

**State of Wisconsin
Department of Natural Resources**

**Responses to Public Comments on Wisconsin Pollutant Discharge Elimination
System (WPDES) General Industrial Storm Water Discharge Permits
June 2016**

**Tier 1 General Permit to Discharge Storm Water Associated with Industrial Activity,
Permit No. WI-S067849-4 (“Tier 1 general permit”)**

**Tier 2 General Permit to Discharge Storm Water Associated with Industrial Activity,
Permit No. WI-S067857-4 (“Tier 2 general permit”)**

On February 12, 2016, the Wisconsin Department of Natural Resources (Department) public noticed the WPDES general industrial storm water discharge permits listed above. The public comment period closed on March 14, 2016.

The Department received written comments from the United States Environmental Protection Agency; U.S. Compliance Corporation; and Waste Management, Inc. In this document, the Department may have paraphrased or edited comments to capture the main point or to clarify a comment. Any minor corrections to typographical errors, updating page numbers and headers/footers, updating the Table of Contents and titles, and correcting formatting and web links are not included in this summary document. The acronyms below used in this document have the meaning indicated:

USCC
USEPA
WMI

U.S. Compliance Corporation
United States Environmental Protection Agency
Waste Management Inc.

Changes indicated below apply to both general permits unless otherwise indicated.

Changes Initiated by the Department

Section 1.1 of the public noticed version of the Tier 2 general permit contained a typographical error. In the first sentence, the reference to s. NR 216.21(2)(a) has been corrected to s. NR 216.21(2)(b).

Section 1.2 of the public noticed version of the Tier 2 general permit contained two typographical errors. In the first sentence, the reference to section 2.4.7 has been corrected to 2.5.7, and s. NR 216.21(2)(a) has been corrected to s. NR 216.21(2)(b).

Section 2.7.1 of the public noticed version of the Tier 2 general permit contained a typographical error. The reference to sections 2.6.2 through 2.6.5 has been corrected to 2.7.2 through 2.7.5.

In section 3.3.2.11 of both general permits, the certification statement has been **changed** to match that in s. NR 205.07(1)(g)3., Wis. Adm. Code: “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Comments by USEPA

By letter dated June 9, 2016, the USEPA stated it would not object to reissuance of the general permits but recommends that the Department consider and address the comments identified in Enclosure A.

USEPA Comment 1: The USEPA's June 9 letter itemized several revisions to the general permits that reflect discussions between the USEPA and the Department for agreed upon changes. In response, the Department has made the following changes to the general permits to capture the concepts discussed by the USEPA and the Department:

- In both the Tier 1 general permit and Tier 2 general permit, the headers, footers, pagination, and section numbering have been **updated** as appropriate.
- Sections 2.4.9 and 2.5.9 of the Tier 1 general permit and Tier 2 general permit respectively have been **created** to exclude from coverage discharges associated with the activities subject to the federal effluent limitation guidelines specified in Table 1-1 of the [USEPA's 2015 Multi-Sector General Permit](#). Discharges associated with activities subject to any of the federal effluent limitation guidelines listed in these sections of the general permits require coverage under a separate WPDES general permit or individual permit. However, industrial facilities that may have these discharges still require coverage under the appropriate industrial storm water general permit for discharges not subject to the federal effluent limitation guidelines.
- Sections 2.10 and 2.11 of the Tier 1 general permit and Tier 2 general permit respectively have been **created** to specifically identify the minimum source area control requirements, whereby source areas that are present at the facility are identified by the permittee and addressed in the Storm Water Pollution Prevention Plan through source area controls.
- Sections 2.11 and 2.12 of the Tier 1 general permit and Tier 2 general permit respectively, *Compliance with Runoff Management Performance Standards*, was existing language previously in section 3.3.2.7 of the general permits and has been **moved** because it is more appropriately located in these sections of the general permits.
- In the Tier 2 general permit, section 2.13 has been **created** to require operators of solid waste landfills to comply with the applicable post-construction performance standards in ch. NR 151, Wis. Adm. Code (Also, see response to WMI comment below.).

USEPA Comment 2: Sector-specific benchmarks should be added to the Tier 1 general permit and Tier 2 general permit because this would give indication of the efficacy of the storm water controls used by the discharger.

Response: The monitoring requirements in the general permits are consistent with those in subch. II of NR 216, Wis. Adm. Code., *Industrial Storm Water Permits*. Additionally, the Department may make a determination under section 2.4.7 and 2.5.7 of the Tier 1 general permit and Tier 2 general permit respectively if a storm water discharge is more appropriately covered under an individual WPDES permit, in which case more extensive chemical monitoring may be required on a case-by-case basis.

The Department has made no changes to the general permits in response to this comment.

Public Comments

Comments by USCC

USCC Comment: After a review of the factsheets, I didn't find a due date for updating SWPPPs. Is there due dates specified for this (30 days after issuance, 60 days after issuance, etc.)?

Response: Both general permits contain requirements for amending a Storm Water Pollution Prevention Plan in section 3.4.

Comments by WMI

WMI Comments: WMI submitted several comments on the program guidance document [Storm Water Discharge Permit Coverage at Solid Waste Landfills](#) that explains the requirements for solid waste landfills to obtain coverage under the Tier 2 general permit. Several of the WMI comments on the guidance concerned the performance standards in subch. III of ch. NR 151, Wis. Adm. Code, which are more appropriately addressed in the Tier 2 general permit.

Response: Due to WMI's comments, the Department realized that it overlooked including language in the Tier 2 general permit as suggested in the *Storm Water Discharge Permit Coverage at Solid Waste Landfills* guidance. Consequently, the Department has **amended** the Tier 2 general permit by adding section 2.13:

2.13 Post-Construction Performance Standards for Landfills For landfills, post-construction storm water best management practices constructed after the effective date of this permit shall be in compliance with the performance standards in ss. NR 151.122 and NR 151.123, Wis. Adm. Code.

Note: The infiltration performance standard in s. NR 151.124, Wis. Adm. Code, does not apply to landfills.

This document was prepared by Jim Bertolacini, Runoff Management Section, Wisconsin Department of Natural Resources