



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 29 2018

REPLY TO THE ATTENTION OF

WN-15J

MEMORANDUM

SUBJECT: Wisconsin Legal Authority Review - Review and Recommendation of Resolution for Issue 11

FROM: Candice Bauer, Chief *CB*
NPDES Permits Branch Section 2

TO: File

Issue 11 (Generic Reasonable Potential)

In EPA's July 11, 2011 letter to the Wisconsin Department of Natural Resources (WDNR), Issue 11 stated the following:

The federal rule at 40 C.F.R. § 122.44(d) pertains to the establishment of effluent limitations based on water quality standards, including water quality criteria expressed in either a numeric or narrative fashion. Except for the general statement in Wis. Stat. § 283.31(5) (providing that the Department shall establish more stringent limitations if necessary to meet water quality standards), and the specific provisions in Wis. Admin. Code NR § 106 (pertaining to toxic and organoleptic substances) and Wis. Admin. Code NR § 217, Subchapter III (2010) (pertaining to phosphorus), EPA did not find equivalent State provisions that implement 40 C.F.R. § 122.44(d). The response to this letter must include the State's plan, with a schedule and milestones, to establish rules (in addition to those in NR 106 and 217) that conform to 40 C.F.R. § 122.44(d).

Letter from Susan Hedman, Regional Administrator, U.S. EPA, to Cathy Stepp, Secretary, WDNR (July 11, 2011) (on file with U.S. EPA).

Comparison between the Federal and State Provisions

To address Issue 11, WDNR created Wis. Admin. Code NR § 205.067 to be the analog of 40 C.F.R. § 122.44(d). Structurally, 40 C.F.R. § 122.44(d) can be divided into a section concerning water quality standards—40 C.F.R. § 122.44(d)(1)—and several sections concerning other water quality considerations—40 C.F.R. §§ 122.44(d)(2)–(9). Table 1 below, compares the federal and Wisconsin provisions for the inclusion of water quality standards in NPDES permits.

Table 1: Federal and Wisconsin Provisions for the Achievement of Water Quality Standards in Permits

Federal Provisions	Wisconsin Provisions	Analysis
<p>(A) 40 C.F.R. § 122.44(d) Establishing limitations, standards, and other permit conditions (applicable to State NPDES programs, see §123.25):</p>	<p>Wis. Admin. Code NR § 205.067 Reasonable potential for water quality based effluent limitations.</p>	<p>Satisfactory</p>
<p>In addition to the conditions established under §122.43(a), each NPDES permit shall include conditions meeting the following requirements when applicable. . . (d) Water quality standards and State requirements: any requirements in addition to or more stringent than promulgated effluent limitations guidelines or standards under sections 301, 304, 306, 307, 318 and 405 of CWA necessary to:</p>		<p>Wisconsin’s rules do not include the federal rule’s introductory language. However, the introductory language is not required to align the two rule sets.</p>
<p>(B) 40 C.F.R. § 122.44(d)(1)(i):</p>	<p>Wis. Admin. Code NR § 205.067(1)(b):</p>	<p>Satisfactory</p>
<p>(1) Achieve water quality standards established under section 303 of the CWA, including State narrative criteria for water quality. (i) Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.</p>	<p>(b) Limitations shall control all pollutants or pollutant parameters, including conventional, nonconventional, and toxic pollutants, that the department determines are or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard in chs. NR 102 to 104, including narrative criteria for water quality.</p>	<p>Wis. Admin. Code NR § 205.067(1)(b) satisfactorily incorporates the language of 40 C.F.R. § 122.44(d)(1)(i).</p>
<p>(C) 40 C.F.R. § 122.44(d)(1)(ii):</p>	<p>Wis. Admin. Code NR § 205.067(2):</p>	<p>Satisfactory</p>
<p>(ii) When determining whether a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric criteria within a State water quality standard, the permitting authority shall use procedures which account for [a] existing controls on point and [b] nonpoint sources of pollution, [c] the variability of the</p>	<p>(2) FACTORS TO CONSIDER. When determining under sub. (1) or (4) whether a pollutant discharged causes, has the reasonable potential to cause, or contributes to an exceedance of a numeric or narrative water quality standard, the department shall consider all of the following factors:</p>	<p>Wis. Admin. Code NR § 205.067(2) satisfactorily incorporates the language of 40 C.F.R. § 122.44(d)(1)(ii).</p>

