

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Ms. Tera Fong, Director, Water Division
U.S. EPA Region 5
77 West Jackson Blvd., W-15J
Chicago, IL 60604

Subject: Request for Approval of a Variance from Water Quality Standards for Arsenic
Receiving Stream: Lake Michigan in Milwaukee County
Permittee: Milwaukee Metropolitan Sewerage District - WPDES Permit No. 0036820

Dear Ms. Fong:

In accordance with s. 283.15, Wis. Stats., and 40 CFR 131, the Wisconsin Department of Natural Resources (hereafter Department) requests U.S. EPA, Region 5 to approve a water quality standards variance for the above-referenced discharge. The water quality criterion for which the permittee is seeking a variance is contained in ch. NR 105, Wis. Adm. Code.

To assist your staff during their review, relevant background information pertaining to this variance is attached to this letter. The draft permit and variance were publicly noticed on June 10, 2026, and a hearing for the variance was held on July 28, 2026. The comment period has now ended. No public comments were received relating to the proposed variance.

The Department is committed to working with the permittee during the term of this variance to find a solution that will lead toward full compliance with the applicable water quality standard. Conditions on the variance, which are included in the WPDES permit, specify actions to be taken by the permittee and timetables for those actions. If the variance is approved by EPA, the Department will include the variance limitation and related conditions in the final WPDES permit.

The Department appreciates your consideration of this request. Should you have further questions regarding this matter, please contact Amy Garbe at (608)716-9968.

Sincerely,

Signed by:

Joseph P Van Rossum

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Joe Van Rossum, Deputy Division Administrator
Division of Environmental Management

DATED: 8/20/2026 | 2:47 PM CDT

Attachment

e-cc Jacob Van Susteren-Wedesky – DNR/Milwaukee
Tim Elkins – EPA Region 5

BACKGROUND INFORMATION REGARDING WATER QUALITY STANDARDS VARIANCE

Receiving Stream and Classification: **Lake Michigan**

Criterion: **0.2 ug/L human cancer criterion, ch. NR 105, Wis. Adm. Code**

Water Quality Based Effluent Limit: **0.2 ug/L as a monthly average**

Existing Permit Limit: **No limit, monitoring only**

Permit Limit Based on Proposed Variance: **1.5 ug/L as a daily maximum**

Duration of Variance: **Five years - from the effective date of permit reissuance through the proposed permit expiration date of September 30, 2031.**

Department Rationale for Approving Variance:

Human caused conditions or sources of arsenic in Lake Michigan prevent the attainment of the standard and cannot be remedied. Arsenic loading to Lake Michigan is complex, involving over 45,000 square miles of drainage area from four states, regional impacts and even global effects. Several interrelated and continually changing systems affect the lake including streamflow, storm water runoff, precipitation, groundwater flow, point source discharges, legacy contamination, air deposition, soil mobilization, and sedimentation; these systems impact the arsenic concentrations in the water column. In considering the loading from individual point sources to the overall loading of arsenic to Lake Michigan through natural and anthropogenic sources, it is unlikely that water quality standards would be met in Lake Michigan if the arsenic loading from this facility was suspended altogether.

Conditions to be Included in WPDES Permit: **See Draft Permit being sent to EPA in Electronic Format**

Attachments:

Facility Specific Standard Variance Data Sheet

Certification from DNR Attorney – Bureau of Legal Services