



August 8, 2024

Mr. Timothy R. Asplund  
Monitoring Section Chief  
WDNR – Bureau of Water Quality  
101 S. Webster Street  
Madison, WI 53707-7921

RE: Water Quality Management Letter for Dane County Water Quality Plan Amendment Request #2308 – MMSD (“Nine Springs WWTP Effluent Revision”)

Dear Mr. Asplund:

Madison Metropolitan Sewerage District (MMSD, or District) has submitted a request for an amendment to the *Dane County Water Quality Plan*. The proposed amendment will revise the point discharge locations of treated effluent from the Nine Springs Wastewater Treatment Plant. Currently, treated effluent from District operations is returned to two local streams (Outfall 001 to Oregon Branch of Badfish Creek, Outfall 005 to Badger Mill Creek). The proposed amendment will cease to return effluent to Outfall 005 to comply with phosphorus limits. A public hearing was held on the proposed amendment at the July 11, 2024, Capital Area Regional Planning Commission meeting. The District’s application and the Commission staff’s analysis report of the proposed amendment have been submitted to the Department’s Surface Water Integrated Monitoring System.

At our August 8, 2024, meeting, the Capital Area Regional Planning Commission voted to recommend to the Wisconsin Department of Natural Resources *denial* of this amendment, based on the following:

1. The applicant has failed to provide sufficient information to demonstrate that the proposed amendment is consistent with water quality standards under Wis. Stat. § 281.15; and more specifically, that the loss of effluent flow will not detrimentally affect water quality in Badger Mill Creek so that dissolved oxygen does not fall out of compliance (or where already out of compliance, not fall further out of compliance) with the numeric water quality criterion of NR 102.04(4)(a)3.
2. The data presented in the application do not sufficiently demonstrate compliance with water quality standards at all times and under all flow and water level conditions, as required by NR 102.04(1). Specifically, the three trial shutdowns do not provide data during what could be the time of year where the most significant adverse impacts to water quality, in particular dissolved oxygen, would be expected (i.e., during warm summer months).
3. Since the proposed amendment only transfers the phosphorus from one watershed to another and that present phosphorus levels in Badger Mill Creek are not harming aquatic life, we

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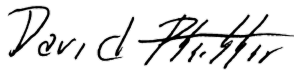
recommend that the DNR reconsider granting MMSD a variance regarding phosphorus into Badger Mill Creek in the public interest.

Therefore, the Commission recommends that additional data addressing the above concerns be provided to the Capital Area Regional Planning Commission for review under a new amendment request, should the applicant wish to reapply.

Further, the Commission would like to encourage MMSD to work with the Wisconsin DNR, CARPC, and other interested governmental and non-governmental stakeholders to revisit other options to satisfy phosphorous requirements. This may include a further look at adaptive management as an alternative method to reduce phosphorus.

If you have any questions regarding this matter, please do not hesitate to contact Nick Bower, the Commission's Senior Environmental Engineer.

Sincerely,



David Pfeiffer  
Chairperson



Kris Hampton  
Secretary

cc: Martye Griffin, Director of Ecosystem Services, MMSD

