

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

PUBLIC NOTICE OF INTENT TO MODIFY A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No.WI-0065251-02-2

Permittee: Green Bay Metropolitan Sewerage District , 2231 N Quincy St, Green Bay, WI, 54302-1248

Facility Where Discharge Occurs: Green Bay Metropolitan Sewerage District, 2231 N Quincy St Green Bay WI 54302

Receiving Water And Location: Fox River (Water Body Identification Code Number 117900) in the East River Watershed (LF01) of the Lower Fox River Drainage Basin of the Lake Michigan Basin

Brief Facility Description: The Green Bay Metropolitan Sewerage District (GBMSD) owns and operates two regional wastewater treatment facilities (Green Bay Facility – GBF and De Pere Facility – DPF) that serve 15 municipal customers with a combined population of approximately 232,000, which is spread over 285 square miles. The facilities provide liquid treatment for current average flows of approximately 32 MGD (GBF) and 9 MGD (DPF). Solids produced at each facility are treated in a common solids processing facility that is located at the GBF. The solids processes recently underwent significant modifications through the Resource Recovery and Electrical Energy (R2E2) project.

Permit Drafter's Name, Address, Phone and Email: Ashley Clark, 2984 Shawano Ave, Green Bay, WI, 54313, (920) 857-0450, Ashleym.Clark@wisconsin.gov

Basin Engineer's Name, Address, Phone and Email: Laura Gerold, 2984 Shawano Avenue, Green Bay, WI 54313-6727, (920) 366-6728, laura.gerold@wisconsin.gov

Proposed Modification: The Green Bay Metropolitan Sewerage District (GBMSD) has completed a dissipative cooling (DC) study in October 2021 and was reviewed and approved by the Department in March 2023 for implementation in the modified permit. The DC study had shown the amount of DC demonstrated in the Fox River during October is significant enough to justify removing the weekly average temperature limits during October and December. Therefore, temperature limits are not recommended during the modified permit term.

Because effective limits in the permit are proposed to be removed, the applicable antibacksliding and antidegradation requirements in ch. NR 207, Wis. Adm. Code, must be met before the limits can be removed from the current permit. In addition because the effective limits are WQBELs, the limit continuation requirements as described in s. NR 205.067(5), Wis. Adm. Code, must also be satisfied. In this case GBMSD is not considered an increased discharge as defined in s. NR 207.02(6)(a), Wis. Adm. Code, because effluent temperature would not increase due to the approval of the DC study, so antidegradation does not apply. GBMSD did not add any treatment or pollutant control measures to control the thermal impact of their discharge, so the limit continuation requirement also do not apply. Therefore, only antibacksliding requirements will be evaluated.

Subchapter II of NR. 207, Wis. Adm. Code, contains the requirements for increasing or relaxing (backsliding) any effective limit in a permit. In order to make an effective limit less stringent, the "safety clause" requirements as described in s. NR 207.12(1)(a) and (b), Wis. Adm. Codes, must be met. Also, an additional set of requirements must be met depending on the type of the limit in question. For GBMSD, s. NR 207.12(1)(a), Wis. Adm. Code, is met as there is no applicable technology-based effluent limit available for temperature for municipal discharges. Section NR 207.12(1)(b), Wis. Adm. Code, is met as temperature WQBELs are no longer needed and antidegradation is not applicable as stated prior. Because the weekly average limits are WQBELs, s. NR 207.12(3), Wis. Adm. Code, is applicable. In this case, a specific exemption for antibacksliding specific to WQBELs is applicable as described in s. NR 207.12(3)(b)2, Wis. Adm. Code, where new information is available that was not available at the time of permit issuance and that would have justified the application of a less stringent effluent limitation at the time of permit issuance. This new information is the DC study demonstrating the thermal discharge from GBMSD meets thermal water quality standards when the DC present is considered. Therefore, the antibacksliding requirements of ch. NR 207, Wis. Adm. Code, are met, and the effective weekly average limits are being removed during the modified permit term.

The Department has tentatively decided that the above-specified WPDES permit should be modified.

Persons wishing to comment on or object to the proposed permit action, or to request a public hearing, may write to the Department of Natural Resources at the above-named permit drafter's address. All comments or suggestions received no later than 30 days after the publication date of this public notice will be considered along with other information on file in making a final decision regarding the permit. Anyone providing comments in response to this public notice will receive a notification of the Department's final decision when the permit is issued. Where designated as a reviewable surface water discharge permit, the U.S. Environmental Protection Agency is allowed up to 90 days to submit comments or objections regarding this permit determination. If no comments are received on the proposed permit from anyone, including U.S. EPA, the permit will be issued as proposed.

The Department may schedule a public informational hearing if requested by any person and shall schedule a public informational hearing if a petition requesting a hearing is received from 5 or more persons or if response to this notice indicates significant public interest pursuant to s. 283.49, Wis. Stats. Requests for a public informational hearing shall state the following: the name and address of the person(s) requesting the hearing; the interest in the proposed permit of the person(s) requesting the hearing; the reasons for the request; and the issues proposed to be considered at the hearing.

Information on file for this permit action, including the draft permit, fact sheet and permit application, may be inspected and copied at either the above-named permit drafter's office or the above named basin engineer's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call the permit drafter or basin engineer for directions to their office location, if necessary. Information on this permit action may also be obtained by calling the permit drafter at (920) 857-0450 or by writing to the Department. Reasonable costs (15 cents per page for copies and 7 cents per page for scanning) will be charged for information in the file other than the public notice, permit and fact sheet. Permit information is also available on the internet at: <http://dnr.wi.gov/topic/wastewater/PublicNotices.html>. 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.