Water Quality Standard Variances

Government Affairs Seminar 2017

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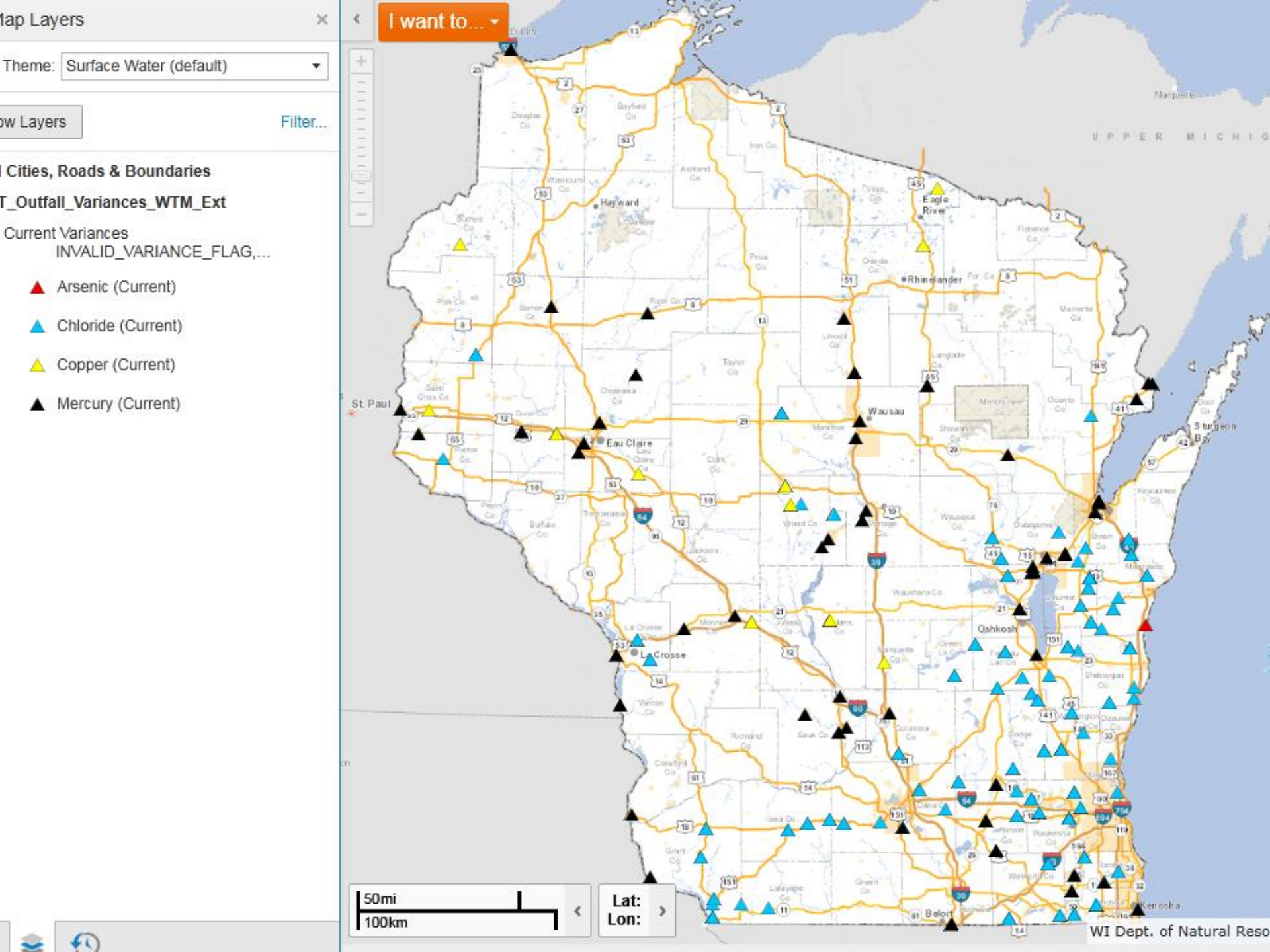
Map Layers
Theme: Surface Water (default)
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Current Variances
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Arsenic (Current)
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Hayward
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WI Dept. of Natural Reso

1) Definition and Background

2) General Process & Timeline

3) Relevant Rules → State & Federal

4) The Variance Package

5)Expectations of the facility

A WQS variance is…

- A temporary change to a designated use and criterion
- Pollutant-specific
- Based on one of six reasons listed in s. 283.15 (4) Wis. Stats.

