

WISCONSIN LEGAL AUTHORITY REVIEW STATUS 12.20.2017

Issue	Description	Status	Next Steps
RESOLVED ISSUES			
1	SSOs and Bypassing	Approved in EPA Adm. Hedman's 12.2014 letter	None
2	Expression of Limits, 40 CFR 122.45	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
3	Permit Modifications	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
6	Thermal Limit Exclusion	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
8	Hg Reasonable Potential	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
9	Analytical Methods	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
10	Pollutants in Intake Water	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
16	Pretreatment	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
17	Noncontact Cooling Exempt	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
18	Permit Application Signatures	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
19	Aquatic Production Facility	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
21	Fact Sheets, Specific Conditions	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
22	Draft Permits/Other Agencies	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
27	New Source Definition	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
28	Acute Limits	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
30	Expression of Limits, Ammonia	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
31	Ammonia, Data/Demonstrations	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
32	Tier II Value Compliance	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
33	Real Time	Approved in EPA Dir. Hyde's 12.2012 letter	None
34	Expression of Limits, Acute/Chronic	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
35	Ammonia, WQBEL	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
36	Ammonia, Antidegradation	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
37	Ammonia, Compliance Schedule	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
38	Ammonia, Variance	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
39	Chlorides, Variance	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
40	Chlorides, WQBEL	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
41	Expression of Limits	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
42	Chlorides, WET	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
43	Chlorides, Public Water System	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
45	Permits not Property Interest	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
47	Signatory to Permit	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
48	Permit Termination, for Violations	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
49	Permit Change Notification	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
50	Permit Termination, Notice of Intent	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
51	Public Hearing Procedures	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
54	Storm W. – Def. Plan of	Approved in EPA Dir. Hyde's 12.2012 letter	None
55	Storm W.- Illicit Discharge Definition	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
58	Waters of State Definition	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
59	Landfill Exclusion	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
60	Private Fuel Alcohol Production	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
62	Permit Suspension	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None

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63	False Statements	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
64	Public Participation Enforcement	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
65	Draft Permit Preparation	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
66	Fact Sheets	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
68	Compliance Statutory Language	Approved in EPA Dir. Hyde's 12.2012 letter	None
70	Alternative Limits	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
71	BCC Mixing Zone Phase Out	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
72	Mixing Zone Language	Approved in EPA Dir. Hyde's 12.2012 letter	None
73	Submittal of Mixing Demo	Approved in EPA Dir. Hyde's 12.2012 letter	None
74	WET Testing	Approved in EPA Act. Adm. Kaplan's 11.2017 letter	None
75	Adequate Enforcement Authority	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	None
ISSUES RESOLVED WITH A RULEMAKING COMMITMENT²			
53	Storm W.- Latitude and Longitude	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	WDNR clarifies rule
56	MS4, Other Government Reliance	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	WDNR clarifies rule
57	MS4, Management Program	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	WDNR clarifies rule
67	MS4, Evaluation/Public Records	Approved in EPA Act. Adm. Kaplan's 12.2017 letter	WDNR clarifies rule
ISSUES IN THE LATE STAGES OF THE WI RULEMAKING PROCESS			
7	New Source Performance Standards	RP 5 Approved by the Wisconsin Governor	Wisconsin Legislative Approval
11	Generic Reasonable Potential	RP 5 Approved by the Wisconsin Governor	Wisconsin Legislative Approval
13	BMP Authority	RP 5 Approved by the Wisconsin Governor	Wisconsin Legislative Approval
14	Antibacksliding	RP 5 Approved by the Wisconsin Governor	Wisconsin Legislative Approval
15	General Compliance Schedule	RP 5 Approved by the Wisconsin Governor	Wisconsin Legislative Approval
20	Adjustment to Tech. Limits	RP 5 Approved by the Wisconsin Governor	Wisconsin Legislative Approval
29	Solid Waste Leachate	RP 5 Approved by the Wisconsin Governor	Wisconsin Legislative Approval
44	Point Source Definition	RP 5 Approved by the Wisconsin Governor	Wisconsin Legislative Approval
46	Expedited Variance	RP 5 Approved by the Wisconsin Governor	Wisconsin Legislative Approval
61	Application Requirements	RP 5 Approved by the Wisconsin Governor	Wisconsin Legislative Approval
ISSUES IN THE OPENING STAGES OF THE WI RULEMAKING PROCESS			
4	Cooling Water Intake	Rule statement of scope approved	WDNR advances rules to its Nat. Res. Bd. for approval
ISSUES PROVISIONALLY ADDRESSED BY WDNR, TO BE RESOLVED BY FURTHER ACTIONS			
23	WisDot Storm W. Permitting	EPA and WDNR agreement on further action	WDNR issues general permit ³
24	Storm W.- Com. /Fam./ Env.	EPA and WDNR agreement on further action	WDNR develops rule language
25	Storm W.- Authorized Local Program	EPA and WDNR agreement on further action	WDNR develops rule language
26	MS4, MOU Compliance	EPA and WDNR agreement on further action	WDNR issues general permit ⁴
52	Storm W.- Access Roads & Rail Lines	EPA and WDNR agreement on further action	WDNR develops rule language
ISSUES TO BE RESOLVED BY FUTURE ACTIONS			
5	Judicial Review	EPA and WDNR agreement on future action	Statutory language development
12	Downstream Water Impacts	EPA and WDNR agreement on future action	WDNR proposes MOA addendum language ⁵
69	Exempt Emergency Wis. Stat. § 283	EPA and WDNR agreement on future action	WDNR proposes MOA addendum language ⁵

Notes:

¹Abbreviations: Adm.—Administrator, AGS – Attorney General Statement, BCC – bioaccumulative chemicals of concern, BMP – best management practices, CFR – Code of Federal Regulations, Com.— commercial, Def. – definition, Dir.—Director, Env.— environmental, EPA – Environmental Protection Agency, Fam. – family, Hg—Mercury, MOA—Memorandum of Agreement, MOU – Memorandum of Understanding, MS4 – municipal separate storm sewer system, Nat. Res. Bd. – Natural Resources Board, RP – rule package, SSO – sanitary sewer overflow, Storm W. – storm water, WDNR – Wisconsin Department of Natural Resources, WET – Whole Effluent Toxicity, WI – Wisconsin, WisDot – Wisconsin Department of Transportation, Wis. Ct. App. – Wisconsin Court of Appeals, WQBEL – Water Quality Based Effluent Limits.

² Wisconsin has committed to rulemaking for these issue to preserve Wisconsin’s stormwater information collection practices that are consistent with the federal rules.

³ To resolve Issue 23, a general stormwater permit for selected Wisconsin Department of Transportation construction sites will be issued.

⁴ To resolve Issue 26, a general stormwater permit for municipal separate storm sewer system discharges associated with transportation activities will be issued.

⁵ To resolve this issue, WDNR and EPA are considering modifications to the Memorandum of Agreement that exists between the two agencies.