



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

DEC 20 2017

REPLY TO THE ATTENTION OF:

Daniel Meyer, Secretary  
Wisconsin Department of Natural Resources  
Post Office Box 7921  
Madison, Wisconsin 53707-7921

Dear Mr. Meyer:

I am pleased to inform you that we have now resolved 56 of the issues identified in a July 18, 2011 letter. By this letter, we are resolving 15 of them (Issues 3, 10, 19, 50, 53, 55, 56, 57, 58, 59, 60, 63, 64, 67, and 75).

To address these Issues, Wisconsin made changes to its rules, laws, and forms, and submitted additional information supporting the Wisconsin Attorney General Statement (dated January 19, 2012) regarding the State's authority to administer its National Pollutant Discharge Elimination System (NPDES) permit program. Specifically, to resolve Issues 10 and 19, Wisconsin modified, created, or repealed and recreated NPDES provisions within Wis. Admin. Code § 106.06(06) and Wis. Stat. § 283.31(5m). EPA's review has determined that these Wisconsin rules and statutory provision, as they relate to Issues 10<sup>1</sup> and 19, now conform to applicable federal NPDES program requirements and EPA is hereby approving these minor revisions to Wisconsin's program, consistent with 40 C.F.R. § 123.62(b)(3). Additionally, regarding Issue 10, EPA previously approved Wisconsin rule modifications, pertaining to whole effluent toxicity, in our November 1, 2017 letter. Finally, we note that Wisconsin's rule modifications related to resolving Issues 3 and 50 were approved in a December 29, 2016, EPA letter and additional questions posed at that time regarding these Issues have now been fully addressed.

Documents related to EPA's review and resolution of all Wisconsin LAR Issues can be found at: <https://www.epa.gov/wi/npdes-petition-program-withdrawal-wisconsin-0>.

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<sup>1</sup> We note that Issue 10 encompassed several NPDES issues, as well as several issues outside the scope of the NPDES program, all of which were delineated in EPA's partial disapproval action related to the Great Lakes guidance, 65 *Fed. Reg.* 66502 (November 6, 2000). Our letter today does not address those aspects of EPA's partial disapproval that fall within the water quality standards program under Sections 303(c) or 303(d) of the Clean Water Act, and that are therefore beyond the scope of the Wisconsin LAR. The minor NPDES program revisions included in our resolution of Issue 10 today include only those changes the State made to Wis. Admin. Code NR § 106.06(06). Wisconsin made two other NPDES-related rule corrections that are also within the scope of Issue 10 and that have been addressed through the resolution of Wisconsin LAR Issues 17 and 74.

We appreciate the ongoing and dedicated efforts of your staff to work toward the timely resolution of these and the remaining Issues. Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert A. Kaplan". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Robert A. Kaplan  
Acting Regional Administrator