- Applicable :
  - Statewide or multi-discharger variance (MDV)
  - **To a single facility (Discharger-specific)**
  - Or to a waterbody or waterbody segment (select group of dischargers)

Attaining the WQS is not feasible due to:

- Naturally occurring pollutant concentrations
- Natural, ephemeral, intermittent or low flow conditions
- Human caused conditions…would cause more environmental damage to correct
- Hydrologic modifications…not feasible to restore
- Physical conditions related to the natural features of the water body unrelated to water quality
- **Will cause substantial and widespread adverse social and economic impacts in the area**

s. 283.15 (4) Wis. Stats.

Water Quality Standard Variances for a specific pollutant to an individual facility based on economics

AKA economic variance or individual variance

General Process

Facility submits variance application	DNR compiles information into variance package	EPA reviews (approves/denies) the variance
With permit application or within 60 days of permit reissuance	During permit drafting process	Within 60 days of DNR submittal to EPA (post public notice)

Wisconsin State Rules

- NR 105/106 – WQ criteria and calculating limits
- NR 217 – phosphorus requirements
- NR 200 Subchapter III – Application for WQS variances
- s. 283.15 Wis. Stats.– Variances to WQS

The main points from EPA's Final Rule Revisions from 2015

45 day public notice of a hearing

Triennial review of water quality standards (next review in 2018)

Highest attainable condition (HAC)

- Must be a quantifiable expression
  - Represents what is currently achievable
  - Or an expected reduction in pollutant concentrations

40 CFR 131.14

The HAC may be expressed as…

1) The highest attainable interim criterion
2) The interim effluent condition that reflects the greatest pollutant reduction achievable

