

MEMO

TO: District Commission
FR: District Director
RE: WPDES Permit Status

Gentlemen,

I raised three objections to parts of the Districts "Draft" WPDES Permit which the Wisconsin Department of Natural Resources (WDNR) had drafted and forwarded to HOV.

The first issue was relative to the addition of a new weekly limit requirement for fecal coliform. My objection centered around conflicting language contained elsewhere in the draft which stated that "The limit for fecal coliforms shall be expressed as a monthly geometric mean". And that the proposed language for weekly limits had not been codified in State Statutes. At the September 19th public hearing on the draft Permit I was informed that the Statute had since been codified effective September 1, 2016, and that the conflicting language in the draft permit would be changed in the final permit language.

The second issue raised was the four (4) year compliance schedule established in the draft permit for meeting the Water Quality Based Effluent Limits (WQBEL) for total phosphorus. I have argued for a longer term compliance schedule due to the complexity and costs associated with meeting the phosphorus requirements. The WDNR has agreed that HOV should be allowed additional time to study alternatives and will modify the Permit timeline to allow HOV seven (7) years to come into compliance with the total phosphorus limit. As a condition to this change, the WDNR will be lowering the HOV interim phosphorus limit from 1.0 mg/l to 0.6 mg/l. This should not create any problems for HOV as our effluent phosphorus numbers over the past eight years has average approximately 0.3 to 0.4 mg/l.

The third issue raised was the new immediate Permit compliance (January 1, 2017) for the WQBEL for total suspended solids. I argued that an immediate compliance requirement was unreasonable. The WDNR has agreed to allow HOV up to one year (December 31, 2017) to reach compliance, provided HOV submit a draft Water Quality Trading (WQT) plan by September 30, 2016, and obtain final approval of the plan by the end of the year. The Fox Wolf Watershed Alliance, Outagamie County Land Conservation Office, and Heart of the Valley worked diligently between the September 19th public hearing date and September 30th, to draft a Water Quality Trading plan. The plan was submitted in time to meet the deadline. This will allow HOV, Fox Wolf Watershed Alliance, and Outagamie County Land Conservation time to finalize an approved plan and to have the retention basin constructed and operational before the end of 2017, in time for it to provide the total suspended solids effluent quality trading credits HOV will need to meet the permit requirements going forward.