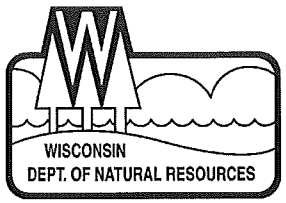
State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Northeast Region Headquarters
2984 Shawano Avenue
Green Bay, WI 54313-6727

Scott Walker, Governor
Cathy Stepp, Secretary
Jean Romback-Bartels, Regional Director
Telephone (920) 662-5100
FAX (920) 662-5159
TDD (920) 662-5413



November 19, 2015

Jeff Baker
Vice President
Baker Cheese Factory Inc.
N5279 Cty Rd G
St. Cloud, WI 53079

SUBJECT: WPDES Permit Modification No. WI-0050521-09-1
Baker Cheese Factory Inc., N5279 County Road G, St. Cloud

Dear Mr. Baker:

Your modified Wisconsin Pollutant Discharge Elimination System (WPDES) permit is enclosed. The conditions of this permit modification were determined using the permit application, information from your WPDES permit file, comments received during the public notice period, and applicable Wisconsin Administrative Codes. All discharges from this facility and actions or reports relating thereto shall be in accordance with the terms and conditions of the modified permit.

The permit was modified to add water quality trading conditions and authorize the use of water quality trading. Water quality trading is authorized by section 283.84 of the Wisconsin Statutes.

Please replace the current permit issued on December 16, 2014 with the attached modified permit.

The WPDES permit program has been approved by the Administrator of the U.S. Environmental Protection Agency pursuant to Section 402(b) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. Section 1342 (b)). The terms and conditions of the enclosed permit are accordingly subject to enforcement under ss. 283.89 and 283.91, Stats., and Section 309 of the Federal Act (33 U.S.C. Section 1319).

The Department has the authority under chs. 160 and 283, Wis. Stats., to establish effluent limitations, monitoring requirements, and other permit conditions for discharges to groundwater and surface waters of the State. The Department also has the authority to issue, reissue, modify, terminate, or revoke and reissue WPDES permits under ch. 283, Wis. Stats.

The enclosed permit contains water quality-based effluent limitations that are necessary to ensure the water quality standards for the Mullet River are met.

To challenge the reasonableness of or necessity for any term or condition of the enclosed permit, s. 283.63, Stats., and ch. NR 203, Wis. Adm. Code, require that you file a verified petition for review with the Secretary of the Department of Natural Resources within 60 days of the date the permit was issued (see "Date Permit Signed/Issued" after the signature on the front page of the enclosed permit). For permit-related decisions that are not reviewable pursuant to s. 283.63, Stats., it may be possible for permittees or other persons to obtain an administrative review pursuant to s. 227.42, Stats., and s. NR 2.05(5), Wis. Adm. Code, or a judicial review pursuant to s. 227.52, Stats. If you choose to pursue one of these options, you should know that Wisconsin Statutes and Administrative Code establish time periods within which requests to review Department decisions must be filed.

Sincerely,

Nanette E. Jameson

Nanette E. Jameson
Wastewater Specialist
Northeast Region

Dated: November 19, 2015

cc: Legal Permit File -NERHQ
Cyndi Barr - WY/3
Mark Stanek - Oshkosh
John Clancy - Godfrey & Kahn SC, One East Main Street, Ste 500, PO Box 2719, Madison, WI 53701-2719
Peter Fasbender-U.S. Fish and Wildlife Service (Electronic Copy via Email)
R5npdes@epa.gov (Electronic Copy via Email)
George Azevedo – USEPA Region 5 (Electronic Copy via Email)

WISCONSIN
DEPT. OF NATURAL RESOURCES

WPDES PERMIT

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

Baker Cheese Factory Inc.

is permitted, under the authority of Chapter 283, Wisconsin Statutes, to discharge from a facility located at
N5279 County Road G, St. Cloud
to
a wetland tributary to the Mullet River, Sheboygan River Watershed (SH03) and groundwater in the Sheboygan River Basin via land application and absorption pond seepage in Fond du Lac County

in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit.

The permittee shall not discharge after the date of expiration. If the permittee wishes to continue to discharge after this expiration date an application shall be filed for reissuance of this permit, according to Chapter NR 200, Wis. Adm. Code, at least 180 days prior to the expiration date given below.

State of Wisconsin Department of Natural Resources
For the Secretary

By Nanette E. Jameson
Nanette E. Jameson
Wastewater Specialist

November 19, 2015
Date Permit Signed/Issued for Modification

PERMIT TERM: EFFECTIVE DATE - January 01, 2015 EXPIRATION DATE - December 31, 2019
EFFECTIVE DATE OF MODIFICATION: December 01, 2015

TABLE OF CONTENTS

1 Surface Water Requirements

1.1 Sampling Point(s)

The discharge(s) shall be limited to the waste type(s) designated for the listed sampling point(s).

Sampling Point Designation	
Sampling Point Number	**Sampling Point Location, WasteType/Sample Contents and Treatment Description (as applicable)**
003	Representative samples shall be obtained at the point of discharge from the wastewater treatment plant. Samples for temperature, however, shall be obtained just prior to discharge to the stream.
601	Representative receiving water temperature samples shall be obtained just prior to the wetland complex

1.2 Monitoring Requirements and Effluent Limitations

The permittee shall comply with the following monitoring requirements and limitations.

1.2.1 Sampling Point (Outfall) 003 - TREATED PROCESS WASTEWATER

Monitoring Requirements and Effluent Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Flow Rate		MGD	Daily	Continuous	
BOD_5, Total	Daily Max	40 mg/L	3/Week	24-Hr Flow Prop Comp	
BOD_5, Total	Monthly Avg	20 mg/L	3/Week	24-Hr Flow Prop Comp	
BOD_5, Total	Daily Max	82.4 lbs/day	3/Week	Calculated	
BOD_5, Total	Monthly Avg	41.2 lbs/day	3/Week	Calculated	
Suspended Solids, Total	Daily Max	40 mg/L	3/Week	24-Hr Flow Prop Comp	
Suspended Solids, Total	Monthly Avg	20 mg/L	3/Week	24-Hr Flow Prop Comp	
Suspended Solids, Total	Daily Max	103.8 lbs/day	3/Week	Calculated	
Suspended Solids, Total	Monthly Avg	51.9 lbs/day	3/Week	Calculated	
pH Field	Daily Max	9.0 su	3/Week	Continuous	
pH Field	Daily Min	6.0 su	3/Week	Continuous	
Dissolved Oxygen	Daily Min	4.0 mg/L	3/Week	Grab	
Temperature	Daily Max	120 deg F	3/Week	Grab	Limit is effective January 1, 2015 through December 31, 2017 AND commencing January 1, 2018 for the months of January, February, March, April, June, November & December

Monitoring Requirements and Effluent Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Temperature	Daily Max	115 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of May
Temperature	Daily Max	109 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for for the month of July
Temperature	Daily Max	111 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for for the month of August
Temperature	Daily Max	118 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the months of September & October
Temperature	Weekly Avg	68 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the months of January & December
Temperature	Weekly Avg	70 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of February
Temperature	Weekly Avg	74 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of March
Temperature	Weekly Avg	75 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of April
Temperature	Weekly Avg	82 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of May
Temperature	Weekly Avg	86 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of June
Temperature	Weekly Avg	87 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of July
Temperature	Weekly Avg	89 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of August
Temperature	Weekly Avg	84 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of September

Monitoring Requirements and Effluent Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Temperature	Weekly Avg	71 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of October
Temperature	Weekly Avg	61 deg F	3/Week	Grab	Limit is effective commencing January 1, 2018 for the month of November
Nitrogen, Ammonia (NH_3-N) Total	Weekly Avg	11 mg/L	3/Week	24-Hr Flow Prop Comp	Limit is effective commencing January 1, 2015 for the months of December, January, February & March
Nitrogen, Ammonia (NH_3-N) Total	Weekly Avg	6.8 mg/L	3/Week	24-Hr Flow Prop Comp	Limit is effective commencing January 1, 2015 for the months of April & May
Nitrogen, Ammonia (NH_3-N) Total	Weekly Avg	4.4 mg/L	3/Week	24-Hr Flow Prop Comp	Limit is effective commencing January 1, 2015 for the months of June, July, August & September
Nitrogen, Ammonia (NH_3-N) Total	Weekly Avg	5.5 mg/L	3/Week	24-Hr Flow Prop Comp	Limit is effective commencing January 1, 2015 for the months of October & November
Nitrogen, Ammonia (NH_3-N) Total	Monthly Avg	4.5 mg/L	3/Week	24-Hr Flow Prop Comp	Limit is effective commencing January 1, 2015 for the months of December, January, February & March
Nitrogen, Ammonia (NH_3-N) Total	Monthly Avg	3.1 mg/L	3/Week	24-Hr Flow Prop Comp	Limit is effective commencing January 1, 2015 for the months of April & May
Nitrogen, Ammonia (NH_3-N) Total	Monthly Avg	2.2 mg/L	3/Week	24-Hr Flow Prop Comp	Limit is effective commencing January 1, 2015 for the months of June, July, August & September
Nitrogen, Ammonia (NH_3-N) Total	Monthly Avg	2.6 mg/L	3/Week	24-Hr Flow Prop Comp	Limit is effective commencing January 1, 2015 for the months of October & November

