

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 Phosphorus
Receiving Stream: Brush Creek in the Middle Kickapoo River Watershed in Vernon County
Permittee: Village of Ontario - WPDES Permit No. WI-0020753-11-0

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.

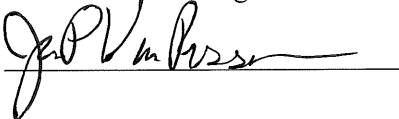
To assist your staff during their review, relevant background information pertaining to this variance is attached to this letter. The draft permit and variance were publicly noticed on November 7, 2024 and a hearing for the variance was held on January 2, 2025. The comment period has now ended. No public 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 Victoria Ziegler at 414-391-8946.

Sincerely,

Joe Van Rossum, Bureau Director
Division of Environmental Management

DATED: 

Attachment
e-cc

Katie Jo Jerzak and Geisa Thielen, DNR
Tim Elkins – EPA Region 5

BACKGROUND INFORMATION REGARDING WATER QUALITY STANDARDS VARIANCE

Receiving Stream and Classification: **Brush Creek; Warm water sport fish, non-public water supply**

Criterion: **0.075 mg/L total phosphorus criterion, ch. NR 102 Wis. Adm. Code**

Water Quality Based Effluent Limit: **0.075 mg/L as a 6 month average and 0.225 mg/L as a monthly average**

Existing Permit Limit: **8.0 mg/L**

Permit Limit Based on Proposed Variance: **7.5 mg/L from permit effective date until December 31, 2026; 2.5 mg/L effective January 1, 2027**

Duration of Variance: **Five years - from the effective date of permit reissuance through the proposed permit expiration date of March 31, 2030.**

Department Rationale for Approving Variance:

The Village of Ontario plans to implement and optimize a permanent chemical feed system at the wastewater treatment facility to achieve a variance limit of 2.5 mg/L. An additional upgrade to meet the WQBEL of 0.075 mg/L with sand filtration would force user rates to exceed 2% MHI. Given the long-term effects of phosphorus pollution, an interim monthly average limit of 7.5 mg/L is recommended until Ontario completes the facility upgrade to meet the variance interim limit of 2.5 mg/L monthly average, January 1, 2027.

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 General Counsel**