

October 5, 2018

VIA EMAIL

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Marcia Willhite
Wisconsin Department of Natural Resources
GEF2 DNR Central Office
P.O. Box 7921
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RE: Municipal Environmental Group – Wastewater Division
Comments on Triennial Standards Review

Dear Ms. Willhite:

We are submitting these comments to the Wisconsin Department of Natural Resources (DNR) on behalf of the Municipal Environmental Group–Wastewater Division (MEG) with respect to the Draft Final Triennial Standards Review Report. MEG is an organization of almost 100 municipalities statewide who own and operate wastewater treatment plants.

We appreciate DNR's work in compiling a list of priorities for work over the next few years. We are providing these comments to suggest additional areas DNR should prioritize.

1. Chloride Variances.

For many municipalities, restrictive chloride limits are not achievable without significant and undue economic hardship. However, the process for obtaining a chloride variance has become very difficult for many of these municipalities. Interim limits are often difficult to achieve, and source reduction measures are becoming more burdensome, particularly on municipalities with limited resources. Furthermore, in many cases, compliance with achievable interim limits and source reduction measures may even be more environmentally sound than requiring installation of new treatment technologies. MEG requests that DNR add to its list of priorities consideration of the chloride variance process and, in particular, feasible, achievable source reduction measures.

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2. Phosphorus.

MEG understands that as part of the Triennial Standards Review, DNR will be evaluating the continued need for the multi-discharger variance. This option remains vital for municipalities, as treatment technologies have not become more economically feasible and, in fact, have in many cases become more expensive. MEG also requests that as part of its phosphorus prioritization, DNR evaluate how overly restrictive concentration-based phosphorus limits may be removed from permits when less restrictive TMDL based limits are developed given potential concerns with antibacksliding regulations.

3. Trading.

DNR is not specifically prioritizing a review of trading as part of the Triennial Standards Review. Municipalities facing restrictive phosphorus limits already have limited compliance options, one of which is trading. DNR's current trading guidance further limits trading options by imposing unreasonably restrictive trading requirements. DNR should prioritize a rewriting of this guidance to provide more options for trading as a practical compliance alternative.

Best Regards,

Stafford Rosenbaum LLP



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VDW/PGK:mai