Monitoring Requirements and Effluent Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Nitrogen, Ammonia (NH_3-N) Total	Weekly Avg	22 lbs/day	3/Week	Calculated	Limit is effective commencing January 1, 2015 for the months of December, January, February & March
Nitrogen, Ammonia (NH_3-N) Total	Weekly Avg	14 lbs/day	3/Week	Calculated	Limit is effective commencing January 1, 2015 for the months of April & May
Nitrogen, Ammonia (NH_3-N) Total	Weekly Avg	9.1 lbs/day	3/Week	Calculated	Limit is effective commencing January 1, 2015 for the months of June, July, August & September
Nitrogen, Ammonia (NH_3-N) Total	Weekly Avg	12 lbs/day	3/Week	Calculated	Limit is effective commencing January 1, 2015 for the months of October & November
Nitrogen, Ammonia (NH_3-N) Total	Monthly Avg	9.5 lbs/day	3/Week	Calculated	Limit is effective commencing January 1, 2015 for the months of December, January, February & March
Nitrogen, Ammonia (NH_3-N) Total	Monthly Avg	6.5 lbs/day	3/Week	Calculated	Limit is effective commencing January 1, 2015 for the months of April & May
Nitrogen, Ammonia (NH_3-N) Total	Monthly Avg	4.6 lbs/day	3/Week	Calculated	Limit is effective commencing January 1, 2015 for the months of June, July, August & September
Nitrogen, Ammonia (NH_3-N) Total	Monthly Avg	5.3 lbs/day	3/Week	Calculated	Limit is effective commencing January 1, 2015 for the months of October & November
Chloride	Daily Max	1,500 mg/L	3/Week	24-Hr Flow Prop Comp	
Chloride	Weekly Avg	400 mg/L	3/Week	24-Hr Flow Prop Comp	

Monitoring Requirements and Effluent Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Phosphorus, Total	Rolling 12 Month Avg	1.0 mg/L	3/Week	24-Hr Flow Prop Comp	Limit is effective Dec. 1, 2015. See Standard Requirements for Compliance with Phosphorus Limitation of 1.0 mg/L. Compliance with the Rolling 12 Month Avg limit will be evaluated beginning Nov. 30, 2016.
Phosphorus, Total		lbs/day	3/Week	Calculated	Report lbs/day of phosphorus discharged.
WQT TP Credits		lbs/day	3/Week	Calculated	Report WQT TP Credits used. See subsections below for instructions on water quality trading.
WQT TP Computed Compliance	Monthly Avg	0.225 mg/L	3/Week	Calculated	Limit is effective Dec. 1, 2015. Report the WQT TP Computed Compliance value. See subsections below for instructions on water quality trading.
WQT TP Computed Compliance	6-Month Avg	0.075 mg/L	3/Week	Calculated	Limit is effective Dec. 1, 2015. Report the WQT TP Computed Compliance value. See subsections below for instructions on water quality trading. Compliance with the 6-month average limit is evaluated at the end of each six month period on Jun. 30 & Dec. 31.
WQT TP Computed Compliance	6-Month Avg	0.16 lbs/day	3/Week	Calculated	Limit is effective Dec. 1, 2015. Report the WQT TP Computed Compliance value. See subsections below for instructions on water quality trading. Compliance with the 6-month average limit is evaluated at the end of each six month period on Jun. 30 & Dec. 31.

Monitoring Requirements and Effluent Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
WQT TP Credits		lbs/month	Monthly	Calculated	See 'Reporting Monthly Total TP Credits' in subsection 1.2.1.4 below. Available TP Credits for the calendar year are specified in the approved Water Quality Trading Plan.

1.2.1.1 Effluent Temperature Monitoring

For manually measuring effluent temperature, grab samples should be collected at 6 evenly spaced intervals during the 24-hour period. Alternative sampling intervals may be approved if the permittee can show that the maximum effluent temperature is captured during the sampling interval. For monitoring temperature continuously, collect measurements in accordance with s. NR 218.04(13). This means that discrete measurements shall be recorded at intervals of not more than 15 minutes during the 24-hour period. In either case, report the maximum temperature measured during the day on the DMR. For seasonal discharges collect measurements either manually or continuously during the period of operation and report the daily maximum effluent temperature on the DMR.

1.2.1.2 Effluent Temperature Limitations

Determination of Need for Effluent Limits: The effluent limitations for "Temperature, Maximum" become effective on January 1, 2018 as specified in the Schedules section. Monitoring is required 3X/week upon permit reissuance. Daily maximum temperatures shall be reported so that applicable daily maximum limits can be compared to the reported daily maximum temperatures and applicable weekly average limits can be compared to the weekly averages of the reported daily maximum temperatures. After completion of at least one year of temperature data collection the permittee may request that the Department make a determination of the need for limits under s. NR 106.56, Wis. Adm. Code. Within 60 days of such request the Department will make that determination. If the Department determines that effluent limitations are unnecessary based on the procedures in NR 106.56, the Department shall notify the permittee that the limitations are unnecessary pursuant to NR106.56. A permit modification will be required to remove the temperature limits and schedule from this permit. If, after reviewing the data, the Department determines that effluent limitations for "Temperature, Maximum" are necessary based on the procedures in NR 106.56, the requirement to meet the effluent limitations according to the Schedules section will not be removed nor will the monitoring frequency be reduced. Permittees may then wish to pursue a re-evaluation of the limits based on NR 106 – 'Subchapters V and VI Effluent Limitations for Temperature' or NR 102.26 – Site Specific Ambient Temperature. If the re-calculation of limits results in revisions to the temperature limits, a permit modification will be required to include the revised limits in the permit.

1.2.1.3 Water Quality Trading (WQT)

The permittee may use water quality trading to demonstrate compliance with WQBELs for total phosphorus (TP) of 0.225 mg/L monthly average and 0.075 mg/L 6-month average and 0.16 lbs/day 6-month average. Pollutant reduction credits are available as specified in Water Quality Trading Plan (WQT-2015-0001) or approved amendments thereof.

Only those pollutant reduction credits established by a water quality trading plan approved by the Department may be used by the permittee to demonstrate compliance with the WQBELs identified in this subsection. If the permittee wishes to use pollutant reduction credits not identified in an approved water quality trading plan, the permittee must amend the plan or develop a new plan and obtain Department approval of the amended or new plan prior to use of the new pollutant reduction credits. Prior to Department approval, the amended or new water quality trading plan will be

subject to notice and opportunity for public comment. Any change in the number of available credits requires a permit modification.

In the event pollutant reduction credits as defined in the approved water quality trading plan are no longer generated, the permittee shall comply with the WQBELs for TP contained in this subsection.

1.2.1.4 Demonstrating Compliance with TP WQBELs Using Water Quality Trading

Use the following methods to demonstrate compliance with the TP WQBELs contained in the Water Quality Trading subsection above.

• Select and report as "WQT TP Credits" the TP pollutant reduction credits (in lbs/day) that will be used for each day that discharge is monitored for TP.

• Recommendation: When the TP discharge for a given day is greater than 0.075 mg/L or 0.16 lbs or both, report the greater of the two following values as the "WQT TP Credits" for that day:

o TP discharge for the day in lbs/day minus 0.16 lbs; or

o TP discharge for the day in lbs minus the product of the day's flow in MGD times 0.075 mg/L times 8.34

When the TP discharge is less than 0.075 mg/L and 0.16 lbs/day for a given day, report 0 (zero) as the "WQT TP Credits" for that day.

Use the following method to demonstrate compliance with TP WQBELs expressed as a concentration in mg/L:

• Convert the TP credits selected for the day to an equivalent concentration using the following formula:

TP credits (in mg/L) = [TP credits in lbs/day] ÷ [the day's flow in MGD X 8.34]

• Subtract the TP credits (in mg/L) for the day from the day's TP discharge (in mg/L) and report the difference as "WQT TP Computed Compliance" in mg/L.

Use the following method to demonstrate compliance with TP WQBELs expressed as a mass in lbs/day:

• Subtract the TP credits in lbs/day for the day from the day's TP discharge in lbs/day and report the difference as "WQT TP Computed Compliance" in lbs/day.

Note: The total number of TP credits selected for the twelve months of a calendar year shall not exceed that specified in the Water Quality Trading Plan approved by the Department.

Reporting Monthly Total TP Credits:

• On a monthly basis, average the reported daily TP credits for the month, then multiply the average by the number of days of discharge during the month and report the product as "WQT TP Credits" (in lbs/month) for the last day of the month on the DMR.

1.2.1.5 Additional Water Quality Trading Requirements

When using water quality trading to demonstrate compliance with WQBELs for TP, the permittee shall comply with the following:

• Failure to implement any of the terms or conditions of the approved water quality trading plan is a violation of this permit.

• Each month the permittee shall certify that the nonpoint source management practices installed to generate pollutant reduction credits are operated and maintained in a manner consistent with that specified in the approved water quality trading plan. Such a certification may be made by including the following statement as a comment on the monthly discharge monitoring report:

> I certify that management practices identified in the approved water quality trading plan as the source of pollutant reduction credits are installed, established and properly maintained.

• At least once a year the permittee or the permittee's agent shall inspect each nonpoint source management practice that generates pollutant reduction credits to confirm the implementation of the management practice and their appropriate operation and adequate maintenance.

• The permittee shall notify WDNR by telephone within 24 hours or next business day of becoming aware that pollutant reduction credits used or intended for use by the permittee are not being implemented or generated as defined in the approved trading plan. A written notification shall be submitted to the Department within 5 days regarding the status of the permittee's pollutant reduction credits.

• The permittee shall provide WDNR written notice within 7 days of the trade agreement upon which the approved water quality trading plan is based being amended, modified, or revoked. This notification shall include the details of any amendment or modification in addition to the justification for the changes.

• The permittee shall not use pollutant reduction credits for the demonstration of compliance when pollutant reduction credits are not being generated.

1.2.1.6 Annual Water Quality Trading Report

When using water quality trading to demonstrate compliance with WQBELs, the permittee shall report by January 31st each year the following information:

• The number of pollutant reduction credits (lbs/month) used each month of the previous year to demonstrate compliance;

• The source of each month's pollutant reduction credits by identifying the approved water quality trading plan that details the source;

• A summary of the annual inspection of each nonpoint source management practice that generated any of the pollutant reduction credits used during the previous year; and

• Identification of noncompliance or failure to implement any terms or conditions of this permit with respect to water quality trading that have not been reported in discharge monitoring reports.