Federal Provisions	Wisconsin Provisions	Analysis
<p>pollutant or pollutant parameter in the effluent, [d] the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity), and [e] where appropriate, the dilution of the effluent in the receiving water. [Brackets highlight analogous provisions in Wis. Admin. Code NR § 205.067(2)]</p>	<p>(a) Existing controls on the discharge. (b) Controls on the pollutant discharged by nonpoint source pollution in the watershed. (c) The variability of the pollutant or parameter in the effluent discharged. (d) Sensitivity of species to toxicity testing when evaluating whole effluent toxicity as defined in s. NR 106.03 (14). (e) Dilution of the effluent in the receiving water.</p>	
<p>(D) 40 C.F.R. § 122.44(d)(1)(iii):</p>	<p>Wis. Admin. Code NR § 205.067(1)(a):</p>	<p>Satisfactory</p>
<p>(iii) When the permitting authority determines, using the procedures in paragraph (d)(1)(ii) of this section, that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the allowable ambient concentration of a State numeric criteria within a State water quality standard for an individual pollutant, the permit must contain effluent limits for that pollutant.</p>	<p>(a) The department shall include an effluent limitation for a pollutant in a WPDES permit when the department determines that the discharge of the pollutant causes, has the reasonable potential to cause, or contributes to an excursion above the allowable ambient concentration of a numeric water quality criterion in chs. NR 102 to 104 in the receiving water or a downstream water. Note: Downstream water includes downstream waterbodies in other states or tribal waters that have EPA approved standards under 40 CFR 130.</p>	<p>Wis. Admin. Code NR § 205.067(1)(a) satisfactorily fulfills the language of 40 C.F.R. § 122.44(d)(1)(iii).</p>
<p>(E) 40 C.F.R. § 122.44(d)(1)(iv):</p>	<p>Wis. Admin. Code NR § 106.08(1):</p>	<p>Satisfactory</p>
<p>(iv) When the permitting authority determines, using the procedures in paragraph (d)(1)(ii) of this section, that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the numeric criterion for whole effluent toxicity,</p>	<p>(1) GENERAL. The department shall establish whole effluent toxicity testing requirements and limitations whenever necessary to meet applicable water quality standards as specified in chs. NR 102 to 105 as measured by</p>	<p>Wis. Admin. Code NR § 106.08(1) satisfactorily fulfills the language of 40 C.F.R. § 122.44(d)(1)(iv).</p>

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the permit must contain effluent limits for whole effluent toxicity.	exposure of aquatic organisms to an effluent and specified effluent dilutions. . .	
(F) 40 C.F.R. § 122.44(d)(1)(v):	Wis. Admin. Code NR § 205.067(4)(b):	Satisfactory
<p>(v) Except as provided in this subparagraph, when the permitting authority determines, using the procedures in paragraph (d)(1)(ii) of this section, toxicity testing data, or other information, that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative criterion within an applicable State water quality standard, the permit must contain effluent limits for whole effluent toxicity. Limits on whole effluent toxicity are not necessary where the permitting authority demonstrates in the fact sheet or statement of basis of the NPDES permit, using the procedures in paragraph (d)(1)(ii) of this section, that chemical-specific limits for the effluent are sufficient to attain and maintain applicable numeric and narrative State water quality standards.</p>	<p>(4) IN ABSENCE OF NUMERIC WATER QUALITY CRITERIA.</p> <p>(a) When a chemical pollutant, for which a numeric water quality criterion does not exist, is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable water quality standard, effluent limits shall be established using one or more of the following options. . .</p> <p>(b) If there is reasonable potential under par. (a) to exceed a narrative criterion and if required under s. NR 106.08, a limitation for whole effluent toxicity shall be included in the permit.</p> <p>Note: Limitations and procedures for whole effluent toxicity are established in subch. II of ch. NR 106.</p>	<p>Wis. Admin. Code NR § 205.067(4)(b) satisfactorily fulfills the language of 40 C.F.R. § 122.44(d)(1)(v).</p>
(G) 40 C.F.R. § 122.44(d)(1)(vi)(A):	Wis. Admin. Code NR § 205.067(4)(a)(1):	Satisfactory
<p>(vi) Where a State has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable State water quality standard, the permitting authority must establish effluent</p>	<p>(4) IN ABSENCE OF NUMERIC WATER QUALITY CRITERIA.</p> <p>(a) When a chemical pollutant, for which a numeric water quality criterion does not exist, is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative</p>	<p>Wis. Admin. Code NR § 205.067(4)(a)(1) satisfactorily incorporates the language of 40 C.F.R. § 122.44(d)(1)(vi)(A).</p>

