Multi-Discharger Variance Application Evaluation Checklist

Notice: This checklist is meant to be a tool to help Department of Natural Resources (DNR) staff review municipal and industrial multi-discharger variance (MDV) applications (Forms 3200-149 and 3200-150). Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records Law (ss. 19.31-19.39, Wis. Stats.).

Permittee Name

City of Whitehall

WPDES Permit Number	County
WI- 0 | 0 | 3 | 0 | 9 | 7 | 0	Trempealeau

1. Did the point source apply for the MDV at the appropriate time?	(●) Yes ( ) No. *STOP- facility not eligible at this time.*	*See Questions 1-3.*
2. This operation is (check one):	( ) New or relocated outfall. *STOP- facility not eligible.* (●) Existing outfall	*See Questions 5-6.*
3. Is the point source is located in an MDV eligible area?	(●) Yes ( ) No. *STOP- facility not eligible.*	*Apply County information to Appendix H. Additional information provided in Q7 on municipal form & Q7-8 on industrial form.*
4. The secondary indicator score for the county (counties) the discharge is located is:	6	*See Appendices A-F. If the score is less than 2, stop; the facility is not eligible. See Q23 on municipal form & Q28 on industrial form.*
5. Is a major facility upgrade required to comply with phosphorus limits?	(●) Yes ( ) No. *STOP- facility not eligible.*	*See Q8 on municipal form/Q9 on industrial form.*
6. List the months where phosphorus limits cannot be achieved during the permit term:	☒ All ☒ Jan ☒ Apr ☒ Jul ☒ Oct ☒ Feb ☒ May ☒ Aug ☒ Nov ☒ Mar ☒ Jun ☒ Sep ☒ Dec	*Consider checking with limit calculator. If this does not match information in application, the application should be updated prior to approval.*

7. What is the current effluent level achievable?

Outfall Number(s)	Conc. (mg/L)	Method for calculation:	Does this concur with application?	
001	1.44	(●) 30-day P99 ( ) Other, specify:	( ) Yes (●) No, why not: Application used smaller dataset	*DNR staff should verify the effluent concentration value(s) provided. See Q11 on municipal form & Q12 on industrial form.*

8. What is the appropriate interim limitation(s) for the permit term?

0.6 mg/L as a monthly average pursuant to s. 283.16(6)(a)2., Wis. Stats.
Target value = 0.2 mg/L

Provide Rationale:

Effluent total phosphorus data from the past three years (5/1/2021 - 4/30/2024, n=156) yield a 30-day P99 value of 1.44 mg/L. Each year includes short periods of high phosphorus discharge but generally lower results observed. The average of the dataset is 0.93 mg/L. A schedule will likely be needed in the next permit term to meet 0.6 mg/L on a consistent basis.

Note: See description in Section 2.02 of the MDV implementation guidance. Interim limitations should reflect the "highest attainable condition" for the permittee in question pursuant to s. 283.16(7), Wis. Stat.

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9. *For Industries Only*- Where does the phosphorus in the effluent come from? (check all that apply)	☐ Process ☐ Additive Usage ☐ Water supply *Can intake credits be given or can the facility use an alternative water supply?* ○ Not feasible ○ Possibly, but further analysis needed ○ Not evaluated at this time	*See Q14-15 & 19 on industrial form. If the answer is "possibly" or "not evaluated", the schedule section of the MDV permit should contain a requirement to perform this analysis.*
10. Has this facility optimized?	◉ Yes ○ In progress ○ No	*See Q14 on municipal form & Q16 & 20 on industrial form. Facility must optimize and operate at an optimize treatment level (s. 283.16(6)(a), Wis. Stat.)If no will need compliance schedule.*
11. Has a facility plan/compliance alternative plan been completed for the facility?	○ Yes ◉ In progress ○ No	*See Q15 on municipal form & Q17 on industrial form.*
12. What is the projected cost for complying with phosphorus? Source:	$ 21,733,603.00 Site-specific cost estimate (capital costs) supplied with MDV application. Note: DNR is not accepting the O&M costs	*Facility must submit site-specific compliance costs. If cost projections are used from EIA, the permittee must certify that these costs are reasonable for the facility in question. See "projected compliance costs" in Section 2.02 of the MDV Implementation Guidance for details.*

Comments on planning efforts:

The December 2016 Final Compliance Alternatives Plan, prepared by SEH, evaluates alternative compliance options for meeting a 0.075 mg/L WQBEL. Alternative discharge location and land treatment options are evaluated but not found to be feasible. Watershed offset options such as adaptive management and water quality trading were also evaluated and deemed not feasible due to the magnitude of phosphorus offset required. SEH has provided update site-specific cost estimates for a facility rebuild including reactive sand filtration. The City has taken various optimization and source reduction steps during the current permit term, including trailing a different phosphorus removal chemical and new chemical addition point. They also met with contributing industries regarding phosphorus discharges. No major strides in treatment performance were achieved.