1.2.1.7 Water Quality Trading Reopener Clause

Under any of the following conditions as provided by s. 283.53(2), Wis. Stats. and Wis. Adm. Code NR 203.135 and 203.136, the Department may modify or revoke and reissue this permit to modify or eliminate permit terms and conditions related to water quality trading:

• The permittee fails to implement the water quality trading plan as approved;

• The permittee fails to comply with permit terms and conditions related to water quality trading;

• New information becomes available that would change the number of credits available for the water quality trade or would change the Department's determinations that water quality trading is an acceptable option.

1.2.1.8 Alternative Approaches to Phosphorus WQBEL Compliance

The permittee may implement an upgrade to its wastewater treatment facility in combination with Water Quality Trading or the Watershed Adaptive Management Option to achieve compliance, provided that the permit is modified, revoked and reissued, or reissued to incorporate any such alternative approach. If the Final Compliance Alternatives Plan concludes that a variance will be pursued, the Plan shall provide information regarding the basis for the variance.

1.2.1.9 Submittal of Permit Application for Next Reissuance and Adaptive Management or Pollutant Trading Plan or Variance Application

The permittee shall submit the permit application for the next reissuance at least 6 months prior to expiration of this permit. If the permittee intends to pursue adaptive management to achieve compliance with the phosphorus water quality based effluent limitation, the permittee shall submit with the application for the next reissuance: a completed Watershed Adaptive Management Request Form 3200-139, the completed Adaptive Management Plan and final plans for any system upgrades necessary to meet interim limits pursuant to s. NR 217.18, Wis. Adm. Code.

The permittee has submitted a Water Quality Trading Plan that was approved by WDNR on September 29, 2015. If the permittee intends to pursue pollutant trading to achieve compliance in a manner that differs from that allowed in this permit, the permittee shall submit a new application for water quality trading with the application for the next reissuance. If system upgrades will be used in combination with pollutant trading to achieve compliance with the final water quality-based limit, the reissued permit will specify a schedule for the necessary upgrades. If the permittee intends to seek a variance, the permittee shall submit an application for a variance with the application for the next reissuance.

1.2.1.10 Additives

The permittee shall maintain a record of the dosage rate of all additives used on a monthly basis.

1.2.2 Sampling Point 601 - IN-STREAM

Monitoring Requirements and Effluent Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Temperature Maximum		deg F	Daily	Measure	

2 Land Treatment Requirements

2.1 Sampling Point(s)

The discharge(s) shall be limited to the waste type(s) designated for the listed sampling point(s).

Sampling Point Designation	
Sampling Point Number	**Sampling Point Location, Waste Description/Sample Contents and Treatment Description (as applicable)**
002	Representative samples of noncontact cooling water and boiler blowdown prior to discharge to the absorption pond

2.2 Monitoring Requirements and Limitations

The permittee shall comply with the following monitoring requirements and limitations.

2.2.1 Sampling Point (Outfall) 002 - NCCW & BBD TO ABSORP POND, Absorption Pond (Seepage Cell)

Monitoring Requirements and Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Flow Rate		MGD	Monthly	Estimated	
BOD_5, Total		mg/L	Quarterly	Grab	
Suspended Solids, Total		mg/L	Quarterly	Grab	
pH Field	Daily Max	9.0 su	Quarterly	Grab	
pH Field	Daily Min	6.0 su	Quarterly	Grab	
Chloride	Daily Max	250 mg/L	Quarterly	Grab	

2.2.1.1 Monthly Avg Flow – LT Calculation

The monthly average discharge flow for Land Treatment systems is calculated by dividing the total wastewater volume discharged for the month by the total number of days in the month.

3 Land Application Requirements

3.1 Sampling Point(s)

The discharge(s) shall be limited to land application of the waste type(s) designated for the listed sampling point(s) on Department approved land spreading sites or by hauling to another facility.

Sampling Point Designation	
Sampling Point Number	**Sampling Point Location, WasteType/Sample Contents and Treatment Description (as applicable)**
001	Representative samples of process washwater from the hauling truck prior to land applcation
004	Representative samples of the wastewater treatment plant biosolids shall be obtained prior to land application

3.2 Monitoring Requirements and Limitations

The permittee shall comply with the following monitoring requirements and limitations.

3.2.1 Sampling Point (Outfall) 001 - PROCESS WASHWATER TO LAND APP

Monitoring Requirements and Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Nitrogen, Total Kjeldahl		mg/L	Monthly	Composite	
Chloride		mg/L	Monthly	Composite	
Phosphorus, Total		mg/L	Quarterly	Composite	
Solids, Total		Percent	Annual	Composite	

Daily Log – Monitoring Requirements and Limitations

All discharge and monitoring activity shall be documented on log sheets. Originals of the log sheets shall be kept by the permittee as described under "Records Retention" in the Standard Requirements section, and if requested, made available to the Department.

Parameters	Limit	Units	Sample Frequency	Sample Type
DNR Site Number(s)	-	Number	Daily	Log
Acres Applied	-	Acres	Daily	Log
Frozen Site Maximum Daily Loading Volume	6,800	Gal/Acre/Day	Daily	Calculated
Unfrozen Site Maximum Daily Loading Volume	13,500	Gal/Acre/Day	Daily	Calculated
Weekly Loading Volume	See NR 214 - Tbl 3	Inches/Week	Weekly	Calculated

Annual Report – Monitoring Requirements and Limitations The Annual Report is due by January 31st of each year for the previous calendar year.				
Parameters	**Limit**	**Units**	**Reporting Frequency**	**Sample Type**
DNR Site Number(s)	-	Number	-	-
Acres Land Applied	-	Acres	Annual	-
Total Volume Per Site	-	Gallons	Annual	Total Annual
Total Kjeldahl Nitrogen per Site	165, or alternate approved in writing	Pounds/Acre/Year	Annual	Calculated
Total Chloride per Site	340	Pounds/Acre per 2 Years	Annual	Calculated

3.2.1.1 Annual Site Nitrogen Loading

For details on nitrogen loading requirements, including approval of an alternate nitrogen pounds/acre/year site loading, see the "Nitrogen Requirements for Liquid Wastes, By-Product Solids and Sludges" paragraph in the Standard Requirements section of this permit.

3.2.1.2 Biennial Site Chloride Loading

For details on chloride requirements see the "Chloride Requirements for Liquid Wastes and By-Product Solids" paragraph in the Standard Requirements section of this permit.

3.2.2 Sampling Point (Outfall) 004 - WASTEWATER TRTMNT BIOSOLIDS

Monitoring Requirements and Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Solids, Total		Percent	Monthly	Grab	
Chloride		Percent	Monthly	Grab	
Nitrogen, Total Kjeldahl		Percent	Monthly	Grab	
Nitrogen, Ammonium (NH_4-N) Total		Percent	Monthly	Grab	
Nitrogen, Organic Total		Percent	Monthly	Grab	
Phosphorus, Total		Percent	Monthly	Grab	
Potassium, Total Recoverable		Percent	Annual	Grab	
pH Field		su	Annual	Grab	
Lead Dry Wt		mg/kg	Annual	Grab	
Zinc Dry Wt		mg/kg	Annual	Grab	
Copper Dry Wt		mg/kg	Annual	Grab	
Cadmium Dry Wt		mg/kg	Annual	Grab	
Nickel Dry Wt		mg/kg	Annual	Grab	

Daily Log – Monitoring Requirements and Limitations All discharge and monitoring activity shall be documented on log sheets. Originals of the log sheets shall be kept by the permittee as described under "Records Retention" in the Standard Requirements section, and if requested, made available to the Department.				
Parameters	**Limit**	**Units**	**Sample Frequency**	**Sample Type**
DNR Site Number(s)	-	Number	Daily	Log
Acres Applied	-	Acres	Daily	Log
Application Rate	-	Tons/Acre/Day	Daily	Calculated

Annual Report – Monitoring Requirements and Limitations The Annual Report is due by January 31st of each year for the previous calendar year.				
Parameters	**Limit**	**Units**	**Reporting Frequency**	**Sample Type**
DNR Site Number(s)	-	Number	-	-
Acres Land Applied	-	Acres	Annual	-
Total Amount Per Site	-	Tons	Annual	Total Annual
Total Kjeldahl Nitrogen per Site	165, or alternate approved in writing	Pounds/Acre/Year	Annual	Calculated
Total Chloride per Site	340	Pounds/Acre per 2 Years	Annual	Calculated

3.2.2.1 Annual Site Nitrogen Loading

For details on nitrogen loading requirements, including approval of an alternate nitrogen pounds/acre/year site loading, see the "Nitrogen Requirements for Liquid Wastes, By-Product Solids and Sludges" paragraph in the Standard Requirements section of this permit.

3.2.2.2 Biennial Site Chloride Loading

For details on chloride requirements see the "Chloride Requirements for Liquid Wastes and By-Product Solids" paragraph in the Standard Requirements section of this permit.

