



Wisconsin Chapter

Sheri A. Snowbank
Permit Drafter
Wisconsin Department of Natural Resources
810 W. Maple Street
Spooner, WI 54801
Sheri.Snowbank@wisconsin.gov

Jordan Englebert
Basin Engineer
Wisconsin Department of Natural Resources
810 W. Maple Street
Spooner, WI 54801
Jordan.Englebert@wisconsin.gov

June 26, 2020

VIA EMAIL

**RE: WPDES Permit Reissuance for the City of Rice Lake - Utilities
Permit No. WI-0021865-10-0**

Dear Ms. Snowbank,

Thank you for the opportunity to comment on permit WI-0021865-10-0. The following comments are submitted on behalf of the Wisconsin Chapter of the National Waste & Recycling Association (NWRA). The NWRA represents private solid waste companies offering waste collection, recycling and landfill disposal services to communities, local governments, commercial, industrial, and residential customers throughout Wisconsin and in all 50 states.

The Rice Lake Wastewater Treatment Plant (WWTP) serves Northwestern Wisconsin, a sparsely populated area of the state. Rice Lake is one of the region's largest population centers and thus its treatment plant is among the largest in the area. The Rice Lake WWTP is crucial to the operation of several landfills in the region including active landfills – Lake Area Landfill in Sarona (primary disposal facility), Timberline Trail Landfill in Weyerhaeuser (primary disposal facility), and Seven-Mile Creek Landfill in Eau Claire (backup disposal facility). The Rice Lake WWTP also serves the closed landfills of Northwoods Sanitary in Rice Lake and St. Croix River Valley in Osceola.

Safe disposition of leachate is vital to environmentally protective landfill operation. An active landfill can generate millions of gallons of leachate a year and is required to constantly remove the leachate to avoid excessive build up on the landfill liner. The proposed change to the permit with respect to ammonia levels coming into the facility is problematic for the following reasons.

- Rice Lake WWTP has informed landfills that they will not be able to comply with the ammonia standard without curtailing acceptance of landfill leachate. That would in turn create new environmental concerns at other regional WWTPs, or force the diversion of leachate to larger, more distant plants with the associated environmental burdens of long-haul trucking.

- To be in compliance, the DNR is proposing the removal of a waste stream without the ability to evaluate milestones and data that a compliance schedule would allow.
- Alternatives to using Rice Lake WWTP are extremely limited within a 130-mile radius of the plant.
- In addition to the environmental consequences, displacing leachate treatment will impose additional costs on both landfill users and WWTP users. Communities that rely on the landfills will bear the added expense of long-haul leachate transport, and WWTP users will bear the fixed costs that are currently shared by the landfill users.

Consideration should be given to these consequences due to the proposed changes in the permit. Imposing the ammonia standard with merely 30 days' notice to Rice Lake and the users of its WWTP creates hardships that could be readily mitigated by extending a 5-year compliance schedule as allowed under NR 106.37.

NR 106.37 allows the Department to issue a compliance schedule for ammonia effluent limits. U.S. EPA allows the department to grant a compliance schedule if Rice Lake cannot meet the effluent standard in the permit and that the compliance schedule will lead to compliance with an effluent limitation. In reviewing 40 CFR 122.47 and U.S. EPA guidance, we cannot find any regulations that specify that "compliance as soon as possible" would require Rice Lake to stop accepting landfill leachate just because they are not directly connected to the system.

In addition, it is our understanding that the Rice Lake WWTP has limited data on ammonia discharge concentrations that was used for calculating permit limits. Per WDNR staff, the sample numbers are well short of what would be preferred for calculating the limits at the Rice Lake WWTP. While landfill leachate is a known source of ammonia, it is not conclusively known whether there are other sources that contribute to ammonia concentrations.

The Rice Lake WWTP is a regional facility accepting landfill leachate from several facilities that do not have an alternate facility in Northwestern WI that could reasonably be able to take the volume that Rice Lake manages. A 5- year compliance schedule will allow time to gather data and develop an appropriate response if necessary. Even more advantageous to all parties, and more importantly the environment, a 5-year compliance schedule would allow landfills and the WWTP to meet and evaluate milestones to treat the problem instead of sending the same material to a different plant and thus perpetuating the issue. Without a compliance schedule that problem is just shifted to another facility and is not addressed.

On behalf of the Wisconsin Chapter of the National Waste & Recycling Association I thank you for your consideration of the above listed comments. If you have any questions regarding our comments or require additional insight, please do not hesitate to contact me (608) 665-3380 or jason@wiscls.com.

Sincerely,



Jason Johns
NWRA Chapter Lobbyist

Cc: Fred Radandt, Chapter Chair
Peggy Macenas, NWRA – VP Midwest Region.