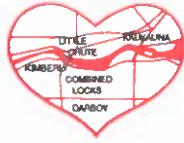


DISTRICT DIRECTOR:

Brian M. Helminger

SERVING:

Combined Locks
Kaukauna
Kimberly
Little Chute
Darboy S.D.

**COMMISSIONERS:**

Bruce M. Siebers, President
John W. Sundelius, Vice-President
Patrick E. Hennessey, Secretary
Kevin P. Coffey, Commissioner
Tim Degroot, Commissioner

Heart of the Valley**METROPOLITAN SEWERAGE DISTRICT**

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(920) 766-5731 FAX (920) 766-5733
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Wisconsin Department of Natural Resources
3911 Fish Hatchery Road
Fitchberg, WI 53711

July 14, 2026

Dear Mr. Ryan:

The Heart of the Valley Metropolitan Sewerage District (District or HOVMSD) respectfully submits this formal objection its successor permit NPDES Permit WI-0031232-10-0 issued on 12/19/25 for a 5-year term ending 12/3/2030. The District submitted lengthy written comments in its letter to Jennifer Jerich dated November 18, 2025. Department of Natural Resources (DNR or department) and HOVMSD met online prior to the permit reissuance to discuss changes and HOVMSD objections listed in its November 18th letter to DNR. None of the District's concerns or objections were accepted and the permit was imposed upon the District despite its written objections and verbal request to delay permit reissuance.

The District's primary concern is the unilateral modification to its TMDL based WLA expression and the resulting reduction in allowable weekly and monthly effluent mass limits.

Consider the District's position as follows:

1. Unilateral Permit Revision Based on Department Error

The Department acknowledges the TSS (Total Suspended Solids) limits in place since 2012 with the passage of the Lower Fox River TMDL was based on an "incorrect calculation method". This was an error that is not attributable to the District whom has investigated and followed its compliance schedule in good faith during its last permit term and underwent a major facility upgrade to install tertiary level treatment necessary to meet its TMDL obligation. The District relied on the Department's WLA expression during planning, design, and financing of this major capital improvement project that commits the District to 20 years of bond repayments. We would remind the DNR that HOVMSD submitted the mandatory facility plan that the DNR

approved and endorsed to ensure TMDL compliance. The tertiary filters were designed, bid, and installed and continuously filtering effluent since April of 2024. HOVMSD placed its tertiary filter into service a full 21 months ahead of its compliance schedule stating we achieve compliance on 1/1/2026. Complying with the TMDL in effect required HOVMSD to become a tertiary level treatment facility much the same as the Clean Water Act effectively mandated secondary biological treatment in 1972. Retroactively correcting a Department error by imposing even more restrictive limits within the very next permit term following an upgrade is procedurally unfair and erodes regulatory certainty.

2. Lack of Transparency and Inconsistent TMDL application Across the Lower Fox Basin

In conversations with other permit holders, the District is unaware of even one reissued permit holder of having their TMDL limits recalculated or mass limits cut like HOVMSD. HOVMSD has even requested the DNR identify any other Lower Fox permit holders without any response. Absent any documentation showing otherwise, the District can only assume it is subject to disparate treatment.

3. DNR provided no Environmental Basis for Revising the TMDL Allocation

The District is unaware of any formal TMDL amendment process that has taken place and understands that its WLA (mass in lbs.) was approved with the overall Lower Fox TMDL in 2012. The DNR has essentially circumvented a formal TMDL amendment process, which would be based on current river water quality indicators and current dischargers (2012 permit holders have ceased operations), in favor of a permit-by-permit allocation recalculation. The District does not accept a unilateral reinterpretation of its mass allocation outside an established regulatory framework.

4. Existing TMDL is Outdated and Unsustainable

Fourteen years have elapsed since the Lower Fox TMDL was approved and inevitably circumstances have changed since 2012. The District is located in one the fastest growing metro areas in the State of Wisconsin. HOVMSD has and continues to see rapid growth and development. HOVMSD member communities have added 2763 new connections since 2012. This results in HOVMSD now serving an additional nearly 7200 residents using 2.6 ppl/connection. The population of an entire town has been added since 2012. The new HOVMSD permit not only didn't maintain our existing TSS mass limits but rather they were cut by 18% weekly and nearly 13% on a monthly TSS mass average. The TMDL in its current form is unsustainable and unreasonable for rapid growth sewer service areas like HOVMSD.

5. Inequitable Permit Compliant and Department Over regulation

The District has been grouped with other Lower Fox River dischargers with respect to past permit limits such as ammonia. HOVMSD appears to have been impacted by its NPDES permit requirements and TMDL obligations more harshly than its Lower Fox counterparts. It's rather obvious that HOVMSD is the only municipal Lower Fox discharger that has been required to transition to a tertiary level facility. The District is unaware of any other tertiary facility, operating or under construction, on the Lower Fox other than NEW Water's De Pere facility. The District is unaware of any other industrial discharger that has installed tertiary filtration as part of its permit required TMDL compliance. The only conclusion that the District can make is that HOVMSD received an inequitable and excessively stringent allocation back in 2012 or that the Department has not timely or equally enforced effluent compliance with the TMDL in the Lower Fox region.

6. Inconsistent Sampling and Reporting Requirements

HOVMSD objected to the increase from 5x a week to Daily monitoring requirements as part of the public comment period. The District's rationale was included in its written comments. We were informed that guidance dating to 2021 titled "Guidance Frequencies for Individual Wastewater Permits" is now the standard for use in reissuing discharge permits. HOVMSD has since reviewed permits of other Lower Fox dischargers only to see that monitoring frequencies remained at 5x a week in other recently reissued permits. This fact applies to one discharger with a higher daily average flow and one with a slightly lower daily discharge than HOVMSD. We are at crossroads in determining how this could be? This is unfair and appears to be inconsistent application of the 2021 guidance.

For these reasons the HOVMSD requests the following:

- Return the TSS mass limit pounds that were approved for HOVMSD in the original and approved 2012 TMDL
- Review monitoring requirements in the Lower Fox and if found inconsistent – return HOVMSD to sampling and reporting 5X per week as requested. Recalculate HOVMSD's TSS/phosphorus allocation with the correct CV value to reflect our sampling frequency
- Provide a list of all Lower Fox dischargers whose WLA expressions were recalculated since TMDL approval in 2012
- Consider allocating the TMDL mass from NEW Page – Kimberly in the approved TMDL as that facility property is BOTH within the District service area AND the District is currently serving the redevelopment of that property

The District remains committed to meeting its permit and TMDL obligations on behalf of its member communities and the individual rate payers. HOVMSD cannot accept permit modifications that are procedurally irregular, inconsistently applied, or based on Department

error. The District will comply with its obligations and expects the Department to regulate in an equitable manner with consistent treatment among similarly situated dischargers within its watershed.

Sincerely,

A handwritten signature in blue ink that reads "Bruce M. Siebers". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Bruce M. Siebers

President, Heart of the Valley Metropolitan Sewerage District

cc: Heidi Schmitt Marquez, DNR Basin Supervisor

Adrian Stocks, DNR Bureau Director

William Cole, Axley Brynnelson