4 Schedules

4.1 Temperature Limits (Industrial Facilities)

Required Action	Due Date
Report on Effluent Discharges: Submit a report on effluent temperature with conclusions regarding compliance. If the Department determines that because of data variability, 24 months of monitoring data is required to determine the need for temperature limits, the Department will so notify the permittee in writing and all dates in the permit schedule will be extended by 12 months. Informational Note - Refer to the Surface Water subsection regarding 'Determination of Need for Effluent Limits' for information concerning a Department determination on the need for limits and pursuing re-evaluation of limits per NR 106 Subchapters V & VI or NR 102.26, Wis. Adm. Code.	12/31/2016
Action Plan: Submit an action plan for complying with all effluent temperature limits that remain following the Department's review for necessity.	03/31/2017
Construction Plans: Submit construction plans (if construction is required for complying with effluent temperature limits) and include plans and specifications with the submittal.	06/30/2017
Initiate Actions: Initiate actions identified in the plan.	09/30/2017
Complete Actions: Complete actions necessary to achieve compliance with effluent temperature limits.	12/31/2017

4.2 Land Application Management Plan

Required Action	Due Date
Management Plan: Submit a management plan to optimize the land application system performance and demonstrate compliance with Wisconsin Administrative Code NR 214	06/30/2015

4.3 Water Quality Trading (WQT) Management Practices

Required Action	Due Date
Management Practices: The Management Practices as identified in the Water Quality Trading Plan (WQT-2015-0001) shall become effective and the permittee shall submit a completed Management Practice Registration Form 3400-207 for each site.	12/01/2015

4.4 Annual Water Quality Trading (WQT) Report

As specified in the Surface Water section of this permit, the permittee shall submit annual Water Quality Trading Reports in accordance with the following schedule.

Required Action	Due Date
Submit Annual WQT Report: Submit 1st annual WQT Report.	01/31/2016
Submit Annual WQT Report: Submit 2nd annual WQT Report.	01/31/2017

Submit Annual WQT Report: Submit 3rd annual WQT Report.	01/31/2018
Submit Annual WQT Report: Submit 4th annual WQT Report.	01/31/2019

5 Standard Requirements

NR 205, Wisconsin Administrative Code (Conditions for Industrial Dischargers): The conditions in ss. NR 205.07(1) and NR 205.07(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements. Some of these requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in the Standard Requirement section of this permit can be found in ss. NR 205.07(1) and NR 205.07(3).

5.1 Reporting and Monitoring Requirements

5.1.1 Monitoring Results

Monitoring results obtained during the previous month shall be summarized and reported on a Department Wastewater Discharge Monitoring Report. The report may require reporting of any or all of the information specified below under 'Recording of Results'. This report is to be returned to the Department no later than the date indicated on the form. A copy of the Wastewater Discharge Monitoring Report Form or an electronic file of the report shall be retained by the permittee.

Monitoring results shall be reported on an electronic discharge monitoring report (eDMR). The eDMR shall be certified electronically by a principal executive officer, a ranking elected official or other duly authorized representative. The 'eReport Certify' page certifies that the electronic report form is true, accurate and complete.

If the permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be included on the Wastewater Discharge Monitoring Report.

The permittee shall comply with all limits for each parameter regardless of monitoring frequency. For example, monthly, weekly, and/or daily limits shall be met even with monthly monitoring. The permittee may monitor more frequently than required for any parameter.

5.1.2 Sampling and Testing Procedures

Sampling and laboratory testing procedures shall be performed in accordance with Chapters NR 218 and NR 219, Wis. Adm. Code and shall be performed by a laboratory certified or registered in accordance with the requirements of ch. NR 149, Wis. Adm. Code. Groundwater sample collection and analysis shall be performed in accordance with ch. NR 140, Wis. Adm. Code. The analytical methodologies used shall enable the laboratory to quantitate all substances for which monitoring is required at levels below the effluent limitation. If the required level cannot be met by any of the methods available in NR 219, Wis. Adm. Code, then the method with the lowest limit of detection shall be selected. Additional test procedures may be specified in this permit.

5.1.3 Recording of Results

The permittee shall maintain records which provide the following information for each effluent measurement or sample taken:

- the date, exact place, method and time of sampling or measurements;
- the individual who performed the sampling or measurements;
- the date the analysis was performed;
- the individual who performed the analysis;
- the analytical techniques or methods used; and
- the results of the analysis.

5.1.4 Reporting of Monitoring Results

The permittee shall use the following conventions when reporting effluent monitoring results:

- Pollutant concentrations less than the limit of detection shall be reported as < (less than) the value of the limit of detection. For example, if a substance is not detected at a detection limit of 0.1 mg/L, report the pollutant concentration as < 0.1 mg/L.

- Pollutant concentrations equal to or greater than the limit of detection, but less than the limit of quantitation, shall be reported and the limit of quantitation shall be specified.

- For purposes of calculating NR 101 fees, the 2 mg/l lower reporting limits for BOD_5 and Total Suspended Solids shall be considered to be limits of quantitation

- For the purposes of reporting a calculated result, average or a mass discharge value, the permittee may substitute a 0 (zero) for any pollutant concentration that is less than the limit of detection. However, if the effluent limitation is less than the limit of detection, the department may substitute a value other than zero for results less than the limit of detection, after considering the number of monitoring results that are greater than the limit of detection and if warranted when applying appropriate statistical techniques.

5.1.5 Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 3 years from the date of the sample, measurement, report or application, except for sludge management forms and records, which shall be kept for a period of at least 5 years.

5.1.6 Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or correct information to the Department.

5.2 System Operating Requirements

5.2.1 Noncompliance Reporting

The permittee shall report the following types of noncompliance by a telephone call to the Department's regional office within 24 hours after becoming aware of the noncompliance:

- any noncompliance which may endanger health or the environment;
- any violation of an effluent limitation resulting from an unscheduled bypass;
- any violation of an effluent limitation resulting from an upset; and
- any violation of a maximum discharge limitation for any of the pollutants listed by the Department in the permit, either for effluent or sludge.

A written report describing the noncompliance shall also be submitted to the Department as directed at the end of this permit within 5 days after the permittee becomes aware of the noncompliance. On a case-by-case basis, the Department may waive the requirement for submittal of a written report within 5 days and instruct the permittee to submit the written report with the next regularly scheduled monitoring report. In either case, the written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

A scheduled bypass approved by the Department under the 'Scheduled Bypass' section of this permit shall not be subject to the reporting required under this section.

NOTE: Section 292.11(2)(a), Wisconsin Statutes, requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the Department of Natural Resources **immediately** of any discharge not authorized by the permit. **The discharge of a hazardous substance that is not authorized by this permit or that violates this permit may be a hazardous substance spill. To report a hazardous substance spill, call DNR's 24-hour HOTLINE at 1-800-943-0003.**

5.2.2 Bypass

Except for a controlled diversion as provided in the 'Controlled Diversions' section of this permit, any bypass is prohibited and the Department may take enforcement action against a permittee for such occurrences under s. 283.89, Wis. Stats. The Department may approve an unscheduled bypass provided all the following conditions are met:

- The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities or adequate back-up equipment, retention of untreated wastes, reduction of inflow and infiltration, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance. When evaluating feasibility of alternatives, the department may consider factors such as technical achievability, costs and affordability of implementation and risks to public health, the environment and, where the permittee is a municipality, the welfare of the community served; and
- The bypass was reported in accordance with the 'Noncompliance Reporting' section of this permit.

5.2.3 Scheduled Bypass

Whenever the permittee anticipates the need to bypass for purposes of efficient operations and maintenance and the permittee may not meet the conditions for controlled diversions in the 'Controlled Diversions' section of this permit, the permittee shall obtain prior written approval from the Department for the scheduled bypass. A permittee's written request for Department approval of a scheduled bypass shall demonstrate that the conditions for unscheduled bypassing are met and include the proposed date and reason for the bypass, estimated volume and duration of the bypass, alternatives to bypassing and measures to mitigate environmental harm caused by the bypass. The department may require the permittee to provide public notification for a scheduled bypass if it is determined there is significant public interest in the proposed action and may recommend mitigation measures to minimize the impact of such bypass.

5.2.4 Controlled Diversions

Controlled diversions are allowed only when necessary for essential maintenance to assure efficient operation provided the following requirements are met:

- Effluent from the wastewater treatment facility shall meet the effluent limitations established in the permit. Wastewater that is diverted around a treatment unit or treatment process during a controlled diversion shall be recombined with wastewater that is not diverted prior to the effluent sampling location and prior to effluent discharge;
- A controlled diversion may not occur during periods of excessive flow or other abnormal wastewater characteristics;
- A controlled diversion may not result in a wastewater treatment facility overflow; and
- All instances of controlled diversions shall be documented in wastewater treatment facility records and such records shall be available to the department on request.

5.2.5 Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit. The wastewater treatment facility shall be under the direct supervision of a state certified operator as required in s. NR 108.06(2), Wis. Adm. Code. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training as required in ch. NR 114, Wis. Adm. Code, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

5.2.6 Spill Reporting

The permittee shall notify the Department in accordance with ch. NR 706 (formerly NR 158), Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state at a rate or concentration greater than the effluent limitations established in this permit, or the spill or accidental release of the material is unregulated in this permit, unless the spill or release of pollutants has been reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code.

5.2.7 Planned Changes

In accordance with ss. 283.31(4)(b) and 283.59, Stats., the permittee shall report to the Department any facility expansion, production increase or process modifications which will result in new, different or increased discharges of pollutants. The report shall either be a new permit application, or if the new discharge will not violate the effluent limitations of this permit, a written notice of the new, different or increased discharge. The notice shall contain a description of the new activities, an estimate of the new, different or increased discharge of pollutants and a description of the effect of the new or increased discharge on existing waste treatment facilities. Following receipt of this report, the Department may modify this permit to specify and limit any pollutants not previously regulated in the permit.

5.2.8 Duty to Halt or Reduce Activity

Upon failure or impairment of treatment facility operation, the permittee shall, to the extent necessary to maintain compliance with its permit, curtail production or wastewater discharges or both until the treatment facility operations are restored or an alternative method of treatment is provided.

