

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
PUBLIC NOTICE OF INFORMATIONAL HEARING AND INTENT TO REISSUE A WISCONSIN  
POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0000914-08-0

Permittee and Facility Where Discharge Occurs: Wisconsin Electric Power Co Oak Creek Plant Elm Road, 11060 S. Chicago Road, Oak Creek, WI 53201

Receiving Water and Location: Lake Michigan

Brief Facility Description and Summary of Proposed Changes: The draft permit is for the Oak Creek Elm Road (OCER) facility consisting of the Oak Creek Power Plant (OCPP) and the Elm Road Generating Station (ERGS). The facility consists of six coal fired steam electric power generating units located on the shore of Lake Michigan. The draft permit addresses wastewater discharges and the cooling water intake structure (CWIS) for the entire OCER facility. The draft permit includes changes that address CWIS requirements, improvement of reporting of mass discharge, alternative effluent limitations for temperature, air pollution control discharges, arsenic variance, mercury variance and numerous other changes

Permit Drafter: Jason Knutson, Wastewater Section Chief, DNR, 101 S. Webster St. PO Box 7921, Madison, WI 53707, (608) 266-1198, Jason.Knutson@wisconsin.gov

Basin Engineer: Geisa Thielen, DNR, 2300 N Dr Martin Luther King Jr Dr, Milwaukee, WI 53212, (414) 263-8525, Geisa.Thielen@wisconsin.gov

The Department has tentatively decided that the above specified WPDES permit should be reissued.

Proposed Mercury Variance: The Department has determined that a water quality-based effluent limitation (WQBEL) of 1.3 ng/L for mercury is needed to protect wildlife and human health in the above-named receiving water. The permittee has submitted an application for an alternative mercury effluent limitation (AMEL). The application included a pollutant minimization program (PMP) plan for mercury as required under s. NR 106.145(8), Wis. Adm. Code. The Department concludes that the permittee is eligible for a variance based on the information submitted, information on file and the findings provided in s. NR 106.145(1), Wis. Adm. Code. The Department and the permittee have mutually agreed upon an AMEL of 4.1 ng/L, expressed as a daily maximum, continued influent and effluent monitoring, and permit language requiring implementation of the PMP. The Department proposes to grant the AMEL, which represents a variance to the water quality standard used to derive the WQBEL, as provided for under s. NR 106.145(6), Wis. Adm. Code. The designated use of the receiving water will not change as a result of the variance. This mercury variance must be approved by USEPA prior to its inclusion in the final reissued permit.

Proposed Arsenic Variance: The Department has determined that a water quality-based effluent limitation (WQBEL) of 0.2 ug/L for arsenic is needed to protect human health in the above-named receiving water. The permittee has submitted an application for a variance. The Department concludes that the permittee is eligible for a variance based on the information submitted and information on file. The Department and the permittee have mutually agreed upon an initial limit of 1.2 ug/L, expressed as a daily maximum, continued influent and effluent monitoring, and permit language requiring continuing efforts to further reduce arsenic discharges. The Department proposes to grant the variance to the water quality standard used to derive the WQBEL. The designated use of the receiving water will not change as a result of the variance. This arsenic variance must be approved by USEPA prior to its inclusion in the final reissued permit.

Proposed Alternative Effluent Limit for Temperature: The Department has determined that water quality-based effluent limitations (WQBELs) for temperature are needed in this permit to assure attainment and maintenance of thermal water quality standards. The WQBELs for this permittee vary depending on month and vary from 43 F as a weekly average in January to 77 F as a daily maximum in August. As allowed under NR 106 Subchapter VI, Wis. Adm. Code, the permittee has requested an alternative effluent limit (AEL) for temperature. In support of this request, the permittee has submitted a demonstration that the WQBELs for temperature are more stringent than necessary to assure protection and propagation of shellfish, fish and wildlife in and on the body of water into which the discharge is made. The Department concurs with the demonstration based on the information submitted and proposes to establish an AEL as follows: Heat, 1,500 MBTU/hr, Daily Average for each unit 5 and 6 at the OCPP and 1,700 MBTU/hr, Daily Average for each unit 7 and 8 at the OCPP and 6,200 MBTU/hr, Daily Average for the combined two units at the ERGS. Effluent monitoring requirements are included at the frequency described in this permit. All data submitted by the permittee are available for public inspection at either the permit drafter's office or the basin engineer's office. Any interested person may comment upon the proposed AEL(s) for Temperature.

Hearing: February 11, 2019, 1:00 p.m.; Oak Creek Community Center; 8580 South Howell Ave.; Oak Creek WI 53154

Hearing Officer: Robin Nyffeler, DNR, 101 South Webster Street, Madison, Wisconsin, 53703, (608) 266-0024

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 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 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 (608) 267-7894 or by writing to the Department. Reasonable costs (15 cents per page for copies and 7 cents per page for scanning) will be charged for information in the file other than the public notice, permit 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: Milwaukee Journal Sentinel, 333 W State St, Milwaukee, WI 53201-0661  
Date Notice Issued: December 22, 2018