



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL ADMINISTRATOR  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 29 2016

Cathy Stepp, Secretary  
Wisconsin Department of Natural Resources  
Post Office Box 7921  
Madison, Wisconsin 53707-7921

Dear Ms. Stepp:

I am writing to provide you with an update on our joint efforts to resolve the 75 omissions or discrepancies (Issues) between Wisconsin's current statutes/regulations and federal requirements of the National Pollutant Discharge Elimination System (NPDES) program that the U.S. Environmental Protection Agency notified the Wisconsin Department of Natural Resources about in a July 18, 2011 letter. Since this letter, our respective staffs have been working together to resolve these identified Issues. This letter acknowledges the conclusion of EPA's review of numerous changes the State made to Wisconsin's regulations and statutes found at Wis. Admin. Code NR chapters 157, 200, 201, 203, 205, 211, 219, and 233 and Wis. Stat. §§ 283 and 30, and which were submitted to EPA on March 4 and April 11, 2016.

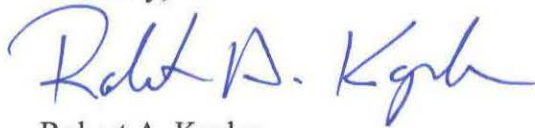
EPA has determined that Wisconsin's regulations and statutes related to Issues 6, 9, 16, 18, 21, 22, 27, 45, 47, 48, 49, 51, 62, 65, and 66 conform to applicable federal NPDES program regulations, and therefore these Issues are resolved. Documents relating to EPA's review of these Issues can be found at: <https://www.epa.gov/wi/npdes-petition-program-withdrawal-wisconsin-0>.

Additionally, EPA has determined that the modifications made to Wisconsin's regulations and statutes related to Issues 3, 23, 26, and 50 conform to applicable federal NPDES program regulations. However, the rule changes associated with Issues 23 and 26 do not become effective until the State issues a general stormwater permit for selected Wisconsin Department of Transportation construction sites—resolving Issue 23—and municipal separate storm sewer system discharges associated with transportation activities—resolving Issue 26.

Finally, EPA has determined that to fully resolve Issues 3 and 50, which cover provisions for the modification, revocation and reissuance, and termination of permits, and which both rely on the review procedures specified in Wis. Statute § 283.63, Wisconsin must amend Wis. Stat. § 283.63 to allow "any person" to seek review by the department for these actions.

The above follow-up items have been discussed with your staff and are integrated into our joint efforts to resolve the 75 Issues. EPA is committed to working with your staff to finally resolve these Issues and the additional program modifications recently sent to EPA for review. We appreciate your staff's ongoing and dedicated efforts in this endeavor.

Sincerely,

A handwritten signature in blue ink that reads "Robert A. Kaplan". The signature is written in a cursive style with a large initial "R" and "K".

Robert A. Kaplan  
Acting Regional Administrator

cc: Mark Aquino, Director, Office of Business Support and Science, WDNR  
Patrick Stevens, Administrator, Division of Water, WDNR