5.3 Surface Water Requirements

5.3.1 Permittee-Determined Limit of Quantitation Incorporated into this Permit

For pollutants with water quality-based effluent limits below the Limit of Quantitation (LOQ) in this permit, the LOQ calculated by the permittee and reported on the Discharge Monitoring Reports (DMRs) is incorporated by reference into this permit. The LOQ shall be reported on the DMRs, shall be the lowest quantifiable level practicable, and shall be no greater than the minimum level (ML) specified in or approved under 40 CFR Part 136 for the pollutant at the time this permit was issued, unless this permit specifies a higher LOQ.

5.3.2 Appropriate Formulas for Effluent Calculations

The permittee shall use the following formulas for calculating effluent results to determine compliance with average concentration limits and mass limits and total load limits:

Weekly/Monthly/Six-Month/Annual Average Concentration = the sum of all daily results for that week/month/six-month/year, divided by the number of results during that time period. [Note: When a six-month average effluent limit is specified for Total Phosphorus the applicable periods are May through October and November through April.]

Weekly Average Mass Discharge (lbs/day): Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the week.

Monthly Average Mass Discharge (lbs/day): Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the month.

Six-Month Average Mass Discharge (lbs/day): Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the six-month period. [Note: When a six-month average effluent limit is specified for Total Phosphorus the applicable periods are May through October and November through April.]

Annual Average Mass Discharge (lbs/day): Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the entire year.

Total Monthly Discharge: = monthly average concentration (mg/L) x total flow for the month (MG/month) x 8.34.

Total Annual Discharge: = sum of total monthly discharges for the calendar year.

12-Month Rolling Sum of Total Monthly Discharge: = the sum of the most recent 12 consecutive months of Total Monthly Discharges.

5.3.3 Effluent Temperature Requirements

Weekly Average Temperature – The permittee shall use the following formula for calculating effluent results to determine compliance with the weekly average temperature limit (as applicable): Weekly Average Temperature = the sum of all daily maximum results for that week divided by the number of daily maximum results during that time period.

Cold Shock Standard – Water temperatures of the discharge shall be controlled in a manner as to protect fish and aquatic life uses from the deleterious effects of cold shock. 'Cold Shock' means exposure of aquatic organisms to a rapid decrease in temperature and a sustained exposure to low temperature that induces abnormal behavior or physiological performance and may lead to death.

Rate of Temperature Change Standard – Temperature of a water of the state or discharge to a water of the state may not be artificially raised or lowered at such a rate that it causes detrimental health or reproductive effects to fish or aquatic life of the water of the state.

5.3.4 Visible Foam or Floating Solids

There shall be no discharge of floating solids or visible foam in other than trace amounts.

5.3.5 Surface Water Uses and Criteria

In accordance with NR 102.04, Wis. Adm. Code, surface water uses and criteria are established to govern water management decisions. Practices attributable to municipal, industrial, commercial, domestic, agricultural, land development or other activities shall be controlled so that all surface waters including the mixing zone meet the following conditions at all times and under all flow and water level conditions:

a) Substances that will cause objectionable deposits on the shore or in the bed of a body of water, shall not be present in such amounts as to interfere with public rights in waters of the state.

b) Floating or submerged debris, oil, scum or other material shall not be present in such amounts as to interfere with public rights in waters of the state.

c) Materials producing color, odor, taste or unsightliness shall not be present in such amounts as to interfere with public rights in waters of the state.

d) Substances in concentrations or in combinations which are toxic or harmful to humans shall not be present in amounts found to be of public health significance, nor shall substances be present in amounts which are acutely harmful to animal, plant or aquatic life.

5.3.6 Compliance with Phosphorus Limitation of 1.0 mg/L

Compliance with the 1.0 mg/L concentration limitation for phosphorus shall be determined as a rolling twelve-month average and shall be calculated as follows:

First, determine the pounds of phosphorus for an individual month by multiplying the average of all the concentration values for phosphorus (in mg/L) for that month by the total flow for the month in Million Gallons times the conversion factor of 8.34.

Then, the monthly pounds of phosphorus determined in this manner shall be summed for the most recent 12 months and inserted into the numerator of the following equation.

$$\text{Average concentration of P in mg/L} = \frac{\text{Total lbs of P discharged (most recent 12 months)}}{\text{Total flow in MG (most recent 12 months)} \times 8.34}$$

The compliance calculation shall be performed each month with a reported discharge volume after substituting data from the most recent month(s) for the oldest month(s). A calculated value in excess of the concentration limitation will be considered equivalent to a violation of a monthly average.

5.3.7 Additives

In the event that the permittee wishes to commence use of a water treatment additive, or increase the usage of the additives greater than indicated in the permit application, the permittee must get a written approval from the Department prior to initiating such changes. This written approval shall provide authority to utilize the additives at the specific rates until the permit can be either reissued or modified in accordance with s. 283.53, Stats. Restrictions on the use of the additives may be included in the authorization letter.

5.4 Land Treatment Requirements for Industrial Discharges

NR 214, Wisconsin Administrative Code: The requirements of this section are based on ss. NR 214.12-16, Wis. Adm. Code, and apply to wastewater discharges to designed and constructed absorption pond, ridge & furrow, spray irrigation, overland flow and subsurface absorption treatment systems.

5.4.1 Formulas for Land Treatment Calculations

The permittee shall use the following formulas for land treatment calculations, unless an alternate calculation method is approved by the Department in the Land Treatment Management Plan.

5.4.1.1 Monthly Average Hydraulic Application Rate

Determine the monthly average hydraulic application rate (in gal/acre/day) for each outfall by calculating the total gallons of wastewater applied onto the site for the month, dividing that total by the number of wetted acres loaded during the month, and then dividing this resulting value by the number of days in the month. Enter this calculated monthly value on the Discharge Monitoring Report form in the box for the last day of the month, in the "Hydraulic Application Rate" column.

5.4.1.2 Annual Total Nitrogen per Cell or per Zone

(annual ave. concentration in mg/L) (tot. annual flow in million gallons per cell or zone) (8.34) = lbs/ac/yr

acreage of cell or zone

5.4.1.3 Annual Total Chloride per Cell or per Zone

(annual ave. concentration in mg/L) (tot. annual flow in million gallons per cell or zone) (8.34) = lbs/ac/yr

acreage of cell or zone

5.4.2 Chloride Requirements for Land Treatment Systems

Since chloride is not significantly treated by the soil, the chloride level of the wastewater treated on land shall be minimized to the extent that is technically and economically feasible. The goal is to protect groundwater quality and prevent exceedance of the 125 mg/L groundwater preventive action limit.

5.4.3 Nitrogen Loading Requirements for Absorption Ponds

Since all forms of nitrogen in wastewater can be converted to nitrate nitrogen in the groundwater in the vicinity of an absorption pond, the average concentration of the sum of all nitrogen species in the absorption pond discharge shall be limited to minimize the concentration of nitrate+nitrite nitrogen in the groundwater to the extent that is technically and economically feasible and will prevent exceedance of the 2 mg/L groundwater preventive action limit.

5.4.4 Absorption Pond Discharge Restrictions

The volume of discharge to the absorption pond system shall be limited so that the discharge volume combined with the precipitation from a 10-year frequency, 24-hour duration rainfall event does not reduce the available freeboard to less than 1 foot below the top of the dike.

5.4.5 Discharges to the Absorption Pond System

No discharge to the absorption pond system may have physical or chemical characteristics which prevent the proper operation of the system.

5.4.6 Absorption Pond Management Plan

The absorption pond treatment system shall be operated and managed in accordance with a Department approved management plan. The management plan shall be consistent with the conditions listed in this permit and s. NR 214.12(5), Wis. Adm. Code which requires a load/rest schedule, weed control and removal, etc. If operational changes are needed, the management plan shall be amended by submitting a written request to the Department for approval.

5.5 Land Application Requirements

5.5.1 Land Application Characteristic Report

The analytical results from testing of liquid wastes, by-product solids and sludges that are land applied shall be reported annually on the Characteristic Report Form 3400-49. The report form shall be submitted electronically no later than the date indicated on the form. Following submittal of the electronic Characteristic Report Form 3400-49, this form shall be certified electronically via the 'eReport Certify' page by a principal executive officer or duly authorized representative. The 'eReport Certify' page certifies that the electronic report form is true, accurate and complete.

The permittee shall use the following convention when reporting sludge monitoring results: Pollutant concentrations less than the limit of detection shall be reported as < (less than) the value of the limit of detection. For example, if a substance is not detected at a detection limit of 1.0 mg/kg, report the pollutant concentration as < 1.0 mg/kg .

All sludge results shall be reported on a dry weight basis.

5.5.2 Monitoring and Calculating PCB Concentrations in Sludge

When sludge analysis for "PCB, Total Dry Wt" is required by this permit, the PCB concentration in the sludge shall be determined as follows.

Either congener-specific analysis or Aroclor analysis shall be used to determine the PCB concentration. The permittee may determine whether Aroclor or congener specific analysis is performed. Analyses shall be performed in accordance with the following provisions and Table EM in s. NR 219.04, Wis. Adm. Code.

