

WISCONSIN LEGAL AUTHORITY REVIEW STATUS 5.11.2020

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
7	New Source Performance Standards	Approved in EPA Act. Dep. Adm. Payne's 9.2018 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
11	Generic Reasonable Potential	Approved in EPA Act. Dep. Adm. Payne's 9.2018 Letter	None
12	Downstream Water Impacts	Approved in EPA Dep. Admin. Newton's 4.2019 Letter	None
13	BMP Authority	Approved in EPA Act. Dep. Adm. Payne's 9.2018 Letter	None
14	Antibacksliding	Approved in EPA Act. Dep. Adm. Payne's 9.2018 Letter	None
15	General Compliance Schedule	Approved in EPA Act. Dep. Adm. Payne's 9.2018 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
20	Adjustment to Tech. Limits	Approved in EPA Act. Dep. Adm. Payne's 9.2018 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
23	WisDot Storm W. Permitting	Approved in EPA Act. Dep. Adm. Payne's 9.2018 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
29	Solid Waste Leachate	Approved in EPA Act. Dep. Adm. Payne's 9.2018 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
44	Point Source Definition	Approved in EPA Act. Dep. Adm. Payne's 9.2018 Letter	None
45	Permits not Property Interest	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
46	Expedited Variance	Approved in EPA Act. Dep. Adm. Payne's 9.2018 Letter	None

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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
61	Application Requirements	Approved in EPA Act. Dep. Adm. Payne's 9.2018 Letter	None
62	Permit Suspension	Approved in EPA Act. Adm. Kaplan's 12.2016 letter	None
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
69	Exempt Emergency Wis. Stat. § 283	Approved in EPA Dep. Admin. Newton's 4.2019 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

26	MS4, MOU Compliance	Approved in EPA Act. Dep. Adm. Payne's 9.2018 Letter	WDNR clarifies rule
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

4	Cooling Water Intake	Approved by the Wisconsin Nat. Res. Board	Publication in the WI Administrative Register
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ISSUES IN THE OPENING STAGES OF THE WI RULEMAKING PROCESS

24 ³	Storm W.- Com. /Fam./ Env.	Rule statement of scope approved	WDNR develops rule language
25	Storm W.- Authorized Local Program	Rule statement of scope approved	WDNR develops rule language
52	Storm W.- Access Roads & Rail Lines	Rule statement of scope approved	WDNR develops rule language

ISSUES TO BE RESOLVED BY FUTURE ACTIONS

5	Judicial Review	EPA and WDNR agreement on future action	Statutory language development
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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, NPDES – National Pollutant Discharge Elimination 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 items to further clarify the resolved issues.

³ Wisconsin has taken legislative and rulemaking actions on some of the regulations encompassed by this issue (Wis. Admin. Code NR § 216.42 (4) and (9)). *See* 2013 Wisconsin Act 20 and 769B Wis. Admin. Register CR19-053 (January 27, 2020). The Wisconsin regulations pertaining to stormwater discharges permitted through other environmental programs (Wis. Admin. Code NR §§ 216.21(4) and 216.42(6)) remain to be addressed for this issue.