



Municipal Environmental Group Wastewater Division

Regulatory Update

All The News That Fits

November 2008

MEMBER NEWS

• **STEERING COMMITTEE MEETING.** The next Steering Committee Meeting will be held on January 28, 2009, in Stevens Point. Members will receive a meeting notice and agenda with the January Informational bulletin. 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.

• **CONGRATULATIONS ARE IN ORDER...**

Congratulations to the City of LaCrosse and the City of Medford! LaCrosse's Isle la Plume wastewater treatment plant was awarded the top EPA award for excellence in operations and management in the large-facility category, while Medford won the medium-facility category. As a part of EPA Region 5, these cities were competing with other Wisconsin treatment plants, as well as plants from Iowa, Illinois, Minnesota and Michigan.

In addition, congratulations to all our members for keeping up with the flood waters this spring! It appears only five treatment districts in Wisconsin are being cited for violating their permits, and NONE of them are MEG members. While close to seventy plants were forced to bypass their systems due to the extra flows, the DNR is only citing those that had issues with poor maintenance or broken equipment. Read the story at: <http://www.madison.com/wsj/home/local/309899>.

• **WISWARN.** The Board of Directors of the League of Wisconsin Municipalities voted to support the WisWARN system. The League is also urging their members to join WisWARN, a great endorsement to have. 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.

• **CHECK OUT THE MEG WEBSITE!** There have been lots of changes on the MEG website in the last two months! If you haven't been there lately, check it out by going to <http://www.andersonkent.com>. Then, click on Resources for MEG Members, user name is "MEG Members" and the password is "ENV". Lots of useful information on phosphorous, WisWARN, even this newsletter is there! 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 that she can help you achieve that possibility. Her e-mail address is: mirving@andersonkent.com.

REGULATORY DEVELOPMENTS

• **PHOSPHORUS WATER QUALITY STANDARDS AND TRADING ISSUES.** The phosphorus advisory committee was scheduled to meet on October 16, 2008. However, that meeting was postponed so the DNR could gather

information and formulate an approach for further discussions. We should hear about the rescheduling in the coming weeks. The DNR has indicated that it is in the process of developing issue papers on the following:

- When are costs considered to be excessive
- Use of a phased approach under a compliance schedule
- Addressing situations when implementation of a very low effluent limit will result in little downstream change for the foreseeable future
- Energy use and other miscellaneous factors
- Addressing limited aquatic life waters

Based on this list, it appears that our initial comments have at least received some attention from DNR staff.

In the meantime, we have continued to press ahead on several fronts to ensure that we have a workable rule:

- We met with representatives of the League of Municipalities and Alliance of Cities and industry groups to keep them apprised and involved.
- In conjunction with Madison MET, and the Paper Council, we have met with two environmental groups to determine whether there is any area of common ground. This based in part on the national NACWA and NRDC model and in part based on the fact that local environmental groups have increasing sway over DNR policy. As part of our meeting with the environmental groups, we are proposing a joint letter to the DNR on trading along with a proposal on revised trading legislation.
- We have undertaken an additional review of trading as a potential tool. Several communities have expressed interest in the need to look at this option as a necessary tool and we are looking at a possible workshop in early 2009. While some of the 40+ issues we had from the 1999 Rock River Trading policy discussions seem to have been worked out in the intervening years, several major concerns remain. Background credits, enforcement and trading ratios remain key issues. Nevertheless, we think additional effort is warranted to see whether trading can be an effective alternative tool.

- **WATER QUALITY STANDARDS.** The Department is trying to determine which water quality standards and guidance are the highest priorities for revisions or development. The final priority list and a synopsis of public comments are projected to be completed and available sometime this month 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.

- **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. While there are no new developments to report from the committee, 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. One interesting area of cross over between stormwater and wastewater is the opportunity for trading on phosphorus between these permittees.

- **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 were highlighted in last month's update.

- **GREEN TIER CHARTER MOVES FORWARD.** The next group meeting will be held on January 27, 2009, in Plover, WI. Progress reports on BMPs 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:

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