Federal Provisions	Wisconsin Provisions	Analysis
<p>limits using one or more of the following options:</p> <p>(A) Establish effluent limits using a calculated numeric water quality criterion for the pollutant which the permitting authority demonstrates will attain and maintain applicable narrative water quality criteria and will fully protect the designated use. Such a criterion may be derived using a proposed State criterion, or an explicit State policy or regulation interpreting its narrative water quality criterion, supplemented with other relevant information which may include: EPA's Water Quality Standards Handbook, October 1983, risk assessment data, exposure data, information about the pollutant from the Food and Drug Administration, and current EPA criteria documents; or</p>	<p>criterion within an applicable water quality standard, effluent limits shall be established using one or more of the following options:</p> <p>1. Establish effluent limits using a calculated numeric water quality criterion for the pollutant that the department demonstrates will attain and maintain applicable narrative water quality criteria and will fully protect the designated use. Such a criterion may be derived using data for a proposed criterion or other relevant information such as EPA's Water Quality Standards Handbook, risk assessment data, exposure data, information about the pollutant from the Food and Drug Administration, and current EPA criteria documents.</p> <p>Note: EPA's Water Quality Standards Handbook is available at the following link: https://www.epa.gov/wqs-tech/water-quality-standards-handbook.</p>	
<p>(H) 40 C.F.R. § 122.44(d)(1)(vi)(B):</p>	<p>Wis. Admin. Code NR § 205.067(4)(a)(2):</p>	<p>Satisfactory</p>
<p>(B) Establish effluent limits on a case-by-case basis, using EPA's water quality criteria, published under section 304(a) of the CWA, supplemented where necessary by other relevant information; or . . .</p>	<p>2. Establish effluent limits on a case-by-case basis, using EPA's water quality criteria, published under 33 USC 1314(a) [304(a) CWA], supplemented when necessary by other relevant information.</p>	<p>Wis. Admin. Code NR § 205.067(4)(a)(2) satisfactorily incorporates the language of 40 C.F.R. § 122.44(d)(1)(vi)(B).</p>

Federal Provisions	Wisconsin Provisions	Analysis
(I) 40 C.F.R. § 122.44(d)(1)(vi)(C):	Wis. Admin. Code NR § 205.067(4)(a)(3):	Satisfactory
<p>(C) Establish effluent limitations on an indicator parameter for the pollutant of concern, provided:</p> <p>(1) The permit identifies which pollutants are intended to be controlled by the use of the effluent limitation;</p> <p>(2) The fact sheet required by §124.56 sets forth the basis for the limit, including a finding that compliance with the effluent limit on the indicator parameter will result in controls on the pollutant of concern which are sufficient to attain and maintain applicable water quality standards;</p> <p>(3) The permit requires all effluent and ambient monitoring necessary to show that during the term of the permit the limit on the indicator parameter continues to attain and maintain applicable water quality standards; and</p> <p>(4) The permit contains a reopener clause allowing the permitting authority to modify or revoke and reissue the permit if the limits on the indicator parameter no longer attain and maintain applicable water quality standards.</p>	<p>3. Establish effluent limits on an indicator parameter for the pollutant of concern, provided that all of the following are true:</p> <p>a. The permit identifies which pollutants are intended to be controlled by the use of the effluent limitation.</p> <p>b. The fact sheet sets forth the basis for the limit, including a finding that compliance with the effluent limit of the indicator parameter will result in controls on the pollutant of concern that are sufficient to attain and maintain applicable water quality standards.</p> <p>c. The permit requires all effluent and ambient monitoring necessary to show that, during the term of the permit, the limit on the indicator parameter continues to attain and maintain applicable water quality standards.</p> <p>d. The permit contains a reopener clause allowing the department to modify or revoke and reissue the permit if the limits on the indicator parameter no longer attain and maintain applicable water quality standards.</p>	<p>Wis. Admin. Code NR § 205.067(4)(a)(3) satisfactorily incorporates the language of 40 C.F.R. § 122.44(d)(1)(vi)(C).</p>

