Certification Rule Changes

Phosphorus – Future Expectations

Phosphorus – Future Expectations

- Currently, the first permit term is largely a schedule of compliance for assessing capabilities and planning for the most cost effective solution(s)
 - ONR and source reduction
 - Facility plan at 3-year mark
 - Alternatives selection and planning for implementing alternatives, preparing permit re-application that may include specifics for adaptive management, trading, variances, or construction

Future Expectations

- For permits reissued after about 2015 or later, we expect:
 - To have better defined what an adaptive management (AM) plan looks like
 - To have experience working out the specifics of trades (currently working on guidance)
 - Facilities to be able to make application for appropriate alternatives as they apply for permit reissuance (AM, trading, variances, effluent relocation)

Phosphorus Webinar Series Planned

- Facilities and consultants can expect to hear soon of planned webinars on:
 - Phosphorus limits
 - Step in a compliance schedules
 - Adaptive management

Triennial Standards Review

<http://dnr.wi.gov/org/water/wm/wqs/tsr/tsr.html>

Triennial Standards Review

- Purpose is to review standards program every three years
- Identifies priorities to update rules and/or guidance
- Awaiting EPA approval on 2011-2014 TSR priorities

Projects on 2008-2011 TSR Cycle

Completed:

- ✓ Phosphorus Water Quality Standards
- ✓ Thermal Water Quality Standards
- ✓ NR 217 Implementation Guidance

Still Underway:

- Antidegradation

Projects for 2011-2014 TSR Cycle

- Antidegradation
- Phosphorus Site Specific Criteria
- Pollutant Trading Guidance

Other projects may be added as resources become available

SSO Rule

Sanitary Sewer Overflows

SSO Rule Draft - Similar to Presentation at 2011 Seminar

- Creates Clarity and Consistency for SSO Control
- SSO Prohibition
- Permits Required for Satellite Systems
- CMAR Reporting by and Day
- Allows Blending with Conditions Location
- Allows Controlled Diversions with Conditions
- Requires CMOM (within 3 years)

Expected Rule Schedule

- January 25, 2012 – NRB Approves Solicitation of Comments on Economic Impact Analysis and Approves Hearings/Comment on Rule
- Draft Economic Impact Analysis – Only Includes Costs to Develop CMOM Program
- February 10, 2012 – Notice for EIA Comments Posted
- April 16, 2012 – Last Day for Comments on EIA (duane.schuettpelz@wisconsin.gov)
- April 6, 2012 – TAC Meeting on EIA
- June – July, 2012 – Hearings/Comment Period for Rule

NPDES Legal Authorities

Wisconsin NPDES Legal Authorities

- July 18, 2011 letter from EPA Regional Administrator Susan Hedman to DNR Secretary Cathy Stepp.
- Attached document identified 75 EPA concerns with State authorities
 - Many were nit-picky
 - Wisconsin Act 21 and results of Anderson Decision probably helped run up the number

October 14 DNR Response from Deputy Secretary Matt Moroney

- To be handled by several different types of actions
- Rulemaking to address some items
 - Some already started (scoping statements)
 - SSO rule (NR 110, 208)
 - NR 106 (hold-over issues from 2000 GLI rules)
 - NR Pretreatment
 - More likely to be initiated to take care of a number of other issues
 - Rulemaking will likely take considerably longer due to statutory changes in rule-making process

DNR Reponse (cont)

- Statutory changes, but these are less under DNR control
- Attorney General's statement asserting authority
- Technical issues requiring additional discussion
- Addendum to Memo of Understanding on Permit Program
- Currently DNR is working on a plan with dates and milestones

Chloride Variiances

Chloride Variances

- Recently had one rejected by EPA (not officially denied but we offered to work with the community to beef up the Source Reduction Measures (SRMs))
- Remember:
 - SRMs should be stepwise permit-to-permit
 - Should see effluent quality improvement
 - Improvement could be mass-based

Air Permitting for Wastewater Treatment Facilities

Issue

- Many wastewater treatment facilities in Wisconsin have air emission sources that may require air permits
 - Few have applied and received permits
- Federal & state emission standards apply
 - Complicated
 - Mainly related to combustion sources



Goal

- Get facilities where they need to be with respect to air regulations
 - Educate as to what is needed
 - Assist operators in understanding requirements & getting needed permits in place
 - Resolve individual compliance situations



Approach

- Use a sector approach rather than deal one-on-one as situations arise
 - Gather information
 - Provide direction
 - Respond to individual situations



Approach

- Survey Conducted, March 2011.
- Analysis Completed, April 2011.
- Develop Tools. Draft Fact Sheets Under Development, February 2012.
- Outreach, 2012.
- Resolve Individual Situations.



