



Permitting for Environmental Results (PER)

NPDES Profile: Wisconsin and Indian Country

PROGRAM RESPONSIBILITY

State of Wisconsin: NPDES authority for base program, general permitting, federal facilities, pretreatment, biosolids (partial)

EPA Region 5: NPDES authority for biosolids (partial)

EPA Region 5: NPDES authority for all facilities in Indian Country

Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information, please contact Susan Sylvester, Wisconsin Department of Natural Resources, at (608) 266-1099 or Peter Swenson, EPA Region 5, at (312) 886-0236.

Section I. Program Administration

1. Resources and Overall Program Management

The State of Wisconsin:

Wisconsin received NPDES (or Wisconsin Pollutant Discharge Elimination System [WPDES]) program authorization on February 4, 1974. Since that time, the Wisconsin Department of Natural Resources (WDNR) has received authority to implement the following programs: permits for federal facilities (1979), pretreatment program (1980), general permits (1986), and biosolids (2000). Organizationally, WDNR's Bureau of Watershed Management, within the Water Division, manages the WPDES program. In addition to other non-WPDES subprogram activities, the sections in the Bureau with responsibility for specific aspects of the WPDES permits program include Runoff Management, Water Quality Standards, Wastewater Permits and Pretreatment, Permits Process and Facility Management, and Great Lakes and Watershed Planning. Although the Bureau has primary responsibility, significant WPDES activities are implemented by staff in WDNR field offices across the State. Field staff have primary responsibility to conduct inspections, monitor and evaluate compliance with permit terms and conditions, and initiate enforcement actions as necessary. When enforcement actions are escalated, the staff is assisted by environmental enforcement specialists. Because Wisconsin does not have administrative order authority, formal enforcement action is referred to the Wisconsin Department of Justice (State Attorney General) for action. Attorneys from the Bureau of Legal Services assist in the development of policy and necessary changes in statutes, provide legal support for contested or adjudicated permits, and support staff in the development of enforcement actions. Water quality concerns associated with livestock

operations with 1,000 animal units or more (concentrated animal feeding operations [CAFOs]) are addressed through the WPDES permit program.

The Wisconsin Department of Commerce issues permits for erosion and sedimentation control for the construction of commercial buildings.

There are approximately 101 WDNR employees whose job responsibilities, in whole or in part, include implementation of the WPDES program for point source pollution control. In State fiscal year (FY) 2003 (ending July 2003), the total expenditure for program-related activities was approximately \$7.2 million and about 80 full-time equivalents (FTEs) of activity. In addition, program resources for the CAFO program were about 10 FTEs (\$695,200) and for the stormwater program 12 FTEs (\$791,000). Data management has become a focal point for managing the State's permit system with the development of the System for Wastewater Applications, Monitoring, and Permits (SWAMP). SWAMP was developed to provide WDNR access to monitoring, facility, and inspection information and for use in drafting permits. Efforts are under way to enter information on facilities covered by general permits.

WDNR provides staff training as needed. There has been very minimal turnover of staff, and most of the permit staff and inspectors are long-time employees. The training WDNR has provided in the past 5 years has been primarily in learning to use SWAMP. Permit drafters, biosolids coordinators, and basin engineers (inspectors) and specialists meet at least annually to discuss new initiatives, policies, and consistency issues. Training and information are informally provided at these meetings. The supervisor (section chief or basin leader) or the Regional watershed expert usually oversees new employee training on an informal basis. Training programs are administered on a one-on-one basis with job experts. Whole effluent toxicity (WET) and biosolids training are provided to staff as requested.

Although Wisconsin has been authorized to implement the NPDES programs within the State, EPA Region 5 carries out direct implementation activities in two programs.

EPA Region 5:

EPA Region 5 is responsible for implementing federal NPDES programs in Indian Country located within the State of Wisconsin (11 Tribes). The Region maintains a strong relationship with the Tribes by providing training and coordinating closely during the permitting process. Additional information on EPA activities in Indian Country is provided in Section I.3 of this profile.

The Region maintains certain federal biosolids program responsibility in Wisconsin as it relates to the land application of septage and incineration of biosolids. Other activities are carried out by WDNR under its authorized biosolids program.