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<p>(J) 40 C.F.R. § 122.44(d)(1)(vii):</p> <p>(vii) When developing water quality-based effluent limits under this paragraph the permitting authority shall ensure that:</p> <p>(A) The level of water quality to be achieved by limits on point sources established under this paragraph is derived from, and complies with all applicable water quality standards; and</p> <p>(B) Effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA pursuant to 40 CFR 130.7 [Total Maximum Daily Loads].</p>	<p>Wis. Admin. Code NR § 205.067(3):</p> <p>(3) WATER QUALITY BASED EFFLUENT LIMITATIONS. If the department determines a limitation is necessary under this section, the limitation shall:</p> <p>(a) Be consistent with a total maximum daily load as defined in s. NR 217.11 (7) if a total maximum daily load has been approved by the EPA for the receiving waterbody.</p> <p>(b) Ensure achievement of a level of water quality derived from, and in compliance with, the applicable water quality standard.</p>	<p>Satisfactory</p> <p>Wis. Admin. Code NR § 205.067(3) satisfactorily fulfills the language of 40 C.F.R. § 122.44(d)(1)(vii).</p>
<p>(K) Wisconsin Rules without Federal Analogues in 40 C.F.R. § 122.44(d)</p>	<p>Wis. Admin. Code NR §§ 205.067(5) and (6):</p> <p>(5) LIMIT CONTINUATION. (a) Subject to paragraph (b), if a permit includes a water quality based effluent limitation for a pollutant because the limitation is required under this section or is required under the procedures in another chapter, the water quality based effluent limitation for the pollutant shall be included in a subsequently reissued permit if all of the following apply:</p> <p>1. Treatment or pollutant control measures were added to comply with the water quality based effluent limitation for the pollutant and the water quality based</p>	<p>Satisfactory</p> <p>Wisconsin's regulation at Wis. Admin. Code NR § 205.067(5) is consistent with the federal antibacksliding provisions. Additionally, the exception at Wis. Admin. Code NR § 205.067(6) is consistent with the federal rules because Wisconsin had previously promulgated reasonable potential procedures for certain toxic substances, certain</p>

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	<p>effluent limitation took effect in a prior permit.</p> <p>2. The facility has the ability to alter or suspend the treatment or pollutant control measures for the pollutant to the degree that there is continued reasonable potential to exceed the applicable standard.</p> <p>(b) If the department determines a more stringent limitation is necessary to comply with water quality standards, a more stringent water quality based effluent limitation shall be included in the permit for the pollutant. Also, the department may include a less stringent limitation provided water quality standards, including antidegradation, as well as antibacksliding requirements in ch. NR 207 are met.</p> <p>(6) EXCEPTION. Subsections (1) to (4) do not apply to pollutants or limitations that are subject to the procedures in chs. NR 106 or 217.</p>	<p>organoleptic substances, and phosphorus at Wis. Admin. Code chs. NR 106 and 217.</p>

As can be seen in Table 1 above, Wisconsin aligned its regulation with the federal regulations related to water quality standards at 40 C.F.R. § 122.44(d)(1). Additionally, Wisconsin’s provisions—Wis. Admin. Code NR §§ 205.067(5) and (6)—that do not have 40 C.F.R. §§ 122.44(d)(1) analogues are consistent with federal regulations.