Contact Information

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2012 Impaired Waters List

Draft 2012 Impaired Waters List

- Waters not meeting water quality standards.
- List is updated on even-numbered years.
- Existing list includes more than 700 rivers, streams and lakes.
- A public comment period for the draft list ran from Dec. 20 through Feb. 20.
- An online informational public meeting held on Jan. 5, 2012 for people interested in learning more about the list

Specifics for this Draft List

- 32 new waters added, 25 waters removed
- Primary pollutants are mercury, phosphorus and TSS.
- Three streams and one lake to be removed
- 21 beaches to be removed and 5 to be added based on beach sample *E. coli* concentrations.
- Seven waters added due to levels of mercury in fish
- Out of the 148 waters that exceed the total phosphorus criteria, 11 lakes and 10 streams will be added due to excess algae or degraded aquatic life impairments.

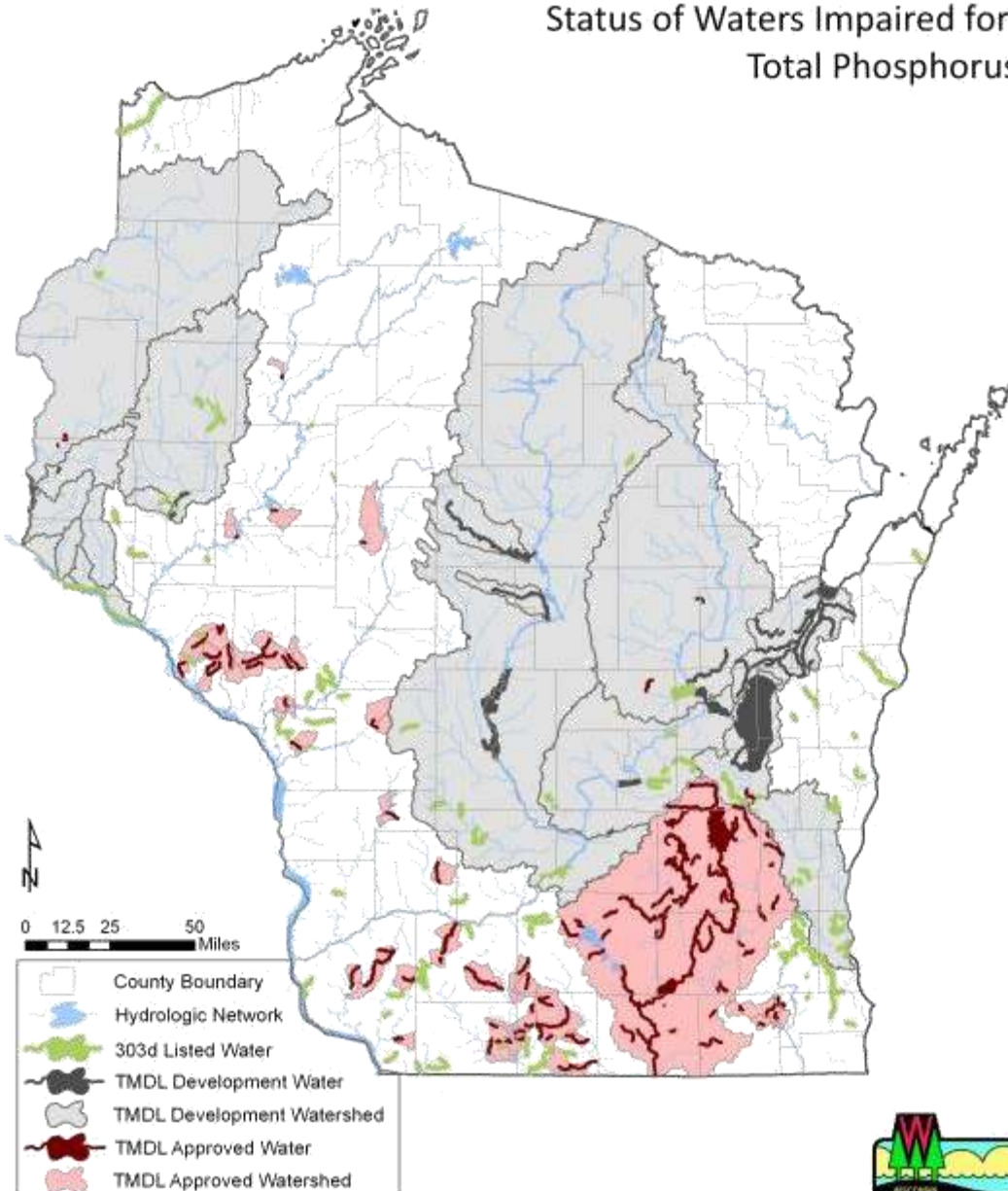
Total Maximum Daily Loads (TMDLs) in Wisconsin