The NPDES Programs Branch has approximately 0.5 FTE committed to issuing permits. This staffing is adequate for the current permit load (Tribal permits, stormwater permits in Indian Country, limited biosolids permitting). Congress, however, intended that biosolids requirements would be implemented through permits. Because of resource constraints, the Region includes biosolids requirements in permits that it issues within Indian Country, but it has not issued permits for other facilities. The Region estimates that an additional 1 FTE would be needed to issue biosolids permits for all facilities in Wisconsin. Additional enforcement and compliance staff would also be needed to monitor compliance.

These estimates are based on the assumption that general permits will continue to be used for stormwater discharges from construction activities.

Region 5 has developed a set of training modules regarding permitting requirements for small regulated municipal separate storm sewer systems (MS4s). The modules have been provided to NPDES State permitting authorities and Tribes that operate small MS4s as “train-the-trainer” materials to be used to train others. Region 5 States and Tribes with MS4s were invited to review the training session at the Region 5 offices on September 16-19, 2003. The course materials are available from EPA.

The Region has not experienced any permit writer staff turnover in recent years. To ensure that quality permits continue to be written, additional staff are being trained by the senior staff.

Resource limitations have been the greatest impediment in pursuing authorization of the biosolids program in a number of States. To assist the States, the Region has provided contractor support for reviewing State legal authority; grant funding for program development; and timely Regional reviews of draft rules, program descriptions, and Attorney General statements. In part because of this assistance, Wisconsin sought and was approved to implement the federal biosolids program (other than incineration and septage) within the State, excluding Indian Country.

2. State Program Assistance

EPA Region 5:

Wisconsin is authorized for all areas of the NPDES program outside Indian Country; however, the biosolids program is partially authorized, with the Region retaining responsibility for biosolids incineration and control of septage.

3. EPA Activities in Indian Country

EPA Region 5:

EPA Region 5 is responsible for implementing federal NPDES programs in Indian Country in Wisconsin. Eleven federally recognized Tribes have Indian Country within the State of Wisconsin.

Currently, the Region issues permits to a universe of 14 facilities in Indian Country that are regulated under the NPDES program. These permits do not include stormwater permits covered under the national general permit. Five permits out of the universe are considered backlogged, two permits are inactive, and the remaining permits are active. The Region expects the backlog to be at 10% or below in 2005 and beyond.

The Region has fostered an excellent working relationship with the Tribes in Wisconsin by hosting training for new Tribal staff as needed. This training addresses not only permitting and enforcement but also other topics such as water quality standards, underground injection control, and total maximum daily loads (TMDLs). An added benefit for the Tribes is that the training provides an opportunity to make contacts in various program areas. Region 5 held a training session on a set of training modules regarding permitting requirements for small regulated MS4s with States and Tribes.

The Region maintains ongoing communication with the Tribes during the Tribal permitting process. Regional permit writers go over the application information with the applicant and provide the Tribe with copies of a draft permit for review prior to public notice, as well as the public notice draft permit. The Region discusses the Tribe's comments at all stages and informs the Tribe as to when the permit will be issued. In most cases, all Tribal concerns are addressed prior to public notice. For non-Tribal permits for discharges within Indian Country, the Region informs the Tribe of its intention to issue a permit and provides draft and public notice copies of the permit. The Tribes work with the Region to help identify additional non-Tribal facilities within Indian Country that need to be permitted.

One Wisconsin Tribe, the Sokaogon Chippewa Community (SCC), has federally approved water quality standards. The SCC is in the process of conducting its water quality standards triennial review. Currently, all Tribes in Region 5 are being encouraged to develop a report similar to the water quality inventory report required by Clean Water Act (CWA) section 305(b), regardless of whether their water quality standards have been approved by EPA.

The Region has received three stormwater permit applications from SCC and has worked closely with the Tribe and the EPA water quality standards program to interpret the Tribe's outstanding national resource water antidegradation policy. When issuing federal permits in Indian Country, the Region requests water quality certifications ("401 certifications") from Tribes to ensure that the permits comply with all EPA-approved Tribal water quality standards. The Region has worked closely with SCC on its 401 certification process and has completed one 401 certification action (a denial). For the Tribes preparing water quality standards for EPA final action, Region 5 proactively meets with the Tribes to discuss potential permitting issues.

