

URGING A WISCONSIN POLLUTANT DISCHARGE ELIMINATION PERMIT EXTENSION FOR BADGER MILL CREEK

The Madison Metropolitan Sewerage District (MMSD) operates a regional wastewater treatment facility that serves the City of Madison and many surrounding municipalities, including the City of Verona. Currently, treated effluent from MMSD operations is returned to two local streams: Badfish Creek and Badger Mill Creek (per Capital Area Regional Planning Area Commission website)

MMSD's 2020 Wisconsin Pollutant Discharge Elimination System (WPDES) discharge permit set lower limits for phosphorus for the Badger Mill Creek discharge. The lower phosphorus limits are required under Wis. Admin. Code NR 102, which was updated in 2010. After considering several options to meet the lower threshold, the MMSD Commission opted in 2023 to discontinue flow to Badger Mill Creek to comply with the new requirements.

Many stakeholders, including the City of Verona, the Town of Verona, local residents known as the Friends of Badger Mill Creek, and the Southern Wisconsin Chapter of Trout Unlimited have questions and potential concerns about MMSD's decision and the evaluation of options to meet the phosphorus limit.

A driving factor in the process has been the deadline for compliance through the WPDES permit, which is administered by the Wisconsin Department of Natural Resources (WDNR). WPDES permits are cumbersome, technical documents that can take years to develop, negotiate, and understand. The current WPDES permits expires March 31, 2025 and, according to the MMSD website, the permit renewal process will begin in September, 2024. The WDNR has historically been amendable to permit deadline extensions to give time to understand the data and factors for all compliance options.

NOW THERE BE IT RESOLVED, that the Dane County Board of Supervisors respectfully requests the MMSD Commission consider that phosphorus compliance assessment timelines may be modified to accommodate public feedback and to provide a robust public engagement process; and

BE IT FURTHER RESOLVED, that the Dane County Board of Supervisors respectfully requests MMSD to seek a permit compliance extension so that additional data can be collected, shared, and used for engagement with stakeholders to identify permit compliance options that can be supported by a larger contingency of stakeholders;

BE IT FURTHER RESOLVED, that the Dane County Board of Supervisors respectfully requests that WDNR grant any timeline extension requests by MMSD;

BE IT FINALLY RESOLVED, that a copy of this resolution be sent to the MMSD Commission, Capital Area Regional Planning Area Commission and WDNR Secretary's Office.