

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Tony Evers, Governor
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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 Phosphorus
Receiving Stream: Bardon Creek in Douglas County
Permittee: Village of Poplar - WPDES Permit No. WI-0049760-06-0

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 217, 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 May 2, 2026, and a hearing for the variance was held on June 24, 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 Sarah Donoughe at 920-366-6076.

Sincerely,

Signed by:

Joseph P Van Rossum

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Joe Van Rossum, Deputy Division Administrator
Division of Environmental Management

DATED: 7/9/2026 | 8:28 AM CDT

Attachment

e-cc Eric de Venecia – DNR/NOR
Tim Elkins – EPA Region 5

BACKGROUND INFORMATION REGARDING WATER QUALITY STANDARDS VARIANCE

Receiving Stream and Classification: **Bardon Creek; Limited Forage Fish (LFF), non-public water supply and recreational use**

Criterion: **75 µg/L total phosphorus criterion, ch. NR 102, Wis. Adm. Code**

Water Quality Based Effluent Limit: **75 µg/L as a 6-month average**

Existing Permit Limit: **7.0 mg/L as a monthly average**

Permit Limit Based on Proposed Variance: **6.1 mg/L as a monthly average**

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:

The Poplar WWTF was not designed for chemical removal of phosphorus through chemical feed. During the current permit term, Poplar evaluated their compliance options and determined that all available options are economically infeasible. Improving the facility and optimizing phosphorus treatment during the upcoming permit term are actions that are expected to lead to reduced phosphorus levels over the course of the variance. Given the long-term effects of phosphorus pollution, an interim monthly average limit of 6.1 mg/L is included along with implementation of the Phosphorus PMP and submittal of annual progress reports.

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