



Midwest Environmental ADVOCATES

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DNR Issues WPDES Permit to Charter Street Coal Plant

May 1, 2008

For Immediate Release

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Madison, WI – Today, the Wisconsin Department of Natural Resources issued a Wisconsin Pollution Discharge Elimination System (“WPDES”) permit for the University of Wisconsin’s Charter Street Coal Power Plant (“Charter Street”). The permit represents the DNR’s determination that the previously unregulated stormwater discharges from Charter Street must meet all applicable requirements under the federal Clean Water Act (“CWA”), including enforceable limits on the amount of sediment that may be discharged by the plant.

On August 3, 2007, Midwest Environmental Advocates sent a Notice of Intent to Sue (“NOI”) to the University of Wisconsin-Madison, the University of Wisconsin System and the Wisconsin Department of Administration, on behalf of the Sierra Club, for violations of the CWA and the Resource Conservation and Recovery Act (“RCRA”) at Charter Street. The NOI alleged that Charter Street was violating the CWA and RCRA for illegal industrial coal-contaminated stormwater discharges to Monona Bay and coal-contamination of the groundwater underlying the plant’s site.

The permit issued today resolves the NOI. The DNR will now require Charter Street to monitor and report wastewater flow and suspended solids levels to the DNR every day that Madison receives more than 0.3 inches of rainfall, from May through October 2008. Monitoring and reporting will continue for the entire five year permit term, unless the DNR determines that results allow for reduced or discontinued monitoring.

In addition, the permit contains a set of mandatory coal yard Best Management Practices (“BMPs”) that must be followed by Charter Street personnel. These BMPs are designed to improve the clean-up and housekeeping procedures at the plant so that discharges of contaminated stormwater are reduced. The permit also mandates regular inspection and maintenance of the coal and tire-derived fuel piles at the site.

“We support the DNR issuing this permit because it contains requirements for *daily* monitoring of the fuel piles, as well as monitoring and reporting stormwater runoff,” stated Jennifer Feyerherm, Associate Midwest Director for the Sierra Club. “We are just as concerned about the unkempt piles that were spilling over on the sidewalks and bike

path, creating more stormwater runoff, as the direct discharge to the storm sewer. Hopefully, this permit will ensure compliance with all stormwater standards at the site.”

Karen Schapiro, Executive Director of Midwest Environmental Advocates, commended DNR’s leadership in issuing this permit. “The DNR was willing to work with MEA and Sierra Club to develop and issue a permit that upholds Clean Water Act requirements. This permit sets a precedent that DNR is not willing to allow stormwater discharges to continue to go unpermitted.”

Sierra Club brought a successful suit against Charter Street’s Clean Air Act violations in 2007. The Court ordered the UW and Department of Administration to decide by the end of this year whether to retire the coal units at the plant or to retrofit the plant with modern pollution controls and meet stringent pollution limits.

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Fast Facts

- Piles of coal and tire-derived fuel are stored outside at the Charter Street plant and are open to the elements. Rain and snow contact the piles directly and runoff from these piles discharges to the municipal stormsewer that ultimately discharges to Monona Bay.
- Testing of runoff samples taken in 2007 at the Plant indicated high levels of arsenic, zinc, iron, manganese, aluminum and other metals, some of which are human carcinogens. These pollutants, as well as other coal-derived toxins, adversely affect aquatic life and threaten the fish and amphibian populations in Monona Bay, a popular recreational area for fishing and boating.
- Midwest Environmental Advocates is the first and only non-profit environmental law center in Wisconsin. MEA’s mission is to provide legal and technical support to grassroots groups seeking to establish environmental justice in the Western Great Lakes and Upper Mississippi River Valley regions. More information is available at www.midwestadvocates.org.
- Sierra Club is the oldest and largest grassroots environmental organization, with over 1.3 million supporters worldwide, including more than 15,000 in Wisconsin. More information is available at www.wisconsin.sierraclub.org.