



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

**FEB 09 2016**

REPLY TO THE ATTENTION OF:

WN-16J

Ms. Pam Biersach  
Director, Watershed Management Bureau  
Wisconsin Department of Natural Resources  
P.O. Box 7921  
Madison, WI 53707-7921

Re: Legal Authority Review - Wisconsin Pollutant Discharge Elimination System Program

Dear Ms. Biersach:

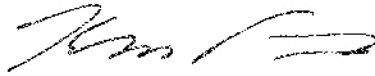
This letter is in follow-up to the January 21, 2016 WDNR-EPA conference call. The conference call focused on stormwater-related issues included in the July 18, 2011 letter from EPA to WDNR regarding the legal authority under which Wisconsin administers its federally approved National Pollutant Discharge Elimination System program.

I am pleased to see the progress that has been made in addressing many of the issues, stormwater-related and otherwise, included in the July 18, 2011 letter. For example, I understand that several proposed revisions to State regulations (referred to as Rule Packages 3 and 4) were submitted to the State Natural Resources Board in January of this year. Also, proposed legislation was introduced in the Wisconsin State Legislature which could lead to the removal of the exemption from WPDES permitting for WisDOT projects. EPA staff appreciated the opportunity to discuss WDNR's anticipated plans for resolving stormwater-related legal authority review issues during the January 21 call.

Looking ahead, it is EPA's intent to stay in close communication with WDNR on the issues identified in EPA's July 18, 2011 letter. We are continuing to review the proposed resolutions to the issues, and we will stay in touch with you on State actions related to proposing further rule and legislative changes. We will consider any such changes to be complete when the rules are fully enacted and have been approved by EPA. We anticipate creating, maintaining, and making publicly available a spreadsheet which will show the State's ongoing progress to resolve each of the issues identified in our July 2011 letter.

We thank WDNR managers and staff for all your work to continue to address the legal authority review issues. If you have questions about any specific issue or EPA's planned tracking process, please let me know or Quintin White of my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin M. Pierard". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kevin M. Pierard, Chief  
NPDES Programs Branch

cc: Jane Landretti, Storm Water Program Attorney, WDNR (via e-mail)  
Mary Anne Lowndes, Runoff Management Section Chief, WDNR (via e-mail)  
Jim Bertolicini, Storm Water Program Coordinator, WDNR (via e-mail)