- EPA Method 1668 may be used to test for all PCB congeners. If this method is employed, all PCB congeners shall be delineated. Non-detects shall be treated as zero. The values that are between the limit of detection and the limit of quantitation shall be used when calculating the total value of all congeners. All results shall be added together and the total PCB concentration by dry weight reported. **Note**: It is recognized that a number of the congeners will co-elute with others, so there will not be 209 results to sum.
- EPA Method 8082A shall be used for PCB-Aroclor analysis and may be used for congener specific analysis as well. If congener specific analysis is performed using Method 8082A, the list of congeners tested shall include at least congener numbers 5, 18, 31, 44, 52, 66, 87, 101, 110, 138, 141, 151, 153, 170, 180, 183, 187, and 206 plus any other additional congeners which might be reasonably expected to occur in the particular sample. For either type of analysis, the sample shall be extracted using the Soxhlet extraction (EPA Method 3540C) (or the Soxhlet Dean-Stark modification) or the pressurized fluid extraction (EPA Method 3545A). If Aroclor analysis is performed using Method 8082A, clean up steps of the extract shall be performed as necessary to remove interference and to achieve as close to a limit of detection of 0.11 mg/kg as possible. Reporting protocol, consistent with s. NR 106.07(6)(e), should be as follows: If all Aroclors are less than the LOD, then the Total PCB Dry Wt result should be reported as less than the highest LOD. If a single Aroclor is detected then that is what should be reported for the Total PCB result. If multiple Aroclors are detected, they should be summed and reported as Total PCBs. If congener specific analysis is done using Method 8082A, clean up steps of the extract shall be performed as necessary to remove interference and to achieve as close to a limit of detection of 0.003 mg/kg as possible for each congener. If the aforementioned limits of detection cannot be achieved after using the appropriate clean up techniques, a reporting limit that is achievable for the Aroclors or each congener for the sample shall be determined. This reporting limit shall be reported and qualified indicating the presence of an interference. The lab conducting the analysis shall perform as many of the following methods as necessary to remove interference:

3620C – Florisil	3611B - Alumina
3640A - Gel Permeation	3660B - Sulfur Clean Up (using copper shot instead of powder)
3630C - Silica Gel	3665A - Sulfuric Acid Clean Up

5.5.3 Annual Land Application Report

The annual totals for the land application loadings of liquid wastes, by-product solids and sludges to field spreading sites shall be submitted electronically on the Annual Land Application Report Form 3400-55 by January 31, each year whether or not waste is land applied. Following submittal of the electronic Annual Land Application Report Form 3400-55, this form shall be certified electronically via the 'eReport Certify' page by a principal executive officer or duly authorized representative. The 'eReport Certify' page certifies that the electronic report form is true, accurate and complete.

5.5.4 Other Methods of Disposal or Distribution Report

The permittee shall submit electronically the Other Methods of Disposal or Distribution Report Form 3400-52 by January 31, each year whether or not waste is hauled to another facility, landfilled, incinerated, or stored in a manure pit. Following submittal of the electronic Report Form 3400-52, this form shall be certified electronically via the 'eReport Certify' page by a principal executive officer or duly authorized representative. The 'eReport Certify' page certifies that the electronic report form is true, accurate and complete.

5.5.5 Land Application Site Approval

The permittee is authorized to landspread permitted liquid wastes, by-product solids and sludges on sites approved in writing by the Department in accordance with ss. NR 214.17(2) and 214.18(2), Wis. Adm. Code. Any site use restrictions or granting of case-by-case exceptions shall be identified in the approval letter. If the permittee wishes to have approval for additional sites, application shall be made using Land Application Site Request Form 3400-053. Complete information shall be submitted about each site, including location maps and soil maps, any soil analyses results and other information showing that the site complies with all application requirements and permit conditions. Spreading on a site may commence upon receipt of Department approval. If an existing spreading site is found by the Department to be environmentally unacceptable, a written notice will be issued to withdraw approval of that site.

5.5.6 Operating Requirements/Management Plan

All land application sites used for treatment of liquid wastes, by-product solids and sludges shall be operated in accordance with a Department approved management plan. The management plan shall be consistent with the requirements of this permit, ss. NR 214.17 (3) and (6), and NR 214.18 (3) and (6), Wis. Adm. Code. If operational changes are needed, the land application management plan shall be amended by submitting a written request to the Department for approval. A land application management plan shall be submitted for approval at least 60 days prior to land application.

5.5.7 Chloride Requirements for Liquid Wastes and By-Product Solids

The total pounds of chloride applied shall be limited to 340 pounds per acre per 2 year period. Calculate the chloride loading as follows:

$$\text{Wet Weight Solids: } \frac{\text{lbs of solids X \%solids X \%chloride}}{\text{acres land applied X 100 X 100}} = \text{lbs chloride/acre}$$

$$\text{Liquid: } \frac{\text{mg/L chloride X (millions of gallons) X 8.34}}{\text{acres land applied}} = \text{lbs chloride/acre}$$

5.5.8 Nitrogen Requirements for Liquid Wastes and By-Product Solids and Sludges

NR 214.17(4) and NR 214.18(4) Wis. Adm. Code specify that the total pounds of nitrogen land applied per acre per year shall be limited to the nitrogen needs of the cover crop minus any other nitrogen added to the land application site, including fertilizer or manure. Nitrogen applied can be calculated on the basis of plant available nitrogen, as long as the release of nitrogen from the organic material is credited to future years. This permit requires that the Total Kjeldahl Nitrogen calendar year application amount shall not exceed 165 pounds per acre per year, except when alternate numerical nitrogen loading limits (consistent with the above sections of NR 214) are approved in writing via the Department's land application management plan approval. Calculate nitrogen loading as follows ("TKN" represents "Total Kjeldahl Nitrogen"):

Wet Weight Solids and Sludges: $\frac{\text{lbs of solids X \%solids X \% TKN}}{\text{acres land applied X 100 X 100}}$ = lbs TKN/acre

Liquid: $\frac{\text{mg/L TKN X (millions of gallons) X 8.34}}{\text{acres land applied}}$ = lbs TKN/acre

5.5.9 Ponding

The volume of liquid wastes land applied shall be limited to prevent ponding, except for temporary conditions following rainfall events. If ponding occurs all land application shall cease immediately. The permittee shall land apply only the liquid wastes that are permitted.

5.5.10 Runoff

The volume of liquid wastes land applied shall be limited to prevent runoff. If runoff occurs all land application shall cease immediately. The permittee shall land apply only the liquid wastes that are permitted.

5.5.11 Soil Incorporation Requirements

- Liquid Sludge Requirements: The Department may require that liquid sludge be incorporated into the soil on specific land application sites when necessary to prevent surface runoff or objectionable odors. Requirements and procedures for incorporation of liquid sludge, when such incorporation may be necessary, shall be specified in the management plan or in specific site applications, subject to Department approval. The permittee shall comply with the requirements in the Department approved management plan, specific site-approval requirements and the terms and conditions of this permit.

- Cake Sludge Requirements: After land application, cake sludge shall be incorporated into the soil. The timing of such incorporation and other related requirements and procedures shall be specified in the management plan or in specific site applications, subject to Department approval. The permittee shall comply with the requirements in the Department approved management plan, specific site-approval requirements and the terms and conditions of this permit.

- Liquid Wastewater Requirements: The Department may require that liquid wastewater be incorporated or injected into the soil on specific land application sites when necessary to prevent surface runoff or objectionable odors. Requirements and procedures for injection or incorporation of liquid wastewater, when such injection or incorporation is necessary, shall be specified in the management plan or in specific site applications, subject to Department approval. The permittee shall comply with the requirements in the Department approved management plan, specific site-approval requirements and the terms and conditions of this permit.

- By-Product Solids Requirements: The Department may limit the volume of by-products solids that are landspread on a specific site when necessary to prevent surface runoff or leaching of contaminants to groundwater and objectionable odors. By-product solids shall, after application, be plowed, disced, or otherwise incorporated into the soil. Requirements and procedures for the incorporation of byproduct solids into the soil shall be specified in the management plan or in specific site applications, subject to Department approval. The permittee shall comply with the requirements in the Department approved management plan, specific site-approval requirements and the terms and conditions of this permit.

5.5.12 Field Stockpiles

The permittee is encouraged to landspread the by-product solids or sludges as they are transported to the fields; but if it becomes necessary to stockpile solids in the fields, the stockpiles shall be spread within 72 hours or as specified in the approved management plan.

5.5.13 Additional Requirements from ch. NR 214, Wis. Adm. Code

The requirements of s. NR 214.17 (4)(c) [pathogen prohibition for human consumption crop fields], (4)(d)1 [no adverse soil effects], (4)(d)10 [allowable whey spreading rates], and (4)(e)1-3 [by-product solids spreading within agricultural practices and not cause contamination] for landspreading of liquid wastes and by product solids and s. NR 214.18 (4)(b),(d)-(h) [application, nutrient, pH, metals, and PCB limitations] for sludge spreading systems are included by reference in this permit. The permittee shall comply with these requirements.

6 Summary of Reports Due

FOR INFORMATIONAL PURPOSES ONLY

Description	Date	Page
Temperature Limits (Industrial Facilities) -Report on Effluent Discharges	December 31, 2016	14
Temperature Limits (Industrial Facilities) -Action Plan	March 31, 2017	14
Temperature Limits (Industrial Facilities) -Construction Plans	June 30, 2017	14
Temperature Limits (Industrial Facilities) -Initiate Actions	September 30, 2017	14
Temperature Limits (Industrial Facilities) -Complete Actions	December 31, 2017	14
Land Application Management Plan -Management Plan	June 30, 2015	14
Water Quality Trading (WQT) Management Practices -Management Practices	December 1, 2015	14
Annual Water Quality Trading (WQT) Report -Submit Annual WQT Report	January 31, 2016	14
Annual Water Quality Trading (WQT) Report -Submit Annual WQT Report	January 31, 2017	14
Annual Water Quality Trading (WQT) Report -Submit Annual WQT Report	January 31, 2018	15
Annual Water Quality Trading (WQT) Report -Submit Annual WQT Report	January 31, 2019	15
Characteristic Report Form 3400-49	no later than the date indicated on the form	22
Land Application Report Form 3400-55	January 31, each year whether or not waste is land applied	23
Report Form 3400-52	by January 31, each year whether or not waste is hauled to another facility, landfilled, incinerated, or stored in a manure pit	24
Wastewater Discharge Monitoring Report	no later than the date indicated on the form	16

Report forms shall be submitted electronically in accordance with the reporting requirements herein. Any facility plans or plans and specifications for municipal, industrial, industrial pretreatment and non industrial wastewater systems shall be submitted to the Bureau of Water Quality, P.O. Box 7921, Madison, WI 53707-7921. All other submittals required by this permit shall be submitted to:
Northeast Region - Oshkosh, 625 E. CTY RD Y, Suite 700, Oshkosh, WI 54901

