



Municipal Environmental Group Wastewater Division

Regulatory Update

All The News That Fits

October 2008

MEMBER NEWS

• **STEERING COMMITTEE MEETING.** The September 2008 Steering Committee Meeting was held on Wednesday, September 10, 2008, in Stevens Point. The meeting was well attended, with all Steering Committee members present, as well as several other MEG community members. The next Steering Committee Meeting will be held on January 28, 2009, in Stevens Point.

• **2009 PRESCRIPTION DRUG GRANT APPLICATION.** The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) has opened the application process for 2009 prescription drug grants. Counties and municipalities interested in state financial assistance for unwanted drug collections may go to DATCP's website at <http://cleansweep.wi.gov/> and download all application materials. **Completed applications must be returned electronically on or before Friday, October 24, 2008.** \$100,000 has been reserved for 2009 prescription drug grants. The maximum grant for individual governmental units has been set at \$4,500 and \$13,000 for multiple units in a single application. All traditional method applicants are required to use a shared witness burn program for controlled substance disposal. Should questions arise during the application process, applicants are encouraged to contact Roger Springman, Clean Sweep Program Manager, at 608-224-4545.

• **WISWARN.** There was a public hearing on October 1,

2008, to address the Legislative Council Special Committee on Emergency Management and Continuity of Government regarding a state run public works emergency program, as opposed to user-operated WisWARN. We will keep you posted.

REGULATORY DEVELOPMENTS

• **WATER QUALITY STANDARDS.** The Department is trying to determine which water quality standards and guidance are the highest priorities for revisions or development. Hopefully, all of you had a chance to provide feedback on state surface water quality standards and guidance that are proposed for revision or development during 2008 to 2011. The window to comment on the DNR's draft priority list closed on August 22, 2008. The final priority list and a synopsis of public comments should be available in November, 2008 on the website listed below. The draft priority list and topic descriptions are currently available at: <http://dnr.wi.gov/org/water/wm/wqs/tsr/08011tsrcyclematerials.htm>

• **TMDL FOR THE ROCK RIVER.** The Department is currently waiting on additional data gathering and/or review prior to penning the TMDL draft document.

• **PHOSPHORUS WATER QUALITY STANDARDS.** Prior to the advisory committee meeting on the phosphorus water quality standards rule, we submitted information on implementation options, which included a probable cost

estimate for the proposed standards for wastewater treatment plants in Wisconsin, prepared by Strand Associates. The implementation options focus on a phased variance procedure, with Phase 1 being plant optimization, with no major capital expenditures occurring until non-point sources are addressed. Both the implementation options and the Strand report are posted on the MEG website. Also posted on the website are two sets of comments submitted by Midwest Environmental Advocates, one prior to our implementation plan, and one in response to it.

The advisory committee met on the phosphorus water quality standards rule on Monday, September 8, 2008. On the agenda were WQBELs, extended compliance schedules, variance procedures and pollutant trading. A large portion of the meeting was spent discussing extended compliance schedules, which could allow time for system upgrades, finding funding, and addressing non-point sources. There was no consensus on how extended compliance schedules or variances would work. Pollutant trading was talked about briefly, with a focus on how to make it economically viable. The EPA will discuss in some detail where other states in Region 5 are at in working through the phosphorus issue at the next advisory committee meeting, which will be held on October 16, 2008.

In the meantime, we continue to engage in a two pronged process. We are meeting with the environmental groups to try to find common ground. We also continue to meet with other municipal and industrial groups to expand our political base and coordinate strategy.

- **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).

- **NON-POINT ADVISORY COMMITTEE – NR 151.** The DNR is revising its urban and agricultural non-point standards in NR 151. There are no new developments since the last report.

- **CONTAMINATED SEDIMENT ADVISORY COMMITTEE.** A final draft of a new contaminated sediment rule has been sent to the advisory committee for comments. The plan is to obtain hearing authorization from the Natural Resources Board at their December meeting. 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 include:

- Testing and ceiling requirements – The rule does not require testing if it can be certified that the drainage area to the basin is less than 15% commercial, multi-

family, institution and industrial and has no other history of contamination. Otherwise testing is required. If testing results show contaminate levels above certain ceiling levels or if a person does not want to test, then the material must be placed in a licensed landfill facility.

- **Land Management Options** – The rule allows for onsite disposal. If the 15% criteria is met, it can be disposed without sampling; if not, it can be disposed onsite only if sampled and is below the ceiling level. Off-site disposal is allowed within the same basin and controlled by same entity as long as sediment is sampled and is below the ceiling level. Defined off-site options, including confined fill, transportation projects and reclamation of non-metallic mine sites, are allowed if sediment is sampled and is below the ceiling level.
- **Landspreading** – The rule allows landspreading if sediment is sampled and is below the ceiling level and meets other criteria for landspreading addressing nutrient management, pathogens and other criteria.

If you would like a copy of the proposed rule, let us know and we will provide you with one.

- **GREEN TIER CHARTER MOVES FORWARD.** The Mercury Green Tier Group met on September 9, 2008, in Plover, WI. At the meeting, Randy Case of the DNR discussed the mercury pollutant minimization plan inventories submitted by the signatories, and presentations were made on mercury outreach activities and the thermometer exchange program. The next group meeting will be held on January 27, 2009, in Plover, WI. Progress reports on BMPs are due February 15, 2009.

- **AMMONIA MASS LIMITS.** We filed comments on behalf of MEG objecting to ammonia mass limits for Fox River dischargers in March. We have not received a formal response, but the Department may be considering revising some of the ammonia concentration limits for dischargers on the Fox River.

- **WET GUIDANCE REVISIONS.** The *WDNR Whole Effluent Toxicity (WET) Program Guidance Document* was revised as of July 2008. The latest revisions to the WET Guidance Document are available at: <http://dnr.wi.gov/org/water/wm/ww/biomon/>

- **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 Julie Baldwin at Anderson & Kent at (608)246-8500 or e-mail:

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