


Municipal Environmental Group Wastewater Division

Regulatory Update

All The News That Fits

April 2010

**Phosphorus Water Quality Standards to Public Hearing This Month
Watch for Hearing, Customer, and Media Packets As a Special Update Issue by April 12th**

MEMBER NEWS

- **STEERING COMMITTEE MEETING.** The next Steering Committee meeting is scheduled to be held on TUESDAY, May 18, 2010, in Stevens Point, at the Holiday Inn. Please note the change in date.
- **Election Time.** MEG Steering Committee elections are coming up. Please watch your mail and email for nominations and ballots.
- **Annual Dues.** It is also that time of year for your MEG dues. You should be receiving your statements soon if you haven't already.

LEGISLATIVE ACTIVITY

- **LAND SPREADING BILL.** SB 632 was introduced on March 18, 2010, as a means for promulgating rules to "limit pollution of groundwater caused by" land spreading, including sewage sludge. The rules are meant to apply to five specific counties with carbonate bedrock; however, *any other county can opt for them to apply*. A public hearing on this bill was held in the Senate committee on the environment on March 23, 2010, which we attended. The public hearing was well attended, with the majority of

interests speaking in favor of the bill. A number of implementation questions were raised by the committee. We will be watching this rule closely to minimize impacts to our members.

- **GROUNDWATER BILL.** SB 620 was introduced on March 15, 2010, and substantially redefines how high capacity wells are regulated. MEG Water is tracking this bill.
- **MERCURY BILL.** AB 299 was introduced as a means of limiting the sale and use of mercury-containing products. It was tabled in September 2009, and no further action has been taken at this time. MEG supports this bill.
- **MUNICIPAL UTILITY COLLECTION RESTRICTION BILL.** AB 404 would eliminate the ability of municipal utilities to place unpaid utility fees from rental units on the property tax bill of the owner of the property. No action has been taken on the bill since January. MEG opposes this bill.

REGULATORY DEVELOPMENTS

- **PHOSPHORUS WATER QUALITY STANDARDS.**

The NR Board authorized public hearings for the draft rule

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which will be held at 1:00 p.m at the following dates and locations:

April 15 - Rhinelander

Quality Inn
668 W. Kemp Street

April 20 – Green Bay

Green Bay City Hall
Council Chambers, Room 203
100 N. Jefferson Street

April 21 - Oconomowoc

Olympia Resort & Conference Center
Crown Room
1350 Royale Mile Road

April 27 - Eau Claire

Ramada Inn, Lower Ballroom
205 S. Barstow Street

The DNR is hoping to digest comments and have a final rule back in front of the Natural Resources (NR) Board for their June meeting, at the same time as the final draft of the NR 151 rules on non-point.

We need to have good turnout at these hearings with a coordinated message and will be asking some of our members and customers to testify. We are currently working on coordinated talking points with other stakeholders. **Please remember that delaying or stopping this rule will be counterproductive because it will result in even worse standards from EPA. Our approach attempts to maximize our flexibility in meeting the limits and push for non-point compliance and funding.**

ARSENIC TMDL. We have just learned about a TMDL that EPA is drafting for the Mississippi River basin. Focused on two stretches of the River in Iowa, the draft TMDL includes a list of 3,700 upstream point sources from 5 states, including Wisconsin. Over 50 MEG-member communities may be affected by the rule. **Of major concern is that the waste load allocation in the draft has been set at 0**, which is especially disturbing considering that the majority of the arsenic comes from natural sources. We plan to submit comments, which are due to the EPA by June 2, 2010.

• **TMDLS FOR THE FOX AND ROCK RIVERS.** DNR still expects hearings on draft TMDLs for these two basins to occur later this spring. A technical team meeting on the Lower Fox TMDL is being held on May 5, and DNR expects to release the TMDL document for public comment later in May, with a public informational hearing to follow. There was also a meeting held on March 10 for input on how to implement the Rock River TMDL. We will need to

evaluate and comment on those plans, and will keep you up to date as we learn more.

• **TRADING ISSUES.** We are continuing to work with the DNR and environmental groups on a trading protocol that will hopefully provide some flexibility for the impending regulations.

• **NR 151 NONPOINT.** Another thanks to all of the MEG members who participated in the public hearings on the NR 151 rules regulating nonpoint pollution. This is a critical companion piece to the phosphorus rules. DNR is hoping to have a final rule together to take to the NR Board meeting in June.

• **"HOUSEKEEPING RULE."** MEG submitted comments on February 5, 2010, to the so-called "housekeeping rule" that imposed additional requirements for certain collection and treatment systems. We requested that some of the changes be removed so they can receive additional review. The rule was adopted unanimously at the March 16th Natural Resource Board meeting, **with the sections we commented on either removed entirely or revised.**

• **THERMAL STANDARDS.** The DNR's revised rule language was submitted to the Legislature on February 5, 2010. Neither the Senate nor the Assembly took formal action, meaning that the rule package will become effective on the first day of the month following publication, which is anticipated to be July 1, 2010. We hope to have some guidance information for you by the next Steering Committee meeting.

• **SSO RULE COMING SOON.** We have been told that DNR has found funding to staff the SSO committee and that it will be reconvening later this year. The process will include discussion of diversions and blending, CMOM requirement upgrades, and a variety of other sewer collection system issues.

• **ANTI-DEGRADATION RULE COMING SOON.** DNR will be looking at revising the provisions in NR 207 that sets forth the requirements for anti-degradation that will apply to any new or increased discharge. There are likely to be several significant issues for both wastewater and stormwater discharges.

• **OTHER PENDING RULES.** There is nothing new to report on bacteria standards or biosolids at this time.

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

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