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
PUBLIC NOTICE OF AVAILABILITY OF A WATER QUALITY TRADING PLAN, INFORMATIONAL HEARING AND INTENT TO MODIFY A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No.WI-0050521-09-1

Permittee: Baker Cheese Factory Inc., N5279 County Road G, St Cloud, WI 53079

Facility Where Discharge Occurs: Baker Cheese Factory Inc., N5279 County Road G, St. Cloud, Wisconsin

Receiving Water and Location: a wetland tributary to the Mullet River, Sheboygan River Watershed (SH03) and groundwater in the Sheboygan River Basin via land application and absorption pond seepage in Fond du Lac County

Brief Facility Description: This facility produces mozzarella cheese. This activity results in the discharge of 11,000 gallons per day of noncontact cooling water and boiler blowdown to an absorption pond via outfall 002. Process wastewater is currently generated at a rate of 50,000 to 60,000 gallons per day and this is all hauled to municipal treatment plants for treatment and disposal. Baker Cheese is nearing completion of construction of a new on-site treatment plant and shall discharge treated process wastewater to a wetland tributary via the permitted surface water outfall named 003. Whey processing wastewater shall also contribute additional wastewater that must be treated prior to discharge to the wetland tributary. Discharge flows may approach as much as 0.30 to 0.35 million gallons per day. Currently whey processing wastewater is still hauled off site for further processing. Land application outfall 001 is retained from the current permit to allow land application of industrial wastewater and outfall 004 will be added that will allow land application of wastewater bio-solids resulting from the wastewater treatment process.

Permit Drafter: Nanette E. Jameson, DNR, 2984 Shawano Avenue, Green Bay, WI 54313-6727, (920) 662-5174, nan.jameson@wisconsin.gov

Basin Engineer: Mark Stanek, DNR, 625 E County Road Y, Suite 700, Oshkosh, WI 54901, (920) 424-7895, mark.stanek@wisconsin.gov

Proposed Modification: The current permit does not expire until December 31, 2019. That current permit contains conditions which allow the facility to achieve compliance with the new lower phosphorous limits by utilization of water quality trading. The new wastewater treatment plant is destined to be finished and start discharging before the end of this calendar year. Treated effluent quality from the new wastewater treatment plant is expected to be in the range of 0.2 to 0.4 mg/L total phosphorus which does not meet the new lower phosphorus limits. In order to meet the low limits, the facility shall utilize WQT. Their current permit must be modified in order to incorporate the water quality trading approach to achieving compliance.

Water Quality Trading: The Department has tentatively decided to approve the permittee's water quality trading plan and allow the permittee to demonstrate compliance with the water quality based effluent limits for total phosphorus as specified in Water Quality Trading Plan (WQT-2015-0001).

The Department has tentatively decided that the above specified WPDES permit should be modified. The Department will finalize its review of the trading plan upon consideration of comments received during the 30-day notice period.

Limitations and conditions which the Department believes adequately protect the receiving water are included in the proposed permit. 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 above named basin engineer.

Hearing Date, Time, and Location: Wednesday, November 11, 2015, 3:00 pm, Town of Forest Town Hall, N5739 County Road W, Mt. Calvary, WI 53057

Hearing Officer: Jay Schiefelbein, WDNR, 2984 Shawano Avenue, Green Bay, WI 54313-6727, (920) 360-3784

The Department of Natural Resources, pursuant to Section 283.49, Wisconsin Statutes, has scheduled for the time and place listed above, a public hearing for the purpose of giving all interested persons an opportunity to make a statement with respect to the above announced permit action for this existing and new additional discharge.

A hearing officer will conduct the hearing in an orderly and speedy way and will use procedures specified in Subchapter II of ch. NR 203, Wis. Adm. Code, necessary to insure broad public participation in the hearing. The hearing officer will open the hearing and make a concise statement of the scope and purpose of the hearing and shall state what procedures will be used during the course of the hearing. The hearing officer shall explain the method of notification of the final decision to grant or deny the permit and the methods by which the decision may be reviewed in a public adjudicatory hearing.

The hearing officer may put limits on individual oral statements to insure an opportunity for all persons present to make statements in a reasonable period of time and to prevent undue repetition. The hearing officer may also limit the number of representatives making oral statements on behalf of any person or group. Informational and clarifying questions and oral statements shall be directed through the hearing officer. Cross-examination shall not be allowed.

Persons wishing to comment on or object to the proposed permit action are invited to do so by attending the public hearing or by submitting any comments or objections in writing to the Department of Natural Resources, at the permit drafter's address. All comments or suggestions received from members of the public no later than 7 days following the date of this public hearing will be used, along with other information on file and testimony presented at the hearing, in making a final determination. 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.

Information on file for this permit action, including the draft permit, fact sheet (if required), and permit application, may be inspected and copied at the permit drafter's or 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) 662-5174 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. 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.

Publishing Newspaper: The Reporter, PO Box 1955, Fond du Lac, WI 54937-1955
Date Notice Issued: October 7, 2015

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO MODIFY A

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0050521-09-1

Permittee: Baker Cheese Factory Inc., N5279 County Road G, St Cloud, WI, 53079

Facility Where Discharge Occurs: Baker Cheese Factory Inc., N5279 County Road G, St. Cloud

Receiving Water And Location: a wetland tributary to the Mullet River, Sheboygan River Watershed (SH03) and groundwater in the Sheboygan River Basin via land application and absorption pond seepage in Fond du Lac County

Brief Facility Description: This facility produces mozzarella cheese. This activity results in the discharge of 11,000 gallons per day of noncontact cooling water and boiler blowdown to an absorption pond via outfall 002. Process wastewater is currently generated at a rate of 50,000 to 60,000 gallons per day and this is all hauled to municipal treatment plants for treatment and disposal. Baker Cheese is nearing completion of construction of a new on-site treatment plant and shall discharge treated process wastewater to a wetland tributary via the permitted surface water outfall named 003. Whey processing wastewater shall also contribute additional wastewater that must be treated prior to discharge to the wetland tributary. Discharge flows may approach as much as 0.30 to 0.35 million gallons per day. Currently whey processing wastewater is still hauled off site for further processing. Land application outfall 001 is retained from the current permit to allow land application of industrial wastewater and outfall 004 will be added that will allow land application of wastewater bio-solids resulting from the wastewater treatment process.

Permit Drafter's Name, Address and Phone: Nanette E. Jameson, 2984 Shawano Avenue, , Green Bay, WI, 54313-6727, (920) 662-5174

Basin Engineer's Name, Address, and Phone: Mark Stanek, 625 E County Road Y, Suite 700, , Oshkosh, WI 54901, (920) 424-7895

Date Permit Signed/Issued for Modification: November 19, 2015
Date of Expiration: December 31, 2019

Following the public informational hearing the Department has made a final determination to modify 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:

Comments Received from the Applicant, Individuals or Groups and Any Permit Changes as Applicable
John Clancy, Godfrey & Kahn, S.C., on behalf of their client Baker Cheese, comment letter dated November 6, 2015
[The letter contains a small typographical error in Comment 1 in which 0.075 is stated as 0.75. 0.075 is correct.]
1-Commenter wants confirmation that the first 6-month evaluation period where the 6-month average limits shall be evaluated is the 6-month period ending June 30, 2016. The 6-month average limits shall start being evaluated after June 30, 2016. No change to permit.
2-Commenter wants clarifying language in the permit in order to prevent potential misinterpretation that daily limits, and demonstration of compliance with, daily limits for phosphorus are in the permit. There are no daily limits for phosphorus in the permit. Additional language is not needed. No change to permit.
[The letter comment incorrectly cites 'the fourth bullet' of subsection 1.2.1.5 in Comment 3. The comment is related to the fifth bullet.]
3-Commenter wants the notice to DNR requirement removed when amending or modifying the water quality trading plan. If the water quality trading agreement is followed, the notice requirement in subsection 1.2.1.5 will be met. No change to permit.
4a-Commenter wants additional language related to permittee failures or availability of new information leading to trading no longer being an option to be added to the permit. This is a reiteration of section 2h of the water quality trading agreement. DNR shall comply with the terms of the water quality trading agreement. That identical language is not needed in the permit. No change to permit.
4b-Commenter wants citation for Wis. Adm. Code NR 203.135 added to permit in subsection 1.2.1.7. Wis. Adm. Code NR 203.135 contains provisions for permit actions. DNR agrees with the addition and has changed the permit to include the 203.135 citation.
4c-Commenter requests that an additional provision regarding modification of the permit if new information becomes available which changes the number of credits available for trade. Sub-section 1.2.1.3 says any change in the number of available credits requires a permit modification. No change to permit.

Ken Blatz, verbal testimony at hearing on November 11, 2015. Mr. Blatz inquires 'what is the basis for runoff of a corn soybean rotation to determine the amount of phosphorus that is getting away'. Keith Marquardt replied that the Department uses the SnapPlus program version 14 from the university. It involves soil sample collection, nitrogen, phosphorus and potassium analyses, crop rotations, crop nutrient needs, slopes and weather data to determine runoff calculations, and use of the revised universal soil loss equation to look at soil loss. No change to permit.

Comments Received from EPA or Other Government Agencies and Any Permit Changes as Applicable
Scott Ireland for Kevin Pierard, Chief of NPDES Programs Branch, EPA, conveyed by George Azevedo, letter dated November 18, 2015. EPA does not object to issuance (modification) of the permit. EPA notes that trading provides a flexible option in a cost effective manner which reduces nonpoint pollution. Trading makes environmental progress by protecting land to offset the discharge of phosphorus and reduce the runoff of pollution to the Mullet River. No change to 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 found by reviewing ch. NR 203, Wis. Adm. Code, s. 283.63 Stats., and other applicable law, including s. 227.42, Stats.