As discussed above, 40 C.F.R. § 122.44(d) also includes a series of other conditions—40 C.F.R. §§ 122.44(d)(2)-(9)—based on water quality considerations other than water quality standards. Table 2 below, compares the federal and Wisconsin provisions for the inclusion of requirements based on such water quality considerations.

Table 2: Federal and Wisconsin Provisions Based on Additional Water Quality Considerations

Federal Provisions	Wisconsin Provisions	Analysis
<p>(A) 40 C.F.R. § 122.44(d)(2): (2) Attain or maintain a specified water quality through water quality related effluent limits established under section 302 of CWA;</p>	<p>Wis. Stat. § 283.13(5): (5) More stringent limitations. The department shall establish more stringent effluent limitations than required under subs. (2) and (4) and shall require compliance with such water quality based effluent limitations in any permit issued, reissued or modified if these limitations are necessary to meet applicable water quality standards, treatment standards, schedules of compliance or any other state or federal law, rule or regulation.</p>	<p>Satisfactory Wis. Stat. § 283.13(5) satisfactorily fulfills the language of 40 C.F.R. § 122.44(d)(2).</p>
<p>(B) 40 C.F.R. § 122.44(d)(3): (3) Conform to the conditions to a State certification under section 401 of the CWA that meets the requirements of §124.53 when EPA is the permitting authority. . .</p>	<p>Not Applicable to Wisconsin: 40 C.F.R. § 122.44(d)(3) applies to situations where U.S. EPA is the permitting authority and thus does not require adoption by Wisconsin.</p>	<p>Satisfactory 40 C.F.R. § 122.44(d)(3) applies to situations where U.S. EPA is the permitting authority, and thus adoption by Wisconsin is not required.</p>
<p>(C) 40 C.F.R. § 122.44(d)(4): (4) Conform to applicable water quality requirements under section 401(a)(2) of CWA when the discharge affects a State other than the certifying State;</p>	<p>Not Applicable to Wisconsin</p>	<p>Satisfactory 40 C.F.R. § 122.44(d)(4) does not apply to Wisconsin because the State is not an authority that grants federal permits under section 401 of the CWA.</p>
<p>(D) 40 C.F.R. § 122.44(d)(5): (5) Incorporate any more stringent limitations, treatment standards, or schedule of compliance requirements established under Federal or State law or regulations in accordance with section 301(b)(1)(C) of CWA;</p>	<p>Wis. Stat. § 283.13(5): (5) More stringent limitations. The department shall establish more stringent effluent limitations than required under subs. (2) and (4) and shall require compliance with such water quality based effluent limitations</p>	<p>Satisfactory Wis. Stat. § 283.13(5) satisfactorily fulfills the language of</p>

Federal Provisions	Wisconsin Provisions	Analysis
	<p>in any permit issued, reissued or modified if these limitations are necessary to meet applicable water quality standards, treatment standards, schedules of compliance or any other state or federal law, rule or regulation. The department shall require compliance with these water quality based effluent limitations by no later than July 1, 1977, or by a later date as specified in the water quality standard, treatment standard, schedule of compliance or other state or federal law, rule or regulation.</p>	<p>40 C.F.R. § 122.44(d)(5).</p>
<p>(E) 40 C.F.R. § 122.44(d)(6):</p>	<p>Wis. Stat. § 283.31(3)(d)(3) and (e):</p>	<p>Satisfactory</p>
<p>(6) Ensure consistency with the requirements of a Water Quality Management plan approved by EPA under section 208(b) [Areawide waste treatment management] of CWA;</p>	<p>The department may issue a permit under this section for the discharge of any pollutant, or combination of pollutants, other than those prohibited under sub. (2), upon condition that such discharges will meet all the following, whenever applicable. . .</p> <p>(d) Any more stringent limitations, including those. . .</p> <p>3. Necessary to avoid exceeding total maximum daily loads established pursuant to a continuing planning process developed under s. 283.83.</p> <p>(e) Any more stringent legally applicable requirements necessary to comply with an approved areawide waste treatment management plan.</p>	<p>Wis. Stat. § 283.31(3)(d)(3) and (e) satisfactorily fulfill the language of 40 C.F.R. § 122.44(d)(6).</p>
<p>(F) 40 C.F.R. § 122.44(d)(7):</p>	<p>Not Applicable to Wisconsin:</p>	<p>Satisfactory</p>
<p>(7) Incorporate section 403(c) criteria under part 125, subpart M, for ocean discharges;</p>		<p>There are no ocean discharges originating in Wisconsin . Therefore, Wisconsin's adoption of 40 C.F.R. § 122.44(d)(7) is not required.</p>

