


Municipal Environmental Group Wastewater Division

Regulatory Update

All The News That Fits

March 2010

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. All members are always welcome at the Steering Committee meetings and encouraged to attend. Attendees will receive 2 CEU credits and a free lunch, plus the opportunity to discuss current matters of interest to the wastewater community.

- **Election Time.** The national elections are months away but MEG Steering Committee elections are coming up the end of this month. Please watch your mail and e-mail for nominations and ballots.

- **Annual Dues.** It is also that time of year for your MEG dues. Statements will be going out this month.

- **DIGGER'S HOTLINE INFORMATION.** A series of Utility Damage Prevention meetings are being held around the state from now until April 7, where the revised version of the "Excavator's Guide to Diggers Hotline" will be distributed. You should have received an invitation to the meetings in the mail, but information is also available at <http://www.diggershotline.com/Meeting10.html>.

- **MERCURY GREEN TIER: CHARTER MEMBERSHIP WINDOW IS OPEN FOR A THIRD GROUP.** The Mercury Green Tier Charter is looking to start up their third group.

This will be your last opportunity to work on your mercury reduction plan through this innovative program. The membership window is open **through the end of March**. The primary goal of the charter is to help municipalities meet the mercury standard in a flexible and efficient manner. If you have any questions or are ready to sign onto the Charter, contact Julie Baldwin at our office.

LEGISLATIVE ACTIVITY

- **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.

APPOINTMENT OF DNR SECRETARY. Assembly Bill (AB) 138 was introduced last year to return the responsibility of the appointment of the Secretary of the DNR to the Natural Resources Board. After passing the Assembly and the Senate, Governor Doyle vetoed the

measure on November 13, 2009. The Assembly held a follow up vote on February 23, 2010, but the Bill did not receive the two-thirds majority vote necessary to override the Governor's veto.

REGULATORY DEVELOPMENTS

• **PHOSPHORUS WATER QUALITY STANDARDS.**

60-Day Notice. The Midwest Environmental Advocates (MEA) 60-day notice of its intent to sue the EPA expired on January 22, 2010. At this time, no lawsuit has been filed and no formal order has been issued by the EPA. We will continue to monitor this issue.

State Standards. The phosphorus water quality standards rule package is moving forward at the DNR with lightning speed. The Natural Resources Board meeting for March has been moved up to March 16, 2010 to expedite this process. Hearings are expected in April and May with adoption scheduled for June or August. We will be developing a coordinated hearing and media strategy for this package to ensure that the rule includes options for extended compliance schedules, watershed approaches and trading. We are also looking for ways to encourage controls by the agricultural committee. Remember, our goal is not to stop the rule, because if we were successful, even more stringent standards would be imposed by EPA. Information will be sent to MEG members as soon as we have confirmation on the rule and schedule following the NRB meeting.

Cost Estimates. Part of our strategy will be to publicize the updated cost estimates from Strand that confirm that statewide the costs of compliance with the proposed rule including site-specific costs could range from \$1.3 to \$4.3 billion.

• **TMDLS FOR THE FOX AND ROCK RIVERS.** At the Government Affairs Conference, the DNR reported that they expect hearings on draft TMDLs for these two basins to occur later this spring. No specific information is yet available. We will need to evaluate and comment on those plans.

• **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.

• **NONPOINT AND STORMWATER.** Thank you to all of the MEG members who have participated in the public hearings on the NR 151 rules regulation nonpoint pollution. You have definitively made the municipal perspective

known. Good job. The public hearings are winding down. The remaining public hearing is March 8 in Ashland, starting at 2 p.m. Written comments on the proposed rule are due March 12, 2010. We will be sending written comments that will track our talking points.

• **THERMAL STANDARDS.** The DNR's revised rule language went before the Natural Resources Board at their January meeting and was approved unanimously. It included the changes we requested to reduce the burden of gathering thermal information. We did appear at the meeting to express MEG's dissatisfaction with having to undertake any monitoring when the EPA has admitted there is no documented problem with thermal impacts from POTWs.

• **"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 more expensive of these changes be removed so they can receive additional review. We have been told the rule was modified to address public comments, but we have not yet seen a copy of the final rule. The rule is on the agenda for adoption at the March 16th Natural Resource Board meeting. We will monitor this and attend the meeting if necessary.

• **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. As you may recall, when we last left the rule process several major items were under discussion including: diversions and blending, CMOM requirement upgrades, and a variety of other sewer collection system issues. We will keep you posted as this moves forward.

• **ANTI-DEGRADATION RULE COMING SOON.** In addition, we have been told that the DNR will be looking at revising the provisions in NR 207 that set forth the requirements for anti-degradation that applies 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. 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:

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