

Multi-discharger Phosphorus Variance



ELIGIBLE POINT SOURCES:

A point source must meet all of the following to request a MDV:

- Must be an **existing facility**
- Requires a **major facility upgrade** to comply with their phosphorus WQBELs
- Meets the primary and secondary **substantial** indicators
- Agrees to **reduce its phosphorus load** during the variance time-line
- Implements a **watershed project** to help curb nonpoint source phosphorus pollution

An eligibility quiz is available online to help point sources make this determination.

ACRONYMS

DNR: Wisconsin Department of Natural Resources

DOA: Wisconsin Department of Administration

EIA: Economic Impact Analysis

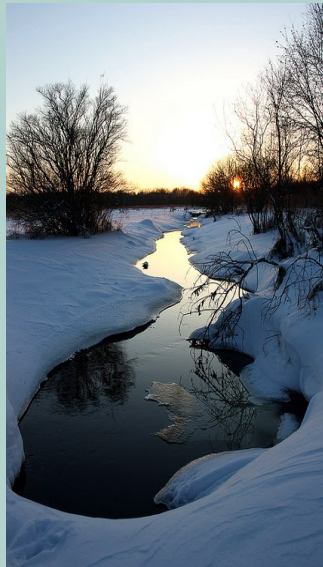
LCD: Land and Water Conservation Department

MDV: Multi-Discharger Variance

WPDES: Wisconsin Pollutant Discharge Elimination System

WQBEL: Water quality-based effluent limit

What is a multi-discharger variance?



A MULTIDISCHARGE VARIANCE (MDV) IS...

- A time extension for point sources facing restrictive phosphorus limits to comply with limits
- An opportunity for point sources to make meaningful strides towards water quality improvements in a more economically effective manner
- Approved on a case-by-case basis and implemented in a WPDES permit

A MDV IS NOT...

- An individual variance pursuant to s. 283.15
- A final compliance option for point sources
- Water quality trading or adaptive management
- Permanent

What the MDV requires:

A point source is responsible for evaluating its compliance options such as facility upgrades, water quality trading, adaptive management, and, potentially, a phosphorus MDV. If a facility meets the eligibility requirements and requests the MDV, the WPDES permit will, upon approval, be modified or reissued with the following requirements:

1. **Reductions of effluent phosphorus:** Point sources are required to reduce their phosphorus load each permit term. Interim limitations will be included in the permit based on current effluent quality, opportunities for optimization, and other site-specific considerations.
2. **Implement a watershed project:** Point sources must implement one of the following watershed project options to help reduce nonpoint source of phosphorus pollution:
 - Enter into an agreement with DNR to implement a project to offset the amount of phosphorus their discharge exceeds the target value.
 - Enter into a DNR-approved agreement with a third party to implement a project to offset the amount of phosphorus their discharge exceeds the target value.
 - Make payments to county LCDs of \$50 per pound times the number of pounds of phosphorus their discharge exceeds the target value.

The approval determination must be re-evaluated each permit reissuance of the MDV project timeline. The legal requirements of the MDV determination as well as general implementation procedures can be found in s. 283.16, Wis. Stat.

MDV APPROVAL & DURATION

EPA approved the MDV on February 6, 2017, which is effective until February 5, 2027. Permit terms and conditions that reflect the MDV cannot extend beyond the term of the variance expiration date. Several options are available to extend the current MDV approval to encompass the full time period allotted in s. 283.16, Wis. Stat., including:

- Seeking EPA approval on updated MDV packages, and
- Providing a compliance schedule after MDV expiration.

The Department will continue to work with EPA and stakeholders to pursue these options to maximize the duration of the MDV as necessary and appropriate. Section 283.16, Wis. Stat., authorized the DNR to seek MDV approval for up to 3 permit terms.

County Payment Option

ONLINE RESOURCES

- MDV Implementation Guidance
- Informational Webinars
- Application Materials
- County Resources
- Watershed Project Resources
- MDV Package Submitted to EPA
- Local contact information

It is voluntary for County LCDs to participate in the MDV. County LCDs should submit the “County Participation Form” to the DNR by January 1st of each year they wish to receive funding. At least 65% of MDV funds must be spent to bring farmers and other agricultural sources into compliance with NR 151 agricultural performance standards. The remaining funding may be spent on staffing, innovative projects, monitoring, modeling, demonstrations, etc. If a County chooses to participate, they will agree to:

- Develop a plan to use funds (due 1 year after funds received)
- Use the MDV funds appropriately
- Submit annual reports to the DNR until funds are used



A grass waterways is an example of an agricultural BMP that can be used as part of a watershed project.

Funds must be targeted to the highest phosphorus loading areas within the participating county. This may or may not be the same watershed the MDV funds were generated in. A “watershed plan” form has been created to help streamline the development and submittal of MDV watershed plans to DNR. Section 3.04 of the MDV Implementation Guidance is also designed to provide instructions to County LCDs on how to develop a successful MDV plan. Visit <http://dnr.wi.gov/>, search “statewide phosphorus variance” for more information.

Determining Substantial Impacts

A two-step process was used to determine if phosphorus standards compliance has a substantial impact to point source discharges. The purpose of the first step, commonly referred to as the “primary screener”, is to determine the phosphorus standards’ economic impact on dischargers in each category. The second step, referred to as the “secondary screener”, gauges the wider community’s socio-economic well-being and ability to adapt to changes that accompany implementation of phosphorus standards. In order to meet the “substantial determination” test, a facility must meet the primary screener and one or more secondary screeners. Permittees should review Appendices A-G of the MDV Implementation Guidance or the “eligibility quiz” at dnr.wi.gov, keywords “statewide phosphorus variance” for specific eligibility information:

Primary Screeners:

- Median household income (municipal WWTFs)
- Estimated compliance costs within the discharge category (industries)
- Estimated compliance costs within the county (industries)

Secondary Screeners:

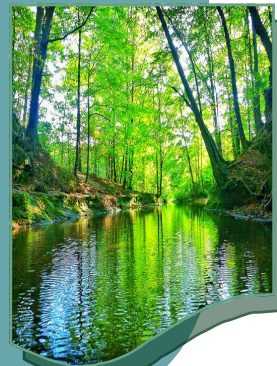
- Median household income (industries only)
- Transfer receipts as a share of total personal income
- Jobs per square mile
- Population change
- Net earnings by place of residence
- Job growth
- Capital costs as a share of total wages

REVIEWING THE MDV

- In order to comply with federal requirements, DNR must triennially review new information to determine if revisions are needed to the MDV including the substantial and wide-spread socioeconomic determination.
- DNR will also review facility-specific applications of the MDV upon permit reissuance to re-evaluate the need for the variance and update permit terms and conditions associated with s. 283.16, Wis. Stat. and the EPA-approved MDV.
- DNR may request EPA approval of revised phosphorus MDV packages in the future based on new information gathered from these analyses. This may extend the duration of the MDV.

FOR MORE INFORMATION

- Visit the DNR website: <http://dnr.wi.gov/>, search “phosphorus”
- Send comments or questions to DNRphosphorus@wisconsin.gov



Fact sheet for information only
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