EPA's General Permit for Storm Water Discharges from construction sites, which encompasses Indian Country in three Region 5 States, was issued on July 1, 2003. In Wisconsin, discharges from construction sites within Indian Country are excluded from coverage under the State's general permit. (Such discharges are covered under the EPA general permit.) An appeal focused on this exclusion was filed by interested parties, however, and the State appeals board ruled against WDNR. EPA is reviewing the matter. The full decision from the appeals board is accessible at <http://dha.state.wi.us/home/Decisions/DNR/2002/IH-02-03.pdf>.

Region 5 is working with EPA headquarters to revise the Multi-Sector General Permit for Stormwater Discharges associated with industrial activity. This permit is scheduled to be issued in August 2005 and will include Indian Country in Region 5. Region 5 will provide education and outreach to the Tribes prior to permit issuance. The Region will work with the Tribes to identify all facilities in Indian Country that may need permits. Until the general permit is available, Region 5 will prioritize its permitting efforts in Tribal areas on facilities with the greatest potential risk to the environment.

4. Legal Authorities

EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.

5. Public Participation

An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.

The State of Wisconsin:

Public participation procedures for the WPDES program are contained in chapter NR 203, Wisconsin Administrative Code, as authorized in statute 283.39, Wisconsin Statutes. All specific and general permit issuances or reissuances are publicly noticed in a newspaper located in the vicinity of the permittee. The public notices are also placed on the WDNR Web site (<http://www.dnr.state.wi.us/org/water/wm/ww/drafts/pubnot.htm>), and WDNR maintains an email distribution list for notifying interested parties of the availability of permits. Individual permits and fact sheets issued by the State may be accessed through EPA's Web site. Instructions for accessing these documents are available at <http://www.epa.gov/npdes/permitdocuments>.

An informational hearing may be held on the proposed permit application if requested by the applicant, a State agency, any person, or any group of persons fewer than five. An informational hearing must be held if requested by EPA or five or more people. In some cases, WDNR holds a hearing when it is aware of a potentially controversial permit issue (see statute 283.49, Wisconsin Statutes). Following permit issuance, permittees or other interested members of the public may request a formal review of specific permit terms and conditions under the provisions of statute 283.63, Wisconsin Statutes.

Minor permit modifications that meet the exceptions provided in statute 283.53(2d), Wisconsin Statutes, are not subject to public notification. All other permit modifications are made available for public comment in the same manner as issued or reissued permits. The public has access to all WDNR files as provided in the State's Public Records Law (statutes 19.31–19.39, Wisconsin Statutes). Further elaboration of public access to information, including confidentiality of records, under the WPDES program is contained in statute 283.43, Wisconsin Statutes. All data submitted by permittees is available to the public, on request, subject to a formal declaration of confidentiality as directed in the statute. WDNR's permitting and enforcement records are normally considered open records available for public review. Litigation materials prepared during case preparation as an attorney-client work product and associated with an enforcement action might be confidential.

EPA Region 5:

For NPDES permits issued by EPA, the Region follows the public participation requirements at title 40 of the Code of Federal Regulations (CFR), section 124.10. The Region sends public notice to all persons on the mailing lists provided by the appropriate State agencies. Copies of the public notice, fact sheet/briefing memo, draft permit, and nondegradation review (if applicable) are posted on Region 5's Web page at <http://www.epa.gov/region5/water/npdestek/notices.htm>.

6. Permit Issuance Management Strategy

The State of Wisconsin:

WDNR's primary WPDES program goal is to ensure that the WPDES permit backlog is less than 10%. Through effective use of SWAMP and the various tracking tools incorporated into it, WDNR has been able to attain and maintain this goal since 1996. Wisconsin's overall percentage of permits that were current as of December 31, 2003, was 89.1% for major facilities, 92.7% for minor facilities covered by individual permits, and 98.4% for minor facilities covered by individual or non-stormwater general permits.