- Under the Clean Water Act, states must develop TMDLs for all 303(d) Impaired Waters
- A TMDL is an analysis that calculates how much of a pollutant a water can receive and still meet water quality standards (essentially a pollution budget for an impaired water)
- EPA calculates Wisconsin's pace, Wisconsin is supposed to develop ~ 80 TMDLs per year.
 - 2011 was the first year Wisconsin met this goal with the approval of the Rock River TMDL (worth 101 TMDLs based on multiple segments)
- TMDLs do not create new water quality standards or any rules.

Current Status of Wisconsin TMDLs

Status of Waters Impaired for
Total Phosphorus

- Focus on nutrients
(especially total
phosphorus)



Cartographer: Adam Freihoefer (October 27, 2011)



Current Status of TMDLs in Wisconsin

TMDL	Status
Rock River Basin	3 rd Party TMDL, Approved Sept. 2011
Lower Fox River	3 rd Party TMDL, Pending EPA Approval
Tainter Lake & Lake Menomin (Red Cedar River Basin)	Awaiting EPA comments from Public Comment Period
Lake St. Croix	Draft – Public Comment Period just ended.

TMDL	Status
Milwaukee River Basin	3 rd Party TMDL, In Development
Wisconsin River (Headwaters to Lake Wisconsin)	Monitoring; Scoping for TMDL modeling
Lake Pepin	TMDL drafted by MPCA (TSS); in Public Comment
St. Louis River AOC	3 rd Party TMDL; Joint TMDL with MPCA
Upper Fox / Wolf	Final year of monitoring in the Wolf River Basin

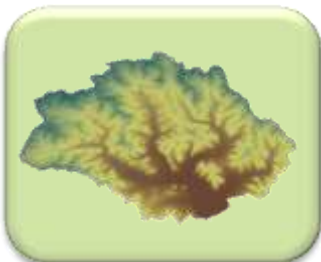
TMDL Implementation

- WDNR uses the current rules in our existing programs to implement TMDLs (NR 217, NR 216, NR 151, etc.).
- Department working to create the link between existing programs and TMDL implementation
 - Rock River TMDL approved in September 2011.
 - MS4 guidance underway
 - Relating TMDLs with phosphorus standards implementation
 - Adaptive Management
 - Water Quality Trading
 - Sector teams (wastewater, stormwater, agriculture) being formed to assist with implementation plans for major basins such as the Rock and the Fox

Contact Nicole Clayton at 266-0152 or *nicole.clayton@Wisconsin.gov*

- PRESTO is a statewide GIS-based tool that calculates basin specific average annual phosphorus loads from point and nonpoint sources.
- PRESTO combines three concepts: Watershed Delineation, Effluent Aggregation, and Pollutant Runoff.

Watershed
Delineation



Effluent
Aggregation



Pollutant
Runoff



Why was PRESTO developed?

