WDNR Update
Government Affairs - 2014

Brian Weigel
Water Evaluation Section Chief
EPA Regulations

Proposed revisions to WQ standards, 40 CFR 131
http://water.epa.gov/lawsregs/lawsguidance/wqs_index.cfm
Public comment period ended 02 January 2014

 Clarify 6 areas:
(1) Administrator's determinations (guidance vs mandate)
(2) Designated uses for water bodies (HAU, UAAs)
(3) Triennial reviews of WQS (consider 304a list)
(4) Antidegradation provisions to protect water quality
(5) Variances to WQS (interim limits, duration)
(6) Compliance schedule (only if in state’s rule)
Triennial Standards Review 2015 – 2017

• Initiated November 2013
• Public and internal list generated
• Synthesize list and put out for ranking
• Public hearing (early April?)

• E-coli, ammonia, refine designated uses, antidegradation, mixing zones…
Three intertwined rule packages:

- **Designated Uses & Water Quality Criteria**
  - NR 102, 104, 105

- **Waterbody Assessments & Biological Criteria**
  - NR 102

- **Site-Specific Criteria for Phosphorus**
  - NR 119
Designated Use Refinement

- All waters have Designated Uses
  - Fish & Aquatic Life (Cold, Warm, etc), Recreation, Public Health, Wildlife

- Goals of the rule change:
  - Refine Use categories
    (need Cool, Large River, Non-fish waters)
  - WI has 1000’s of waters—most ‘default’;
    As we acquire data, need to update Uses
  - Update criteria associated with those Uses
  - Protocols for Use changes and variances
Most of WI’s water quality criteria are for chemical/physical metrics
- Toxics, phosphorus, pH, dissolved oxygen

Also need to assess Fish & Aquatic Life → biological metrics
- Fish, bugs, plants, algae, etc.
- Sophisticated scientific tools exist
- Currently only in guidance; need codification
- Combined with Phosphorus for assessment
Site Specific Criteria for Phosphorus

• Use SSC in rare cases where statewide criteria is overly-restrictive or under-protective

• SSC must protect Designated Uses, including those downstream

<table>
<thead>
<tr>
<th>Biological Endpoints</th>
<th>TP Criterion</th>
<th>Biological Endpoints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poor/Fair</td>
<td>Exceeded</td>
<td>Good/Excellent</td>
</tr>
<tr>
<td>Not eligible for an SSC</td>
<td>Less stringent SSC</td>
<td></td>
</tr>
<tr>
<td>More stringent SSC</td>
<td>Usually not eligible for an SSC</td>
<td></td>
</tr>
</tbody>
</table>
Comment Period, 04 February – 06 March

Complete list has 856 waterbodies, 192 additions in 2014

More info:
  - Background, updates, search tools
Nutrient Reduction Strategy
Version 1, submitted to EPA November 2013
Jim Baumann

http://dnr.wi.gov/topic/surfacewater/nutrientstrategy.html

Gulf Hypoxia Action Plan 2008
Nancy Stoner, EPA, memo 2011
Great Lakes WQ Agreement 2012

Living document, annual updates
Nitrogen Science Summit
March 28 – UW Madison

- Kickoff meeting
- Recommendation from Nutrient Reduction Strategy
- Aimed at reducing nitrogen from agricultural lands
- ~6 Roundtable discussions throughout 2014
- Will identify research needs
Lake Michigan Effluent Limits

- Tetra Tech completed technical review for EPA
- EPA and DNR need to determine whether a viable tool exists
- Late-Spring
TMDL Development

Kevin Kirsch

• WI has several TMDLs currently under development.

• TMDLs are addressing phosphorus, TSS, and in one case bacteria.

• TMDL development a combination of 3rd party, DNR led, or EPA funded.
Milwaukee River Basin TMDL

• 3rd Party TMDL initiated by MMSD, and funded by MMSD and federal grant dollars.

• Impaired waters in the Milwaukee, Menomonee, Kinnickinnic watersheds, and Milwaukee estuary.

• Addressing phosphorus, TSS, and bacteria.

• TMDL completed in 2014 with implementation plan.
**Upper Fox – Wolf TMDL**


- Addressing phosphorus and TSS.

- Includes Lake Winnebago and the other “pool” lakes in the system. USGS performing the lake modeling.

- Stakeholder meetings slated to begin in May or June.
Lake Mallalieu

- TMDL development led by DNR.
- Addresses phosphorus and TSS.
- Being repackaged to address other water bodies in the Lake Mallalieu watershed.
Variance to Water Quality Standards

Mercury
- 1997 Ohio EPA (widespread adverse socio-economic impact)
- New report drafted by EPA Region 5 and Battelle

Chloride Reminders
- SRMs should be stepwise permit-to-permit
- Should see effluent quality improvement (concentration or mass)
- Consider re-use of brines for deicing roads
Variances to Water Quality Standards

• **Copper**
  - Mostly effects Northern and Western district *(soft water)*
  - DNR - EPA to collect data and use a new modeling approach which may help facilities with compliance

• **Arsenic**
  - Lake Michigan is above the criteria
  - Facilities with intakes on L Michigan will likely need a variance
  - Working w/EPA to get first industrial arsenic variance
Variance to Water Quality Standards

- **Website Updates**
  - [dnr.wi.gov/topic/wastewater/variances.html](https://dnr.wi.gov/topic/wastewater/variances.html)
  - Pages for guidance – periodic updates
  - Final decisions on variances posted online
    - 30 days to challenge a final variance decision

Lynn Singletary: [lynn.singletary@wisconsin.gov](mailto:lynn.singletary@wisconsin.gov)
Streamlining changes in the new NR 211:
Bob Liska

• Removes sampling requirements of wastewater for pollutants not expected to be in the discharge by industries to sanitary sewers

• Removes pretreatment sampling and reporting requirements for industries not discharging >100 gpd of wastewater to the sanitary sewer

• Reduction of pretreatment sampling and reporting to once per year for discharging < .01 % of the capacity of the municipal treatment plant.
Implementation Guidance

Kari Fleming, Amanda Minks, Mike Hammers, Kevin Kirsch

Completed 2013

• Adaptive Mgmt Handbook
• Guidance for Implementing Trading in Permits
• TMDL Implementation Website
• Trading & A.M. Websites
• TMDL-Wastewater Guidance, Version 3.0

In Progress

• TMDL-Stormwater Guidance
• TMDL-CAFO Guidance
• Version 2.0 of the A.M. Handbook
• Trading & A.M. handbook for nonpoint stakeholders
• Watershed Permitting
• TMDL Implementation Plan Development