Wisconsin currently has three permits (two major and one minor) that have been expired for over 10 years. The permits have not been reissued for the following reasons:

- The permit for Wisconsin Power and Light-Rock River expired on June 30, 1991. EPA objected to this permit. WDNR has drafted new thermal rules in chs. NR 102 and 105. Until these rules are passed, WDNR cannot issue this permit. WDNR expects to issue the permit in the third quarter of 2005.
- WE Energies-Valley Power's permit expired on December 31, 1991. EPA also objected to this permit. This permit cannot be issued until the new thermal rules are finalized.
- The permit for Hidden Valley Farms (a CAFO/minor permit) has not been reissued pending resolution of an enforcement action for permit violations.

Program managers and staff monitor permit backlogs and report information to WDNR administrators, thereby ensuring that backlogs remain a high-priority issue. Working closely with permittees during the application process ensures that the data and information necessary to issue permits are made available to WDNR.

WDNR tracks all permits, including permits for minor dischargers, CAFOs, and general permits.

Table 1: Percentage of Facilities Covered by Current Permits in Wisconsin
(State-issued permits)

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	88.1%	74%	89.6%	76%	91.8%	83%	89.1%	84%
Minor Facilities Covered by Individual Permits	87.3%	69%	87.0%	73%	92.2%	79%	92.7%	81%
Minor Facilities Covered by Individual or Non-stormwater General Permits	N/A	N/A	N/A	N/A	98.2%	85%	98.4%	86%

Source: Permit Compliance System (PCS), 12/31/00; 12/31/01; 12/31/02; 12/31/03. (The values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

EPA Region 5:

The Region issues permits for facilities that discharge in Indian Country within Wisconsin. In general, the priority for issuing permits is as follows:

1. Facilities that must be, but are not currently, permitted, emphasizing those that pose the greatest threat to public health or the environment
2. Facilities that were permitted by a State
3. Instances where the Tribal government raises important considerations
4. Expired permits

Currently, the Region has a universe of 14 facilities regulated under the NPDES program. This does not include stormwater permits covered under the national general permit. Five permits out of the universe are considered backlogged, two permits are inactive, and the remaining permits are active. The Region expects the backlog to be at 10% or below in 2005 and beyond.

7. Data Management

The State of Wisconsin:

Wisconsin does not use EPA's Permit Compliance System (PCS) as its primary permit management tool. Rather, WDNR developed a customized information management system and database to manage the WPDES program. WDNR began using this system, called SWAMP, in January 1999. SWAMP's components or segments include the following: comprehensive information on the permittee and facility; a permit drafting segment to ensure consistent permit terms and conditions and to streamline the drafting process; a database that stores the monitoring and reporting requirements contained in permits; a tool for generation of permit-required reporting forms; a database containing all the monitoring data reported by the permittees; a system that identifies and flags violations of permit limitations and other requirements; and a tracking system for permit-related events and WDNR contact events. A segment that will more easily allow the State to summarize and compile compliance data will be added to the system in 2004. Only a limited number of standard reports are available from SWAMP, but Access software can be used to run "ad hoc" queries.

When enforcement actions reach the notice of violation (NOV) stage, they are tracked in a separate database called CASETRACK. CASETRACK is maintained by the Environmental Enforcement Unit of the Enforcement, Investigations, and Emergency Management Section of the Bureau of Law Enforcement. CASETRACK is used to track referrals, administrative orders, enforcement conferences, and NOVs. Regional and central office environmental enforcement specialists enter the data into the database regularly and are responsible for maintaining accuracy and follow-up. Reports are generated for WDNR's use and open records requests.

SWAMP includes facility information for all types of WPDES entities, including individual permit holders, general permit holders, pretreatment facilities, agricultural facilities, and stormwater sites. Wisconsin has provided Region 5 with several useful Excel spreadsheets from the SWAMP database summarizing combined sewer overflow (CSO) and sanitary sewer overflow (SSO) events reported by

municipalities. Not all facilities covered by general permits have been incorporated into this data system. The facilities covered by general permits in the western part of the State are all maintained in a hard copy file, and not incorporated into SWAMP, because of staff shortages in that region. The list is kept current and maintained by the watershed program expert in that region, but efforts are under way to enter these data into SWAMP. All the rest of the general permittees have been entered into SWAMP.