NR 217

Subchapter III

*Water Quality Based Effluent
Limitations for Phosphorus*

- PRESTO was developed to help our permitted industrial and municipal dischargers determine one condition of adaptive management (AM) eligibility.
- AM provides interim steps for facilities to reach compliance with phosphorus water quality standards.



PRESTO Version 1.0 Summary Table

Example:

Facility Name	Receiving Water	Watershed Area	Nonpoint Load	2007-2009 Avg. Upstream Point Source Load	2007-2009 Avg. Point Source Load	Total Load	PS:NPS Ratio	PS Range (80% CI)
			MOST LIKELY				MOST LIKELY	
		(mi ²)	(lbs)	(lbs)	(lbs)	(lbs)	(%)	(%)
Manitowoc Basin								
HOLY FAMILY CONVENT WWTP	Silver Lake	18.1	5544	0	65	5609	1 : 99	1 - 2
LEMBERGER LANDFILL SUPERFUND SITE	Branch River	79.7	50353	1489	0	51842	3 : 97	1 - 6
LAKESIDE FOODS INC MANITOWOC PLANT	Manitowoc River	526.3	160688	8310	1	168999	5 : 95	3 - 9
ROCKLAND SD1 WWTP	Mud Creek	51.7	16718	807	79	17604	5 : 95	3 - 10
CLARKS MILLS SANITARY DISTRICT	Manitowoc River	417.8	96954	7632	58	104644	7 : 93	4 - 14
REEDSVILLE WWTP	Mud Creek	26.6	9667	0	807	10474	8 : 92	4 - 14
CHILTON WWTP	S. Branch Manitowoc River	74.6	8423	793	701	9917	15 : 85	8 - 26
BRILLION IRON WORKS	Spring Creek	6.5	1015	0	408	1423	29 : 71	17 - 44
BRILLION WWTP	Unnamed	6.7	1547	0	690	2237	31 : 69	18 - 47
VALDERS WWTP	Unnamed	4.4	1642	0	813	2455	33 : 67	20 - 50
HILBERT WWTP	Unnamed	3.4	473	0	258	731	35 : 65	21 - 52
MORRISON SANITARY DISTRICT NO 1	Unnamed	0.8	630	0	741	1371	54 : 46	37 - 70
POTTER WWTP	Unnamed	1.8	88	0	107	195	55 : 45	38 - 71
KOHLER COMPANY GENERATOR	Unnamed	0.9	283	0	481	764	63 : 37	46 - 77

- PRESTO results for each statewide permitted industrial and municipal outfall (606 with sufficient info) are summarized by major basin in a summary table.
- Results are included in the PRESTO v1.0 Documentation, Validation & Analysis Report, Dec 2011 and are available on the WDNR website.



PRESTO Availability and Support



DNRWaterQualityModeling@wisconsin.gov



Public URL (<http://dnr.wi.gov/org/water/wm/ww/presto/>)

- Model Overview
- Download Tool, Documentation, & Summary Table
- Contact info



PRESTO!

OPERATOR CERTIFICATION

NR 114 Proposed Code Revisions

Jack Saltes Coordinating

WHY CHANGE ??

- ★ Educational delivery methods, especially on-line
- ★ Succession to new generation of operators
- ★ New wastewater technologies
- ★ More operator choices towards advanced certification
- ★ Sustainability by WIDNR (Administering and Maintaining)
- ★ Less exams
- ★ Apprenticeship program developed
- ★ New UW – Stevens Point training center

MOST SIGNIFICANT PROPOSED CHANGES

- Subclass Regrouping/Revisions
- Advanced Certification Point System
- Basic and Advanced WWTPs
- Basic and Advanced Operators
- Revenue Neutral

Timelines

Finalize draft rule &
Economic Impact Analysis

Spring 2012

NRB - Request to go to Public Hearing

Summer 2012

Public Hearings

Fall/Winter 2012

Respond To Public Comments

Winter 2012

NRB – Seek Approval of Rule

Spring 2013

Gov/Legislature Approval of Rule

Fall 2013?

Adoption of Rule

2014?