

MEMO

TO: District Commissioners
FR: District Director
RE: WPDES Permit
DT: 6/23/15

Gentlemen;

I received an e-mail in May from Jim Schmidt, DNR Effluent Limit Calculator, with an electronic copy of his recommended limits for the Districts Renewal Permit. I set up meeting with District Staff and representatives of the DNR and Fox Energy for June 23, to discuss issues relative to the Districts permit renewal. The existing Permit expires on September 30, 2015.

At this meeting, Dick Sachs, the Permit writer reviewed the elements of the District Permit and how Water Quality Based Effluent Limits (WQBEL) and Total Maximum Daily Limits (TMDL) were derived.

The recommendations for the next Permit call for changes which add limits based upon the Lower Fox River TMDL. This will involve the effluent Total Suspended Solids (TSS), and Phosphorus (P). The TSS limits would become 636 lbs/day monthly average, 942 lbs/day weekly average. The P limits would become 10.5 lbs/day as a six-month average, 31.5 lbs/day monthly average. Both will be problematic for the District.

The DNR recommendation calls for the old Permit limit levels to remain in effect for one Permit term, with Status Evaluation Report requirements due every 6-months. These reports shall document progress made by the District toward either Adaptive Management, Effluent Trading, Effluent Variance, or construction of treatment equipment to enable compliance with the TMDL effluent requirements.

The Permit writer indicated that there is a significant backlog in issuing expired Permits. Perhaps a year or more, unless he receives additional staff to assist in the Permit process. Also, New Water, Green Bay has challenged their Permit in court, which may hold up the issuance of all Permits in the lower Fox River Basin.

I propose that the District send a formal request to the DNR that the Districts Permit be held in abeyance until the TMDL's for the upriver Fox and Wolf Rivers has been completed. The findings of this evaluation may affect the WQBEL and final TMDL numbers for the lower Fox River dischargers.

The District and Fox Energy share the Waste Load Allocation for cBOD in our present Permits. This will stay the same in the new Permits. However, each entity will have its own limit for TSS and P in new Permits.

The Fox Energy plant is potentially going to expand their power generation plant. If they move ahead, they will require additional cooling water from the District. If they take additional water, it would reduce the volume of effluent TSS and P the District would be discharging. They have asked that their Permit and the Districts be considered/developed together so that the reduced effluent pounds of TSS and P from the reduced volume discharge of the District can be utilized to improve the Fox Energy Permit limit restrictions. More to come on this later.