



Municipal Environmental Group Wastewater Division

Regulatory Update

All The News That Fits

February 2009

MEMBER NEWS

• **STEERING COMMITTEE MEETING.** The Steering Committee Meeting was held on Wednesday, January 28, 2009, in Stevens Point. The meeting was very well attended. The next Steering Committee Meeting will be held May 6 in Stevens Point in the Wisconsin Room.

• **MARK YOUR CALENDARS!** The annual Government Affairs Seminar has been set for February 19, 2009. The keynote speaker will be Fred Andes, coordinator for the Federal Water Quality Coalition, who has served on the Federal Advisory Committee on the Total Maximum Daily Load Program. Other topics include phosphorus, climate change, viruses and the flooding of 2008. It promises to be an informative and interesting day, and a great way to earn those CEU credits!

• **MERCURY GREEN TIER: CHARTER MEMBERSHIP WINDOW IS OPENING TO A SECOND GROUP.** The Mercury Green Tier Charter is looking to start up a second group. The membership window is through the end of March. The primary goal is to help municipalities meet the mercury standard in a flexible and efficient manner. The major benefits of joining the program are the DNR's one-on-one guidance with implementation of the Pollutant Minimization Plan (PMP) and the collaborative efforts of working on the PMP with your peers. If you have more questions, ask one of our MEG members who is already a participant: Paul Christensen of Fort Atkinson at 920-563-

7766 or pchristensen@fortatkinsonwi.net; Rich Boden of Plover at 715-345-5259 or RBoden@ploverwi.gov; or Tim Reel of Whitewater at 262-473-5920 or treel@ci.whitewater.wi.us. If you have any other questions or are ready to sign onto the Charter, contact Julie Baldwin at our office.

• **YOU'RE INVITED.** WisWARN is up and running, with over 15 communities already signed up for participation in the program. The purpose of WisWARN is to provide a network where water and wastewater organizations can locate emergency assistance in the form of personnel, equipment and other necessary resources. To learn more about this important program, visit the website, at www.WisWARN.org. Membership is FREE, and necessary documents for joining are all available from the website.

LEGISLATIVE ACTIVITY

• **ASSEMBLY BILL 3 - BAN ON USE AND SALE OF PHOSPHORUS-CONTAINING FERTILIZER.** This bill proposes a ban on the use/sale of phosphorus-containing fertilizer, not including manipulated animal or vegetable manure or finished sewage sludge product, for lawns, golf courses and publicly owned land. A hearing was held on January 28 in the Assembly. MEG will be supporting this bill as a step in addressing the phosphorus issue.

REGULATORY DEVELOPMENTS

• **THERMAL STANDARDS – EXISTING POTWS AFFECTED!** As mentioned in the January Informational Bulletin, the new draft rule has eliminated the POTW exemption and variance. We are working with the Department to develop rule language that will reduce impacts to POTWs. The new rule will not go before the Natural Resources Board until at least March, but we need to better understand how these changes will affect our members. If you have thermal effluent data for your plant, please contact us.

• **PHOSPHORUS WATER QUALITY STANDARDS AND TRADING ISSUES.** The next phosphorus advisory committee meeting has not yet been scheduled. We continue to press ahead on several fronts to ensure that we have a workable rule:

- We continue to meet with various environmental groups and other POTWs representatives.
- We continue to meet with representatives of the League of Municipalities and Alliance of Cities and industry groups to keep them apprised and involved.
- We have developed an alternative regulatory approach which we hope to share with the DNR within the next few weeks.

• **WATER QUALITY STANDARDS.** The Department is trying to determine which water quality standards and guidance are the highest priorities for revisions or development as part of its Triennial Standards Review Cycle for 2008 - 2011. The draft priority list and topic descriptions are currently available for your perusal at: <http://dnr.wi.gov/org/water/wm/wqs/tsr/08011tsrcyclematerials.htm> A final version is expected shortly.

• **TMDL FOR THE ROCK RIVER.** The Department is currently waiting on additional data gathering and/or review prior to penning the TMDL draft document. We have heard that the EPA has provided additional funding and the consultant is currently gathering data in preparation for the proposed TMDL for public hearing in late spring and approval in late summer. We met with the Rock River TMDL group in late January, and plan another meeting prior to the public hearings to strategize our reaction.

• **TMDL FOR THE FOX RIVER.** Technical meetings are continuing as the Fox TMDL process moves forward. MEG is working with Green Bay MET to monitor the developments of the TMDL. Formal public hearings are expected later in 2009, even though there is a long way to go to establish limits, allocation, and implementation methodology.

• **NONPOINT AND STORMWATER.** The DNR is revising the urban and agricultural non-point standards in NR 151. Both the League and Alliance have made stormwater a

priority item and are looking for modifications in NR 151 that would provide for greater flexibility in meeting the developed area performance standards. Paul is working with the League, the Alliance and the DNR to provide greater flexibility in meeting the developed area performance standards. This rule should be ready to go to the Natural Resources Board early this spring for adoption.

• **CONTAMINATED SEDIMENT ADVISORY COMMITTEE.** As mentioned in the January Informational Bulletin, hearings for draft rule NR ch. 528 have been set for February 11 at 11:00 a.m. at the Marathon County Library, 300 N. First Street in Wausau, WI, and February 12, 2009, at 11:00 a.m. at the State Office Building, 101 S. Webster Street in Madison, WI. MEG will be attending the Madison meeting. In addition to the opportunity for written and oral comments at the public hearings, written comments are being accepted through February 20, 2009 to:

Mr. Jack Connelly
Bureau of Waste and Materials Management
P.O. Box 7921
Madison, WI 53707

The draft rule will apply to all stormwater management structures, except temporary sediment practices and highly contaminated sediments regulated by other provisions, and will provide options to landfilling materials if it is low risk. Specific provisions of the rule were highlighted in October's Regulatory Update.

• **GREEN TIER.** The Green Tier Charter members met on January 27, 2009, in Plover, WI. Discussion at the meeting focused on best management practices (BMPs) in preparation for the BMP progress reports for group members, which are due February 15, 2009. Ralph Erickson from Madison MET also gave a presentation on how Madison MET handled outreach to the dental community.

Green Tier Advantage 2009 is being planned, as a joint venture between DNR and UW-Milwaukee. The event is scheduled for March 3-4, 2009, at UW-Milwaukee, with Bob Willard slated as keynote speaker. To learn more about Mr. Willard's work, go to the following website: <http://www.sustainabilityadvantage.com/>.

• **OTHER PENDING RULES.** There is nothing new to report on SSO, bacteria standards, or biosolids. We will let you know as soon as there are updates on these issues.

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:

*Paul at pkent@andersonkent.com or
Julie at jbaldwin@andersonkent.com.*

To update your contact information, please contact Marjorie Irving at Anderson & Kent at (608)246-8500 or email mirving@andersonkent.com