Federal Provisions	Wisconsin Provisions	Analysis
(G) 40 C.F.R. § 122.44(d)(8):	Proposed Wis. Admin. Code NR § 220.32(3):	Satisfactory
(8) Incorporate alternative effluent limitations or standards where warranted by “fundamentally different factors,” under 40 CFR part 125, subpart D;	(3) MORE STRINGENT FDFV [Fundamentally Different Factor Variance] LIMITATIONS. A request for an alternative limitation that is more stringent than required by effluent limitation guidelines shall be approved only if all of the following apply. . .	Wis. Admin. Code NR § 220.32(3) satisfactorily incorporates the language of 40 C.F.R. § 122.44(d)(8).
(H) 40 C.F.R. § 122.44(d)(9):	Not Applicable to Wisconsin:	Satisfactory
(9) Incorporate any other appropriate requirements, conditions, or limitations (other than effluent limitations) into a new source permit to the extent allowed by the National Environmental Policy Act, 42 U.S.C. 4321 et seq. and section 511 of the CWA, when EPA is the permit issuing authority. (See §122.29(c)).	40 C.F.R. § 122.44(d)(9) applies to situations where U.S. EPA is the permitting authority and thus does not require adoption by Wisconsin.	40 C.F.R. § 122.44(d)(9) applies to situations where U.S. EPA is the permitting authority, and thus adoption by Wisconsin is not required.

As set forth in Table 2, Wisconsin's has created the necessary state rule analogues to implement the federal provisions set forth at 40 C.F.R. §§ 122.44(d)(2)-(9). The rule changes outlined in Tables 1 and 2 have aligned the State's reasonable potential rules to implement the federal regulations at 40 C.F.R. § 122.44(d).

Rule Package 5, Public Notice, Hearing, and Comment

WDNR published a public hearing notice on proposed revisions to Wis. Admin. Code chapters NR 106, 200, 205, 207, 210, 220, 221, 225, 228, 231, 236, 239, 240, 245, 247, 250, 258, 261, 268, 269, 275, 276, 277, 280, 281, 284, 286, 290, 294, 295, and 296 on January 9, 2017 in the Wisconsin Administrative Register. 733A2 Wis. Admin. Reg. CR 17-002 (January 9, 2017). The public comment period was open through March 1, 2017, and public hearings were held in Green Bay, Wisconsin on February 6, 2017 and Madison, Wisconsin on February 7, 2017. Wis. Nat. Res. Bd., Agenda Item No. 2.A.1, July 10, 2017, Correspondence/Memorandum Attachment to Order WT-12-12. At the Green Bay hearing no one appeared in person. *Id.* Two members of the public attended the Madison hearing without providing oral comments. *Id.* Four entities, other than the Wisconsin Legislative Council Rules Clearing House, provided written comments: US EPA, Wisconsin Manufacturers & Commerce, WE Energies, and Midwest Environmental Advocates. Wis. Nat. Res. Bd., Agenda Item No. 2.A.1, July 10, 2017, Response to Comments on Rule Package 5, Attachment to Order WT-12-12. WDNR responded to the written comments in a written response summary, which adequately explained why certain rule changes were made in response to the comments received, and why other comments did not warrant changes. *Id.*

After Wisconsin completed rulemaking, the revised regulations were published in the Wisconsin Administrative Register on April 30, 2018. 748B Wis. Admin. Reg. CR 17-002 (April 30, 2018).

Conclusion

Based on EPA's review of Wisconsin's provisions above, EPA concludes that Issue 11 is resolved.