

Multi-Discharger Phosphorus Variance

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12/9/2015



Phosphorus Standards

- Promulgated in 2010
- Provided some flexibility
 - Extended compliance schedules
 - Trading
 - Adaptive Management
- Additional flexibility needed

Multi-discharger Variance (MDV)

- Act 378 – April 2014
- DOA Determination
 - Substantial and widespread adverse impact
 - Sycamore / Arcadis / UMass
 - Categories: municipalities (2); industry (Paper, Power, Cheese, Food, NCCW, Aquaculture, Other)
 - Primary and Secondary Indicators

Multi-Discharger Variance (MDV)

- Thirty-day comment period
- Informational hearing (May 12 – Wausau)
- Submit to EPA
 - Variance = change to water quality standard
 - 45 Day comment period
- Findings
 - \$6.0 billion
 - 3,361 jobs

Multi- Discharger Variance (MDV)

- What is required?
 - Major facility upgrade
 - Agree to
 - Interim limits: 0.8 mg/L; 0.6 mg/L; 0.5 mg/L;WQBEL
 - Watershed project
 - Self directed
 - Third party
 - County payment option
 - Target value (TMDL or 0.2 mg/L)

MDV Implementation Strategy



Guiding Principles

Federal

- Clean Water Act (40 CFR 131.14)
- 9-Key Element Plan

State

- Wisconsin Statute (283.16)
- Phosphorus Implementation Regulations (NR 217)
- Nonpoint Performance Standards (NR 151)

Other

- Final EIA
- TRM grant program

General Application Questions

1. Certify that they are an existing source

- See new discharge definition in NR 217.11(3)

2. Certify a major facility upgrade needed

- New equipment and new process, which includes the installation of filtration or equivalent technology

Potentially Eligible Point Source Categories

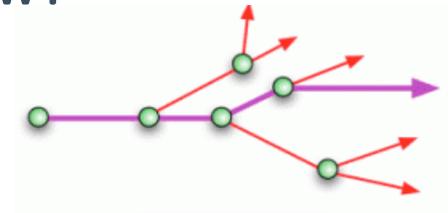
- Municipal WWTFs and Lagoons
- Aquaculture
- Cheese
- Food processors
- Paper
- NCCW, NCCW/COW
- Other Industrial Dischargers

General Application Questions (cont.)

3. Which limits is the variance needed for
 - TMDL-derived monthly limits or s. 217.13 limits
 - May be needed for certain months only or for full year

4. Description of influent and effluent TP concentration

5. Internal waste streams
 - Can they treat a smaller portion of their flow?



Confirming Substantial and Widespread Impacts

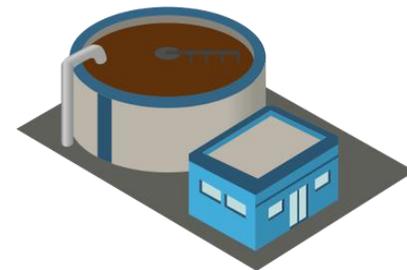
- Three categories of substantial and widespread impacts
- Must meet all 3 to qualify
- DNR staff will review and approve on a facility-by-facility basis



Statewide



Community



Facility

Confirming Substantial and Widespread Impacts

- Established in DOA's Economic Determination
- Must be in an eligible category
- Must be in an eligible county for the category (Appendix H)



Statewide

Confirming Substantial and Widespread Impacts

- Established in DOA's Economic Determination
- Must have the potential to adversely impact economically distressed/sensitive parts of the state (Appendices A-F)



Community

Confirming Substantial and Widespread Impacts

- Major facility upgrade required
- Costs must be burdensome
 - *Municipalities*- based on sewerage rates
 - *Industries*- based on cost distribution within the category and/or based on geographic area (Appendix G)



Facility

Note:

Site-specific compliance costs are required for this analyses. Municipalities also need to provide site-specific MHI calculations.

Interim Limit Determination

DNR shall determine the appropriate interim limitations at time of permit reissuance

Less Restrictive:

- Interim limits may not go above 1 mg/L (283.16(6)(am))

More Restrictive:

- Only applicable for point sources that have consistently achieved an effluent quality below interim limits

Typical interim limits:

Permit
Term 1

- 0.8 mg/L, monthly average

Permit
Term 2

- 0.6 mg/L, monthly average

Permit
Term 3

- 0.5 mg/L, monthly average

Permit
Term 4

- MDV concludes
- TP WQBEL included in WPDES permit

Separate EPA approval required

Implementation Requirements

- Comply with interim limits
- Optimize or continue to operate plant at an optimized treatment level for phosphorus
- Implement a watershed project/plan
 - County payment option
 - Self directed
 - Third party

County Payment Option

*Payment= (Previous Annual Phosphorus Loading – Target Annual Load) *\$50/lb*

- ▶ Annual payments go to participating county LWCDs in HUC 8
- ▶ At least 65% of funds must be spent on agricultural performance standards in ch. NR 151
 - ▶ Must target highest contributing areas
- ▶ Up to 35% available for staffing, monitoring, and modeling expenses
- ▶ Plan and reporting requirements vary based on funding amount

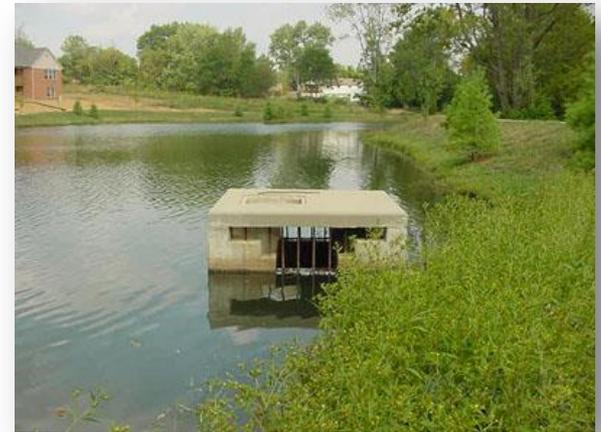
Example HUC 8 Watershed



Self Directed/Third Party Options

Annual Offset= Previous Annual Phosphorus Loading – Target Annual Load

- ▶ Any practice/project that produces a quantifiable reduction of phosphorus works
- ▶ Plan should specify how reductions will be met over permit term
- ▶ Watershed plan checklist helps ensure plans are suitable
- ▶ WPDES permit include annual reporting requirement



Annual Report Requirements

- Practice information
 - Location
 - Description including performance standards addressed
 - Photo and maps
 - Pollutant(s) reduced
- Existing BMPs inspected
- Statement of overall progress towards plan goals
- Monitoring completed
- Financial breakdown (*county payment option only*)

Reviewing the MDV

Overall Determination

- Timeline: Triennial Standard Review Process and by 2024
- Focus: Technology or economic changes that may impact economic determination

Highest Attainable Condition

- Timeline: No later than every 5 years and at time of permit reissuance
- Focus: Permit conditions
 - Interim limits
 - Optimization
 - Watershed projects



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<http://dnr.wi.gov/topic/surfaceWater/phosphorus/statewideVariance.html>