STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO REISSUE

A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0032026-08-0

Permittee: Delafield Hartland Pollution Control Commiss, 416 Butler Drive, Delafield, WI, 53018-1871

Facility Where Discharge Occurs: Delafield Hartland Pollution Control Commiss, 416 Butler Drive Delafield, WI 53018-1871

Receiving Water And Location: The Bark River in the lower Rock River Basin in Waukesha County

Brief Facility Description: Delafield-Hartland (Dela-Hart) owns and operates a 3.23 MGD extended aeration activated sludge plant, which commenced operation in May 2004. Treatment processes include bar screening and grit removal, primary clarification, extended aeration activated sludge treatment, final clarification, and sand filtration. Seasonal disinfection is done by addition of liquid sodium hypochlorite and effluent dechlorination by addition of liquid sodium bisulfite. Effluent is discharged into the Bark River at a point about four miles away from the wastewater plant. Dela-Hart has a temperature phased anaerobic digestion (TPAD) system and generates a Class A Biosolids. Dela-Hart's facility is regional and serves the City of Delafield, the Villages of Hartland, Nashotah and Summit, and the Town of Delafield.

Permit Drafter's Name, Address and Phone: Laura Dietrich, 2300 N. Martin Luther King, , Milwaukee, WI, 53212-0436, (414) 263-8651

Basin Engineer's Name, Address, and Phone: Timothy Thompson, 2300 N Dr Martin Luther King Jr Dr, , Milwaukee, WI 53212, (414) 263-8525

Date Permit Signed/Issued: **Enter Date Permit Signed/Issued**
Date of Effectiveness: January 1, 2015
Date of Expiration: December 31, 2019

Following the public notice period the Department has made a final determination to reissue the WPDES permit for the above-named permittee for this existing discharge. The permit application information from the WPDES permit file, comments received on the proposed permit and applicable Wis. Adm. Codes were used as a basis for this final determination.

The Department has the authority to issue, modify, suspend, or revoke WPDES permits and to establish effluent limitations and permit conditions under ch. 283, Stats.

Following is a summary of significant comments and any significant changes which have been made in the terms and conditions set forth in the draft permit:

<u>Comments Received from the Applicant, Individuals or Groups and Any Permit Changes as Applicable</u>
Comments received from Scott Luczak, General Manager of Delafield-Hartland WPCC on November 13, 2014

Comment #1: Should the first Annual Chloride Progress Report on the Chloride Target Value compliance schedule be due one year from issuance? Meaning December 31, 2015 not September 30, 2015.

> **<u>DNR Response #1:</u>** The due date for the Annual Chloride Progress Report was changed based on the comment received. The new due date for the progress report for the period of January 1, 2015 to December 31, 2015 has been changed to January 31, 2016. Subsequently the due dates for Progress Report #2, #3, and #4 have been changed to January 31, 2017, 2018, and 2019 respectively.

<u>Comments Received from EPA or Other Government Agencies and Any Permit Changes as Applicable</u>
Comments received from Jodie Opie, EPA Region 5 during permit review process.

EPA Comment #1: The type of collection system should be listed in the fact sheet as well as the percent combined versus separated sewer.

> **<u>DNR Response #1:</u>** The following information was added to section '2 Facility Description' of the Fact Sheet; "The service area is a 100% separate sewer collection system."

EPA Comment #2: The receiving water body impairments should be listed in the fact sheet.

> **DNR Response #2:** The following information was added to the Receiving Water description under section '1 General Information' of the Fact Sheet; "The Bark River (miles 35-41) is on the 303(d) impaired waters list for total phosphorus – low DO impairment."

EPA Comment #3: The identification of the biosolids land application sites or where the list can be viewed should be listed in the fact sheet.

> **DNR Response #3:** The following information was added to section '6.2.2 Explanation of Limits and Monitoring Requirements' of the Fact Sheet; "Land application of waste shall be done in accordance with permit conditions and applicable codes. All land application sites shall be approved prior to their use. To receive a list of approved sites, or to be notified of potential approvals, contact the basin engineer."

EPA Comment #4: It is recommended that the stormwater coverage be mentioned in the fact sheet.

> **DNR Response#4:** The following information was added to section '8 Other Comments' of the fact sheet;
> **Stormwater Coverage for Dela-Hart Communities**
> The City of Delafield and Villages of Hartland, Nashotah and Summit are covered under the General Municipal Separate Storm Sewer System (MS4) General Permit (No. WI-S050075-2) which took effect on May 1, 2014. These municipalities were originally covered under the MS4 General Permit effective January 19, 2006.
> The Town of Delafield is covered under the Upper Fox River Watershed Group MS4 Permit (No. WI-S050105-3) which took effect December 1, 2014. The Town of Delafield was originally permitted under the Upper Fox MS4 Permit effective November 11, 2004.
> Information regarding the programs and activities required under the MS4 permits can be found at; http://dnr.wi.gov/topic/stormwater/municipal/

EPA Comment #5: The 10/2/2014 WQBEL report recommends no change from the current permit for BOD effluent limitations and continues to state that the requirements of s. NR 207.04(l)(a) do not appear to be met based on Delafield's BOD effluent concentrations from March 2010 – June 2014 DMRs so no increase is recommended, yet the draft permit and fact sheet reflect an increase of BOD from 7.0 (current permit) to 7.8 (draft permit). This discrepancy needs to be rectified.

> **DNR Response #5:** An interim draft WQBEL memo dated September 15, 2014 recommended a BOD limit of 7.8 mg/L based on re-calculation of limits using updated USGS low flows. The final October 2, 2014 WQBEL memo reinstated the existing limit of 7.0 mg/L because the requirements of s. NR 207.04(l)(a) were not met. The BOD limit of 7.0 mg/L was reinstated in the Fact Sheet, but accidentally not reinstated in the draft permit. Prior to reissuance the limit will be changed back to 7.0 mg/L in the proposed permit.

As provided by s. 283.63, Stats., and ch. 203, Wis. Adm. Code, persons desiring further adjudicative review of this final determination may request a public adjudicatory hearing. A request shall be made by filing a verified petition for review with the Secretary of the Department of Natural Resources within 60 days of the date the permit was signed (see permit signature date above). Further information regarding the conduct and nature of public adjudicatory hearings may be obtained by contacting the Department of Natural Resources, Bureau of Watershed Management, WPDES Permits, Box 7921, Madison, Wisconsin 53707 and by review of ch. NR 203, Wis. Adm. Code, s. 283.63 Stats., and applicable code law.

Information on file for this permit action may be inspected and copied at either the above named permit drafter's address or the above named basin engineer's address, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Information on this permit action may also be obtained by calling the permit drafter at (414) 263-8651 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 and fact sheet. 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.