Entry of data into PCS is difficult for the State because WDNR must manually load monitoring and other permit-related data into PCS monthly. Monitoring data are entered into PCS only for major permittees. Summary values are calculated from the daily monitoring values stored in SWAMP. These summary values are used to create a flat file for uploading to PCS. Facility information and data on inspections, permit tracking events, and sludge reporting are also manually loaded into PCS on a periodic basis for both major and minor facilities. Inputting these data and this information into PCS is redundant with maintaining SWAMP and creates an additional workload for the State.

Discrepancies occur when extracting data from these two, quite different data management systems because the data in SWAMP are generally more comprehensive and up-to-date than those in PCS. For example, SWAMP stores all discharge monitoring report (DMR) data, as well as limit-of-detection and limit-of-quantification information, for parameters reported on the facility DMRs. SWAMP does not currently have a built-in reporting tool equal to the quarterly noncompliance report (QNCR) in PCS. Therefore, a comparable listing of permittees in noncompliance (e.g., in “significant noncompliance”) cannot be generated using SWAMP; WDNR must rely on PCS for this. WDNR was recently awarded an EPA grant to further develop SWAMP’s compliance-reporting capabilities. WDNR has also participated in a grant intended to move toward electronic submission of DMRs (eDMRs) and connection of the State’s information technology systems to the EPA data management system. Some permittees are currently filing eDMR information under a pilot effort. This effort will be expanded to incorporate additional permittees. eDMR will address only the DMR data and not any other data flows into the Integrated Compliance Information System-NPDES (ICIS-NPDES). Additional funds and system programming would be required to capture the other data flows. When completed, this approach will make manual loading of the data into PCS obsolete and will improve the State’s performance with respect to entering all Water Enforcement National Data Base (WENDB) data elements.

WDNR ensures the quality of data in these systems in several ways. First, WDNR’s Laboratory Certification Program, authorized by statute 299.11, Wisconsin Statutes, has been in place since 1986. The program offers certification for larger commercial testing labs and registration for smaller municipal or industrial laboratories that perform the compliance monitoring required under their permits. Chapter NR 149, Wisconsin Administrative Code, contains the regulatory requirements associated with this program. Permittees are required to report the laboratory certification number for each parameter that must be monitored by a certified or registered laboratory on each DMR submitted. This information is stored with the monitoring data in SWAMP. WDNR’s laboratory certification staff performs periodic inspections of laboratories to ensure compliance with laboratory protocols and the requirements of the regulation. Although WDNR has participated in the national DMR quality assurance program in the past, Wisconsin has requested withdrawal from this effort because it believes the effort is duplicative of the State’s lab certification requirements. EPA is currently reviewing the comparability of the two programs.

Second, because SWAMP is still relatively new, and improvements have been ongoing, quality assurance is a priority and is interwoven into many steps of the process. For example, all program staff throughout the State have access to the database, and the system is dependent on staff input and review of data. Monitoring data are manually keyed by an off-site contractor and then loaded into SWAMP. Data are usually available in SWAMP for review by WDNR staff within 2 months of the end of the monitoring period, although staff have access to the hard-copy DMRs as submitted by the permittees.

Permittees submit monitoring forms to the WDNR program field staff, who are responsible for monitoring permit compliance to ensure that forms are accurate and submitted in a timely fashion. In addition, all DMR forms have a document identification number generated by the SWAMP system to ensure that the correct form reflective of the permit conditions is being submitted and to ensure data integrity during the data input process by the contractor. Furthermore, by inputting all the daily values in SWAMP and automatically calculating averages and other summary information, the State further reduces the reporting of incorrect summary data. Violations of permit limits and under-reporting are automatically tracked in SWAMP and are flagged to allow program staff to more easily identify and respond to noncompliance.

