

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
PUBLIC NOTICE ON A PROPOSED REALLOCATION OF WASTELOAD

Permittee Providing Wasteload Allocations, Permit Number, and Location of Permitted Facility: AIM Development USA, LLC, Wisconsin Pollutant Discharge Elimination System (WPDES) Permit No. WI-0000698-07-0 (formerly held by NewPage Wisconsin Systems, Inc.), and 433 North Main Street, Kimberly, Wisconsin

Permittee Seeking Wasteload Allocations, Permit Number, and Location of Permitted Facility: Expera Specialty Solutions, LLC, Kaukauna Mill, WPDES Permit No. WI-0000825-08-0 (formerly held by Thilmany, LLC), and 600 Thilmany Rd, Kaukauna, Wisconsin

Receiving Water: The Lower Fox River in the Fox River-Appleton (LF04) and Plum and Kankapot Creeks (LF03) Watersheds, Outagamie County

Permit Drafter's Name, Address, Phone Number, and Email Address: Rick Reichardt, Wisconsin DNR, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921, (608) 267-7894, and rick.reichardt@wisconsin.gov

Basin Engineer's Name, Address, Phone Number, and Email Address: Mark Corbett, Wisconsin DNR, 625 E County Road Y, Suite 700, Oshkosh, WI 54901, (920) 424-4403, and mark.corbett@wisconsin.gov

Brief Description: AIM Development USA, LLC (AIM) has notified the Department that it has entered into a contractual agreement with Expera Specialty Solutions, LLC (Expera) for the reallocation of total suspended solids (TSS) and total phosphorus (TP) wasteload allocations (WLAs) from AIM's Kimberly facility to Expera's Kaukauna Mill. As specified in the Lower Fox River TMDL report, WLAs currently assigned to AIM's Kimberly facility (as listed in the TMDL report for the previous permit holder, NewPage Wisconsin Systems – Kimberly) equal 111,969 pounds of TSS per year and 5,648 pounds of TP per year.

The Lower Fox River TMDL report, "Total Maximum Daily Load and Watershed Management Plan for Total Phosphorus and Total Suspended Solids in the Lower Fox River Basin and Lower Green Bay," is available at <http://dnr.wi.gov/topic/tmdls/>.

AIM also requests that the WPDES permit for its Kimberly facility "be revoked and that such revocation only take effect at such time as the WLAs are included in the WPDES permit for Expera's Kaukauna facility."

Demonstration of Need: In response to Department guidance, Expera has demonstrated that its Kaukauna Mill is unable to meet its TSS and TP WLAs despite optimal operation and maintenance of the facility's wastewater treatment system. Expera's Kaukauna Mill currently discharges 1,495,405 pounds of TSS per year and 30,660 pounds of TP per year. WLAs for Expera's Kaukauna Mill (as listed in the TMDL report for the previous permit holder, Thilmany LLC – Kaukauna) equal 1,122,241 pounds of TSS per year and 11,976 pounds of TP per year.

See s. 4.11 of the Department's TMDL implementation guidance, which is available at <http://dnr.wi.gov/topic/wastewater/guidance.html>, for guidance on reallocation of wasteload.

Proposed Reallocation: The Department proposes to reallocate TSS and TP WLAs from AIM's Kimberly facility to Expera's Kaukauna Mill. WLAs for Expera's Kaukauna Mill would increase from 1,122,241 pounds TSS per year to 1,234,210 pounds TSS per year, and from 11,976 pounds TP per year to 17,624 pounds TP per year.

Department Decisions and Conclusions Supporting Proposed Reallocation: The Department tentatively approves Expera's demonstration of need for additional TSS and TP WLA. The Department concludes that a 25 percent decrease in the discharge of TSS and 60 percent decrease in the discharge of TP, which would be necessary for Expera's Kaukauna Mill to meet its WLAs, is not possible simply by optimizing the Mill's current wastewater treatment system.

The Department concludes that reallocation of TSS and TP wasteload from AIM's Kimberly facility to Expera's Kaukauna Mill does not alter the total wasteload allocated to point sources as specified by the Lower Fox River TMDL report. That is, the total allocation of TSS and TP wasteloads to facilities located in the mainstem sub-basin of the Lower Fox River remains unchanged at 2,378,520 pounds of TSS per year and 41,713 pounds of TP per year.

The Department believes that the reallocation of TSS and TP wasteload will not create localized exceedances of water quality standards.

The Department proposes to reallocate the entire WLA for TSS and TP from AIM's Kimberly facility to Expera's Kaukauna Mill. The Department concludes that the Kimberly facility's WLAs do not require adjustment to protect water quality standards or to conform to the requirements of the Lower Fox River TMDL when transferred to Expera's Kaukauna Mill. The Department notes that Expera's Kaukauna Mill is downstream from AIM's Kimberly facility, the Kimberly facility and Kaukauna Mill discharge the same forms of TSS and TP, delivery ratios for TSS and TP at each facility are not significantly different pursuant to the Lower Fox River TMDL, and the reallocation is from point source to point source.

The Department notes that conversion of WLAs to effluent limits in the WPDES permit for Expera's Kaukauna Mill will be subject to a separate public notice when the Kaukauna Mill's permit is modified or reissued to include the WLA-derived effluent limits.

The Department proposes to public notice its intent to terminate the WPDES for AIM's Kimberly facility at the same time that it notices the modification, termination and reissuance, or reissuance of the permit for Expera's Kaukauna Mill. The Department further proposes that the termination of the permit for AIM's Kimberly facility would become effective on the effective date of the permit modification or reissuance that contains the reallocated wasteloads for Expera's Kaukauna Mill. The proposed termination of the WPDES permit for AIM's Kimberly facility will be public noticed separately from this notice. The Department will also public notice the modification, termination and reissuance, or reissuance of the permit for Expera's Kaukauna Mill separately.

Public Notice of Comment Period: At this time the Department is public noticing its proposal to reallocate wasteload from AIM's Kimberly facility to Expera's Kaukauna Mill. A 30-day period for public comment on the Department's proposal begins upon the posting of this notice at <http://dnr.wi.gov/topic/wastewater/publicnotices.html>, the Department's website for WPDES permit public notices.

Persons wishing to comment on or object to the proposed reallocation may write to the Department of Natural Resources at the above-named permit drafter's address. The Department will consider all comments received no later than 30 days after the date that this public notice is posted along with other

information on file in making a final decision regarding the proposed reallocation. Anyone providing comments in response to this public notice will receive a notification of the Department's final decision when the proposed action is finalized.

Information on file for this proposed reallocation may be inspected and copied at either the above-named permit drafter's office or the above-named basin engineer's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call the permit drafter or basin engineer for directions to their office location, if necessary. Information on this proposed reallocation may also be obtained by calling the permit drafter at (608) 267-7894 or by writing to the Department. Reasonable costs (usually 20 cents per page) will be charged for copies of information in the file other than the public notice. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

LOCATION OF PUBLIC NOTICE: WPDES Permits Public Notice – Wisconsin DNR at <http://dnr.wi.gov/topic/wastewater/publicnotices.html>

DATE NOTICE ISSUED: February 6, 2014