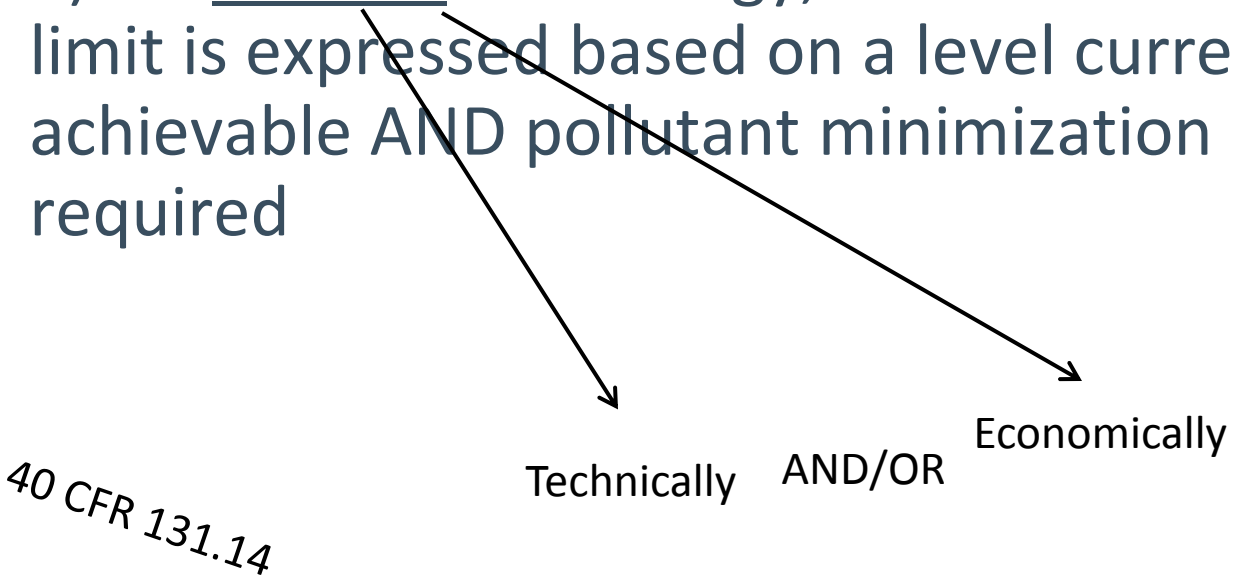
40 CFR 131.14

3) If no additional feasible technology can be identified, the interim criterion or interim effluent condition that reflects the greatest pollutant reduction with current pollutant control technologies and the implementation of a pollutant minimization plan (PMP)

What the three options really mean…

1) & 2) Some feasible technology can be implemented to reach an interim criterion or effluent limit

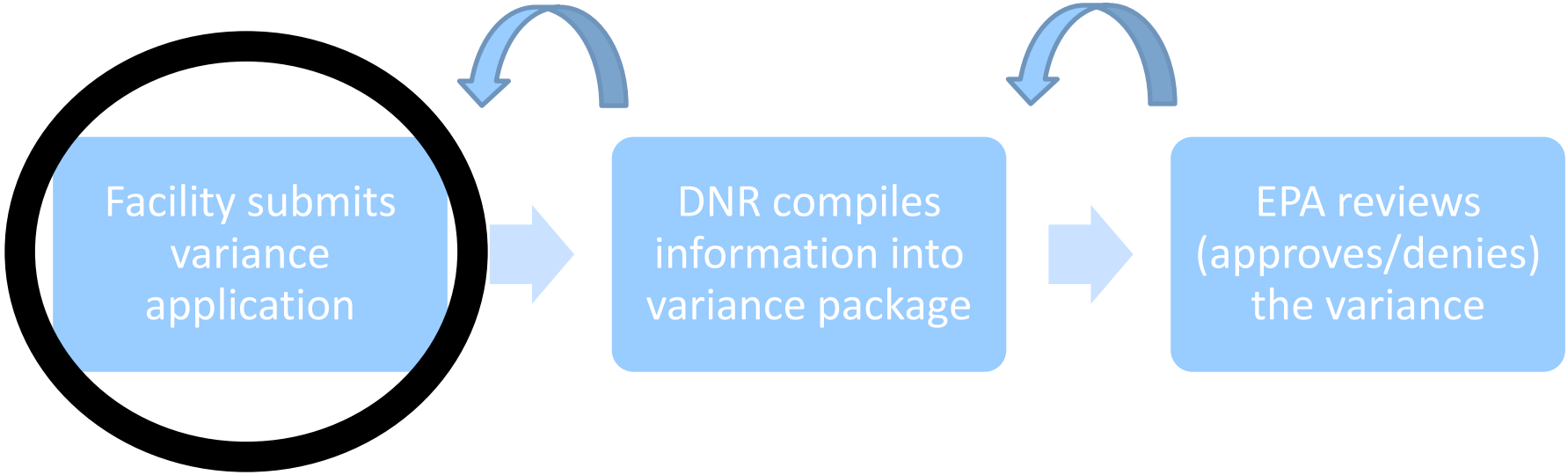
3) No feasible technology; interim criterion or effluent limit is expressed based on a level currently achievable AND pollutant minimization plan (PMP) is required



Submittals to EPA include

- Economic evaluation
- Environmental impact analysis
- Permit conditions
- Previous variance requirements (if applicable)
- Pollutant data trends
- Statement of HAC
- PMP if type 3 HAC