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 (920) 662-5174 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.

GODFREY & KAHN S.C.

ONE EAST MAIN STREET, SUITE 500 • POST OFFICE BOX 2719
MADISON, WISCONSIN 53701-2719

TEL • 608.257.3911 FAX • 608.257.0609

www • GKLAW.COM

Direct: 414-287-9256
jclancy@gklaw.com

November 6, 2015

VIA EMAIL (NAN.JAMESON@WISCONSIN.GOV)

Ms. Nanette E. Jameson
Pretreatment Coordinator/Permit Drafter
Wisconsin Department of Natural Resources
Water Quality Bureau/Water Division
Northeast Region Headquarters
2984 Shawano Avenue
Green Bay, WI 54313-6726

RE: Comments on Baker Cheese Draft Modified WPDES Permit

Dear Ms. Jameson:

Thank you for providing Baker Cheese with the opportunity to provide comments on its draft modified WPDES permit (the "Draft Modified Permit"). Baker Cheese has the following comments:

Comment 1:

Baker Cheese's first comment is simply to clarify the monitoring requirements and effluent limitations set forth at page 5 of the Draft Modified Permit. In particular, Baker Cheese seeks to clarify the notes for "WQT TP Computed Compliance" for the six-month average standards for phosphorous in terms of mg/L (0.75 mg/L) and lbs/day (0.16 lbs/day). The chart on page 5 indicates that both of these limits are effective December 1, 2015. However, the chart also appropriately indicates that "[c]ompliance with the six-month average limit is evaluated at the end of each six-month period on Jun. 30 & Dec. 31." In light of the fact that there is no six-month period that will ending June 30 or December 31 that includes the month of December 2015, Baker Cheese is simply confirming that the first compliance period for these standards is January 1, 2016 through June 30, 2016.

Comment 2:

Baker Cheese requests clarification with respect to subsection 1.2.1.4, "Demonstrating Compliance with TP WQBELs Using Water Quality Trading." This subsection states: "When the TP discharge is less than 0.075 mg/L and 0.16 lbs/day for a given day, report 0 (zero) as the 'WQT TP Credits' for that day." Baker Cheese requests WDNR add text similar to the following

or otherwise provide written clarification that it is not required to meet 0.075 mg/L and 0.16 lbs/day for any given day:

> Note: The permittee is not required to demonstrate daily compliance with the TP WQBELs but must demonstrate compliance with the TP WQBELs over the averaging periods specified in subsection 1.2.1.

Baker Cheese requests that WDNR provide this clarification because the calculations required in subsection 1.2.1.4 and in the draft discharge monitoring reports may create the misimpression that Baker Cheese is to comply with the TP WQBELs on a per day basis. However, Baker Cheese's discussions with WDNR, as well as the averaging periods for these TP WQBELs, indicate that this is not true. In particular, all of the TP WQBELs are averages over a specified time period, as described in subsection 1.2.1. Specifically, Baker Cheese must comply with a TP WQBEL of 0.225 mg/L as a monthly average, 0.075 mg/L on a six-month average, and 0.16 lbs/day on a six-month average. Accordingly, Baker Cheese would like to ensure that the calculations required in subsection 1.2.1.4 and the discharge monitoring reports are not misinterpreted to require Baker Cheese to utilize credits to comply with the TP WQBELs on a daily basis.

Comment 3:

Baker Cheese requests that WDNR remove the notice requirement contained in the fourth bullet in subsection 1.2.1.5, "Additional Water Quality Trading Requirements," in the Permit Modification. Specifically, Baker Cheese requests that WDNR remove the text stating:

> The permittee shall provide WDNR written notice within 7 days of the trade agreement upon which the approved water quality trading plan is based being amended, modified, or revoked. This notification shall include the details of any amendment or modification in addition to the justification for the changes.

Baker Cheese requests that WDNR remove this text because it appears to be based on the factual presumption that Baker Cheese entered into a trade agreement with a third party. As both the credit user and credit generator, Baker Cheese is required to and has entered into a Water Quality Trade Agreement ("Trade Agreement") with WDNR. *See* Wis. Stat. § 283.84. Under the terms of the Trade Agreement between WDNR and Baker Cheese, if Baker Cheese seeks to modify or terminate the Trade Agreement, Baker Cheese must provide WDNR notice and/or must obtain WDNR approval prior to terminating or modifying the Trade Agreement. *See* Water Quality Trade Agreement, §§ 2(f), (g), (j). Additionally, if WDNR seeks to modify or terminate the Trade Agreement, WDNR will be aware of the modification or termination and therefore should not require Baker Cheese to provide it notice of its own action. The above quoted notice requirement would be appropriate if Baker Cheese had entered into a trade agreement with a third party, but is not necessary since Baker Cheese entered into a trade agreement with WDNR.

Comment 4:

Baker Cheese requests that WDNR modify subsection 1.2.1.7, "Water Quality Trading Reopener Clause," to be consistent with subsection 2(h) of the executed Trade Agreement. Specifically, Baker Cheese requests that the language in subsection 1.2.1.7 of the Permit Modification be modified to state:

> In accordance with the procedures and requirements of 283.53(2), Wis. Stats. and Wis. Admin. Code NR 203.135 and 203.136, WDNR may modify or revoke and reissue this permit to eliminate permit terms and conditions related to water quality trading if, after providing the permittee notice, an opportunity to discuss with WDNR, and a reasonable period of time to correct or address any of the conditions listed below, any one of the following occur:
>
> - The permittee fails to implement the water quality trading plan as approved;
> - The permittee fails to comply with permit terms and conditions related to water quality trading;
> - New information becomes available that causes WDNR to determine that water quality trading is no longer an acceptable option.

Based on Baker Cheese's discussions with WDNR, it is our understanding that a modification or revocation of the permit would be conducted in accordance with the procedures and requirements of 283.53(2), Wis. Stats. and the relevant procedural requirements in the Wisconsin Administrative Code. Because Wis. Admin. Code NR 203.135 contains procedures for modifications or revocations of permits, Baker Cheese requests that the permit, consistent with the Trade Agreement reference Wis. Admin. Code NR 203.135, as well as Wis. Admin. Code NR 203.136 and 283.53(2), Wis. Stats.

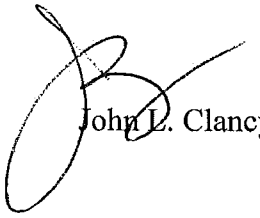
Since WDNR should not revoke the permit and eliminate terms and conditions allowing water quality trading simply because the number of credits generated under the Water Quality Trading Plan changes (i.e., goes up or down), Baker Cheese requests that the present reference in subsection 1.2.1.7 to changes in the number of credits be put into a separate statement that says the following:

> If new information becomes available that would change the number of credits available for the trade, in accordance with the procedures and requirements of s. 283.53(2), Wis. Stat., and Wis. Admin. Code NR 203.135 and 203.136, WDNR may modify this permit to reflect the newly determined number of credits available for the water quality trade.

Thank you again for the opportunity to review and provide comments. Baker Cheese has appreciated the cooperative relationship it has had with WDNR in working to implement this important water quality trade.

Very truly yours,

GODFREY & KAHN, S.C.



John L. Clancy

JLC:vmj

cc: Jeff Baker, Cheryl Heilman, Keith Marquardt, Amanda Minks, Kelley O'Connor, Mark Pronley, Mary Ryan, Jim Schmidt, Mark Stanek *(Via E-Mail)*

14764790.2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 18 2015

REPLY TO THE ATTENTION OF:

WN-16J

Adrian Stocks, Chief
Permits Section-Water Quality Bureau
Wisconsin Department of Natural Resources
101 S. Webster, Madison, WI 53707

Re: U.S. Environmental Protection Agency Review of Draft NPDES Permit, Baker Cheese Company, St. Cloud, Wisconsin, Permit No. WI0050521

Dear Mr. Stocks:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft National Pollutant Discharge Elimination System (NPDES) Permit for the Baker Cheese Company, St. Cloud, Wisconsin, Permit No. WI0050521. This Draft Permit was submitted to EPA for review via email on October 7, 2015. This review focused specifically on two aspects of the permit, the proposed phosphorus effluent limitations and water quality trading provisions. EPA is encouraged by the trading condition in this permit as it provides flexible options for complying with effluent limits in a cost effective manner and requires pollution reductions from nonpoint sources. This particular provision makes environmental progress by protecting land to offset the discharge of phosphorus and reduce the runoff of pollution to the Mullet River. Based on our review of these particular components in the Draft Permit, EPA would not object to issuance of the permit. Our position could change if any of the following occur:

1) Prior to the actual date of issuance of a Proposed Permit, an effluent guideline or standard is promulgated which is applicable to the permit and which would require revision or modification of a limitation or condition set forth in the Draft Permit;

2) A variance is granted and the Permit is modified to incorporate the results of that variance;

3) There are additional revisions incorporated into the Permit which have not been agreed to by EPA; or

4) EPA learns of new information, including as the result of public comments, which causes EPA to reconsider its position.

Subject to the above conditions, the permit may be issued in accordance with the Memorandum of Agreement and pursuant to the Clean Water Act.

When the Proposed Permit is prepared, please forward a copy and any significant comments received during any public notice period to r5npdes@epa.gov. Please include the EPA permit number, the facility name, and the words "Proposed Permit" in the message title. If you have any questions related to EPA's review of this permit, please contact George Azevedo at (312) 886-0143 or at azevedo.george@epa.gov.

Thank you for your cooperation during the review process and your thoughtful consideration of our comments.

Sincerely,

Scott Ohl for

Kevin M. Pierard, Chief
NPDES Programs Branch