Wisconsin is currently not able to enter all WENDB data elements into PCS, though most of the elements for major facilities are entered. (Examples of data and information that are not included are compliance schedules and application receipt dates, because these data were not available during the initial start-up of SWAMP) Wisconsin probably will not use PCS to directly manage the NPDES program. ICIS-NPDES (modernized PCS) will probably be used to store required data for major and minor facilities and to generate the QNCR as required in the CWA regulations. The Wisconsin program plan will need to be used to successfully capture any missing and required data. WDNR believes that focusing efforts on developing data transfer capabilities with modernized ICIS-NPDES is a more effective use of resources than entering the remaining WENDB elements in legacy PCS. Wisconsin is represented on the PCS Modernization Data Migration work group to find out how the legacy PCS data will be converted and what fields need to be cleaned up prior to migration to ICIS-NPDES. As part of the data migration process, Region 5 or the State can easily resolve this problem and other similar PCS problems. Because flat file entry will not be available under modernized PCS, EPA will need to work with the State to ensure that the State has developed the programming needed to use modernized PCS. The State's efforts to develop eDMRs should also help to alleviate this shortfall.

Latitude and longitude data are required as part of a permit application. The locational data in PCS for Wisconsin permittees, to the extent they exist, are likely to be very imprecise. In 2000 WDNR obtained (using an EPA grant under the source water assessment program) locational data for all outfall locations and created a geographic information system (GIS) layer containing that information. These latitude/longitude data for permittee outfalls are available in SWAMP. GIS mapping capability and the outfall locational information are available for WDNR staff use, but these tools are not yet directly connected to either SWAMP or PCS.

EPA Region 5:

The Region uses PCS to track all permitting activities for the permits the Region issues.

The Region enters most of the WENDB data elements, with the exception of latitude/longitude data and compliance schedules. The Region ensures that all permit limits and measurement data are entered into PCS.

Biosolids data are not loaded into PCS for Tribal permits because the Region enters only Class 1 and major facilities. The Region provides preprinted DMRs for each Tribal and non-Tribal facility with a federally issued permit. This approach helps to facilitate the data entry process. Not all facilities use the preprinted form or complete the form in its entirety, however, slowing the data entry process and possibly creating erroneous reporting or numeric violations.

Section II. Program Implementation

1. Permit Quality

The State of Wisconsin:

The State provides assistance to permit writers through on-the-job training, regular staff meetings, and an annual permit writers meeting to ensure that permit writers are trained and skilled. The most recent annual meeting was held on November 9-10, 2004, in Wisconsin Rapids. During the meetings, permit writers discuss policy changes and participate in a peer review of selected permits from each of the State's regional offices. The State also maintains a help desk staffed by an engineer and a permit drafting specialist to assist permit writers on an ongoing basis.

Use of WDNR's SWAMP system has ensured that permits contain consistent terms and conditions, thereby improving permit quality. Permits are typically reviewed by multiple WDNR staff to ensure that they are accurate and conform to existing rules and protocols. All permits are reviewed for compliance with technology-based requirements permit by permit. Permit applications require that any changes or increases in production or design values (for publicly owned treatment works [POTWs]) be reported, and this information is used to recalculate the technology-based limits where necessary and applicable. Where there are production or design capacity increases, WDNR staff review the increased discharges under the provisions of the antidegradation rule (chapter NR 207, Wisconsin Administrative Code).

All permits, by law, must comply with State water quality standards. A standard condition in all permits prohibits discharges that cause foaming or other visible impairments at the point of discharge. Effluent limitations are sufficiently stringent to prevent deposition of solids in surface waters. Generally, the categorical or best professional judgment limits are sufficiently stringent (often 40 milligrams per liter) to attain solids removal. In addition, one of the four "free-from provisions" in the surface water quality standards contains this provision, and, if circumstances warranted, a water quality-based effluent limit (WQBEL) could be established. These provisions apply to all discharges.

WDNR provides electronic copies of all issued permits to EPA Region 5 for its information and feedback. Major permits are provided electronically to the Region for review and comment at the time of public notice. Region 5 developed a set of permit review selection criteria to focus the Region's resources on the review of certain State NPDES permits. These criteria were developed in consultation with the Region 5 States and include the following:

- Discharges to the Great Lakes Basin
- Discharges greater than 10 million gallons per day
- CSOs with potential impacts on beaches
- Permits with TMDL requirements
- Toxicity or other concerns

- Backlogged permits (e.g., those expired for over 5 years)
- Other permits for which the State requests EPA's review

Although Wisconsin has been able to maintain its permit backlog below 10% since 1996, EPA has not provided review of permits meeting the selection criteria. To enhance its ability to review permits from major dischargers, the Region has assigned an additional staff person to review Wisconsin permits. The Region uses industrial and municipal permit checklists to perform and document permit reviews. Permits are selected based on the criteria stated above. Because Region 5 has not provided review of many permits in recent years, it has not identified issues beyond those addressed in the national permit quality review described below.

