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# Municipal Environmental Group Wastewater Division

## Regulatory Update

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All The News That Fits

June 2008

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### MEMBER NEWS

• **STEERING COMMITTEE MEETING.** The May Steering Committee Meeting was held on May 14, 2008, and was very well attended. Beyond the Steering Committee members, representatives from several other communities were in attendance. We welcomed new Steering Committee member John Krug and thanked outgoing member Mike Kelly for his years of service on the Steering Committee. The next Steering Committee meeting will be held on September 10, 2008 in Stevens Point. All members are welcome and encouraged to attend.

• **STORMWATER CONFERENCE.** On July 24 and 25, 2008 MEG and other organizations are sponsoring a conference on stormwater policy for policy makers and technical staff. The conference will be held in the Manitowoc Holiday Inn. Among other things, the conference will look at ways of impacting and responding to stormwater regulations in Wisconsin. For more information contact Paul Kent or the site of one of the sponsors at [www.1kfriends.org](http://www.1kfriends.org).

### LEGISLATIVE DEVELOPMENTS

• **SSO COMMUNITY RIGHT-TO-KNOW ACT.** At the federal level, the House Transportation and Infrastructure Committee approved a bill on May 15 to enact the Sewage Overflow Community Right-to-Know Act (H.R. 2452). The bill would amend the Clean Water Act to provide a uniform national standard for public notification of combined sanitary sewer overflows. It would require owners and operators of

publicly owned water treatment works to notify federal and state agencies, public health officials, and the public about sewer overflows on a timely basis. While we are not generally following federal developments, this proposal is noted because it could become a factor in the development of new SSO rules in Wisconsin.

### REGULATORY DEVELOPMENTS

• **TMDL FOR THE ROCK RIVER.** The Department is currently working with the EPA to develop a draft of the TMDL document. Under the original timeline, the draft was due out at the end of March, but that schedule has been pushed back to allow the Department time to work through certain issues with the EPA and its consultants. Conflicts over the draft document appear to be significant and we do not expect it to be released until late summer or early fall.

• **PHOSPHORUS WATER QUALITY STANDARDS.** Phosphorus was discussed at length at the Steering Committee meeting in May. As we have mentioned in previous updates, the DNR's advisory committee on phosphorus water quality standards met in February, March, and April to discuss ambient water quality standards and implementations issues. It is expected that this rule will be developed on an expedited basis.

The proposed water quality standards (ambient standards not effluent limits) would be as follows:

- Large streams 105 ug/l
- Small streams 75 ug/l
- Non-stratified lakes and impoundments 40 ug/l
- Stratified lakes and impoundments 15-30 ug/l
- Great Lakes 5-7 ug/l

It is our understanding that for discharges to streams that do not meet the ambient standards and for discharges to effluent dominated streams, effluent limitations will be set at the ambient standard. However, even for other discharges effluent limits are likely to be much more stringent than the current 1.0mg/l standard in NR 217.

The DNR has postponed the next advisory committee meeting in order to further explore implementation options, giving us an opportunity to supply the department with information on implementation issues and alternatives. To this end, we are currently working with Strand Associates and Madison Metropolitan Sewerage District to compile data on current phosphorus removal practices and achievable phosphorus levels. We have emailed a spreadsheet to our MEG membership with data requests.

The data requests ask for information on plant design flow, current flow, biological treatment method, P removal method (chemical, biological or both), average annual effluent P concentration, range of effluent P concentrations, capital costs for achieving compliance with NR 217, annual operating costs associated with P removal, sludge production and management, effluent filtration, effluent pumping and residential wastewater user charges.

We have had a fairly good response to date but we need as many communities to respond as possible. **It is very important that we have actual current data and cost information in order to advocate for reasonable standards. If your community has not yet responded please respond to us as soon as possible. If you did not receive the email please let us know and we will make sure you get the spreadsheet.**

• **MERCURY MONITORING.** As previously noted, as a result of our meetings with the DNR, they have agreed to allow flexibility in the sampling and PMP implementation timetable for permittees that have permits currently pending. If you have received a letter from the DNR on mercury sampling and have questions please feel free to contact us.

• **ARSENIC AND OTHER WATER QUALITY STANDARDS.** Nothing new has happened regarding NR 105. We are still waiting to receive the DNR's response to comments. The Department informed us that they hope to take the rules to the Natural Resources Board for approval at the June 24-25 meeting. We have been told we will see a response to comments before that time. As always, we will update you on this matter as it progresses.

• **THERMAL STANDARDS.** We are still waiting for the DNR to respond to comments on the draft thermal standards rules and schedule the rules for approval by the Natural Resources Board (NRB). The DNR had hoped to have its response to comments completed by the end of May or the beginning of June. We will let you know when we have more information on this issue.

• **NON-POINT ADVISORY COMMITTEE – NR 151.** The DNR is revising its urban and agricultural non-point standards in NR 151. We are waiting for a revised rule for review.

• **CONTAMINATED SEDIMENT ADVISORY COMMITTEE.** The contaminated sediment advisory committee is evaluating options for the treatment of stormwater pond sediment. We are urging the Department develop a practical approach that does not require unnecessary testing and landfill costs. We are waiting for a revised rule for review.

• **GREEN TIER CHARTER MOVES FORWARD.** The Mercury Green Tier Group had its first meeting on May 6 in Sun Prairie. At the meeting, Randy Case of the DNR went through the preliminary steps for completing a mercury pollutant minimization plan and arranged a schedule for members to complete the required inventories by the end of July. Charter members discussed their current mercury reduction practices and shared suggestions of future reduction activities. The next group meeting is scheduled for September 9, 2008 in Plover, WI. There will also be a make-up meeting on June 17, 2008 in Marshfield for the communities that were unable to attend the May 6 meeting.

• **AMMONIA MASS LIMITS.** In early March, we were made aware of an attempt by the DNR to impose mass limits on ammonia to dischargers in the Fox River. Because this approach could have statewide implications for ammonia and other limits, we consulted with the Steering Committee and filed a set of comments opposing this proposal on March 21. We focused on the fact that the ammonia limits were only recently promulgated and that there was no need to expand the coverage of the rules by this tactic. We have not heard back on a response from DNR.

• **OTHER PENDING RULES** There is nothing new to report on SSO, bacteria standards, or biosolids.

*For more information on any of these topics, please call Paul Kent or Abigail Potts at Anderson & Kent at (608)246-8500 or e-mail:*

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