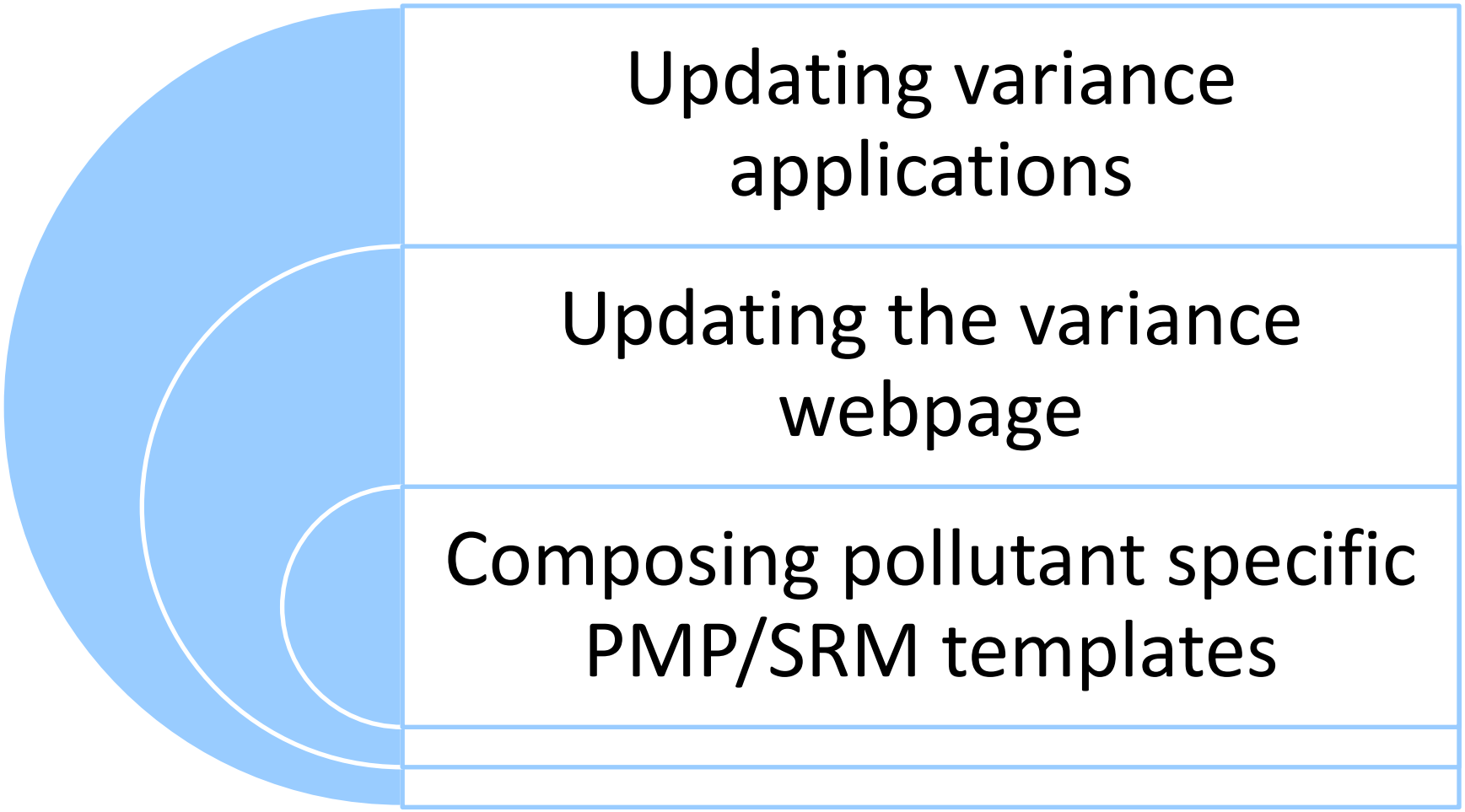
Reminder


Facility submits variance application
DNR compiles information into variance package
EPA reviews (approves/denies) the variance

What is needed from permittees…

- Complete variance application
  - Includes economic feasibility demonstration
  - PMP/SRM (HAC type 3)
    - PMP/SRM guidance – 2014
- Annual reports; data analysis and continual downward progression
- Other pollutant specific requirements
  - Lime softening evaluation-chloride

Current DNR Variance Projects



Questions? Comments? Concerns?

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