13. Are adaptive management and water quality trading viable?	○ Yes ◉ Perhaps. Additional analysis required. ○ No	*See Q18-21 on municipal form & Q22-25 on industrial form. If additional analyses required, the applicant may need to complete this analysis during the MDV permit term.*
14. Has the point source met the appropriate primary screener?	◉ Yes ○ No. *STOP- facility not eligible.*	*See Q4 of this form in addition to the "eligibility" guidance in Section 2.01 of the MDV Implementation Guidance.*

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Comments on economic demonstration:
The site-specific compliance cost estimate, provided by SEH, arrives at $21,733,603 in capital costs and $1,347,483.00 in increased Operation and Maintenance costs. DNR is not accepting the O&M costs due to the following factors: The estimate includes various costs already covered by current sewer user fees and a nondescript "operating expense" of $251,984.32 is not substantiated. The calculations also include collection system O&M, which is typically not eligible to include in a variance economic demonstration. These values are replaced by utilizing the costs generated by the statewide EIA, and factoring them based on capital cost relationship between the EIA and SEH's estimate (factor of 3.73). Therefore, the accepted O&M costs are $724,819.46. Assuming a 20-year CWFP loan at 2.145% interest, annual payments on capital costs amount to $1,347,483.00. With O&M, total annual cost increases are $2,072,302.47. The residential portion (28.7%) is $594,750.81. This cost, divided amongst 1159 user households results in a per-user increase of $513.16 on an annual average basis. Current sewer rates are $346.85 annually. Future rates are projected at $860.01. This value is 1.5% of the user-weighted MHI between Whitehall, Blair, and Lincoln Sanitary District ($57,316.25). In Trempealeau County with a secondary indicator score of 6, a 1% MHI sewer user rate projection meets the primary screener. The applicant meets the primary screener.

15. What watershed option was selected?

- (●) County project option. *Complete Section 5.*
- ( ) Binding, written agreement with the DNR to construct a project or implement a watershed plan. *Complete Section 4.*
- ( ) Binding, written agreement with another person that is approved by the DNR to construct a project or implement a watershed plan. *Complete Section 4.*

Section 4. Watershed Plan Review

16. MDV Plan Number: *Note: This is for tracking purposes. Contact Statewide Phosphorus Implementation Coordinator for the plan number.*	_____
17. Did the point source complete Form 3200-148?	( ) Yes ( ) No
18. Is the project area in the same HUC 8 watershed as the point of discharge?	( ) Yes ( ) No. *STOP- Watershed plan must be updated.*
19. What is the annual offset required? *See Section 2.03 of the MDV implementation guidance. If this value is different from the offset target provided in form 3200-148, the watershed plan should be amended.*	_____
20. Does the plan ensure that the annual load is offset annually?	( ) Yes ( ) No. *STOP- Watershed plan must be updated.*

21. Are projects occurring on land owned/operated by a CAFO or within a permitted MS4 boundary?

- ( ) Yes. *Work with appropriate DNR staff to ensure projects are not working towards other permit compliance.*
- ( ) No.

22. Are other funding sources being used as part of the MDV watershed project?

- ( ) Yes. *Work with appropriate DNR staff to ensure that funding sources can be appropriately used in the plan area.*
- ( ) No.

23. Do you have any concerns about the watershed project? *Note: Coordinate with other DNR staff as appropriate.*	( ) Yes. *STOP- Watershed plan must be updated.* ( ) No.

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Comments:

Section 5. Payment to the County(ies)

24. At this time, the appropriate per pound payment is: $ 64.75

    See "Payment Calculator" document at *\\central\water\WQWT_PROJECTS\WY_CW_Phosphorus\MDV*.

Section 6. Determination

Based on the available information, the MDV application is:

- (●) Approved
- ( ) Request for more information
- ( ) Denied

Additional Justification (if needed):

Certification

Preparer Name	Title
Matt Claucherty	Water Resources Management Specialist

Signature of Preparer	Date
Matt Claucherty	6/14/2024

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