



Municipal Environmental Group Wastewater Division

Regulatory Update

All The News That Fits

December 2008

MEMBER NEWS

• **STEERING COMMITTEE MEETING.** The next Steering Committee Meeting will be held on **January 28, 2009**, in Stevens Point. Please note that the date is later than usual. Members will receive a meeting notice and agenda with the January Information bulletin. Because of the later meeting time, expect the Information Bulletin mid-January. All members are welcome and encouraged to attend. Attendees receive 2 CEU credits and a free lunch, plus the opportunity to discuss current matters of interest to the wastewater community.

• **MARK YOUR CALENDARS!** The annual Government Affairs Seminar has been set for February 19, 2009. The keynote speaker will be Mr. Fred Andes, a lawyer who is the coordinator for the Federal Water Quality Coalition, and served on the Federal Advisory Committee on the Total Maximum Daily Load Program. Mr. Andes will be speaking on a national perspective for current issues relating to wastewater treatment facilities. A diverse line up of speakers throughout the day will address issues such as 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!

• **CHECK OUT THE MEG WEBSITE!** Start by going to <http://www.andersonkent.com>. Then, click on the Resources for MEG Members tab. User name is "MEG Members" and the password is "ENV". If you are not

receiving the announcement that the newsletter is ready for viewing on line via e-mail and you wish to, please contact Marjorie so she can add you to the mailing list. Her e-mail address is: mirving@andersonkent.com.

LEGISLATIVE ACTIVITY

The recent election promises lots of changes for the upcoming legislative session. The Budget will be the main agenda item for the spring 2009 session. However, with the Democrats in charge of both the House and the Assembly, the environmental agenda will likely be more aggressive this session. In the Assembly, Spencer Black, a long time Madison representative and former Sierra Club staffer, will chair the Natural Resources Committee. In the Senate, Mark Miller from Madison will chair the Senate Environment Committee. In addition, the joint committee for review of administrative rules will now be controlled by one party. The result is that this committee will be able to exercise substantial control over state agency rules. You can see current assignments at:

<http://www.thewheelerreport.com/xgr09/legislativeleadership.htm>

REGULATORY DEVELOPMENTS

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

- In conjunction with Madison MET, and the Paper Council, we continue to meet with two environmental groups to determine whether there is any area of common ground. The last session had a productive discussion on possible alternatives to a 0.1 mg/l effluent. In addition we agreed upon a joint letter to the DNR. That letter focused on trading concepts, watershed based permit options, and use of CWF program funds to assist municipalities in trading options.
- We have a follow up meeting with these groups and key DNR representatives on December 19.
- We continue to meet with representatives of the League of Municipalities and Alliance of Cities and industry groups to keep them apprised and involved.
- **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 final priority list and a synopsis of public comments were projected to be completed and available on the website listed below in November; however, at the time of this writing, the documents have not been posted. 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>
- **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 reason to believe that the EPA has agreed to provide additional funding which will enable its consultant to finalize its work in 2009 with a proposed TMDL for review later in the year. We are in the process of obtaining more information on this issue.
- **TMDL FOR THE FOX RIVER.** Technical meetings are continuing as the Fox TMDL process moves forward. We are working with Green Bay Met to monitor the development 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.
- **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.
- **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 met with DNR representatives on behalf of the League and Alliance on November 19 to discuss options and it was a very productive meeting. A follow up session is scheduled for December 16.

- **CONTAMINATED SEDIMENT ADVISORY COMMITTEE.** A final draft of a new contaminated sediment rule has been sent to the advisory committee for comments. The agenda for the December meeting of the Natural Resources Board includes authorization of public hearings for draft rule NR ch. 528. Once the hearings are authorized, we will let you know when they are scheduled. 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 Update.

- **GREEN TIER.** The Green Tier Advisory Committee met on September 8, 2008. Green Tier Advantage 2009 is being planned, as a joint venture between DNR and UW-Milwaukee. The event is being planned for early March 2009, with Bob Willard slated as keynote speaker. To learn more about Mr. Willard's work, go to the following website: <http://www.sustainabilityadvantage.com/>. The final Green Tier Advisory Committee meeting for 2008 will be held on December 5. On the meeting agenda is engagement of the US EPA in the Green Tier Process, as well as further planning for Green Tier Advantage 2009.

The next Green Tier Charter meeting will be held on January 27, 2009, in Plover, WI. Discussion at the meeting will focus on how to capture best management practices (BMPs) as you prepare your BMP progress reports, which are due February 15, 2009.

- **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.*

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