The Region reviewed 13 WPDES general permits in 2000 and Wisconsin's general WPDES permit for construction activities with land disturbance exceeding 5 acres in 2001. In 2004 EPA reviewed and commented on the individual permit for the City of Madison's MS4 and its 18 co-applicants. Comments are usually transmitted by email. These reviews have been consistent with the established memorandum of agreement with the State.

As part of the national permit quality review conducted in 2000-2001, permits were reviewed for four municipal and four industrial facilities in Wisconsin. The permits generally appear to include the necessary elements. The permits contain useful summaries of written reports due under the terms of the permit or summaries of WET testing report requirements. Wisconsin municipal permits include "permit information memos" in lieu of fact sheets. These memoranda usually provide the author's name and the date of preparation, but they lack detail. The permits are well organized and well written. Each permit has a table of contents and good descriptions of the physical locations for monitoring. Each industrial facility permit includes a concise table of contents and a brief description of each outfall or sample point. The permits include an unusual pH limitation excursion allowance.

WDNR has a very well-developed WET program that includes State-specific WET test methods, permitting and enforcement guidance, an electronic tool to assist staff in determining WET permit requirements for monitoring and limits, and a WET lab certification program for quality assurance.

For dischargers within the Great Lakes Basin, Wisconsin develops WQBELs for toxic pollutants and for WET consistent with the procedures in the "Final Water Quality Guidance for the Great Lakes System" (Great Lakes Guidance; see the Federal Register, March 23, 1995, pages 15366-15425). These include procedures for determining when there is reasonable potential that pollutants in a permittee's discharge are present at levels that will cause or contribute to a violation of a water quality standard (including WET) and therefore require the development of a limit; procedures to account for background concentrations of pollutants in the development of permit limits; and procedures to address situations where discharges are to impaired water bodies for which a TMDL has not yet been established.

EPA disapproved the State's proposed procedures related to determining "reasonable potential" for WET and subsequently over-promulgated procedures consistent with the Great Lakes Guidance. Although WDNR is required to follow the EPA procedures, the State is also continuing to evaluate WET reasonable potential using the State procedures because WDNR believes it cannot implement procedures that are not explicitly supported by Wisconsin law. Although EPA has over-promulgated the Wisconsin

procedures, Chapter NR 106 of the Wisconsin Administrative Code has not been revised to adopt the EPA procedures. Where both procedures give the same result (e.g., both show the presence of reasonable potential and the need for WET limits, or both show the absence of reasonable potential and show that WET limits are not needed) the permit is issued accordingly. In cases in which the EPA procedures find that WET limits are appropriate and the State procedures find that WET limits are not needed, the State has not issued permits with WET limits, and these permits have been backlogged. Since the over-promulgation of Wisconsin's rules took effect in December 2000, only three permits remain backlogged because of differences in the WET approaches. EPA and WDNR are working to resolve this matter. EPA has provided a grant to WDNR to fund work that will include the evaluation of possible changes to Wisconsin's rules to reconcile the two sets of procedures.

EPA Region 5:

The Region believes its permits are of high quality. Over 90% of the permits the Region issues are for municipal dischargers. The technology standards have not changed in many years, and Regional permit writers are very comfortable with their applicability. To ensure that water quality standards are properly applied, the Region coordinates with the Tribes and Wisconsin to determine where their standards apply and what limits are needed. The Region's Water Quality Standards Branch also has an opportunity to review permits prior to issuance. All Regional permit writers take EPA's NPDES Permit Writers' Training Course. The senior permit writer reviews all draft permits. The Region uses data included in the application and from PCS in preparing the draft permit and requests additional data from the applicant if needed. The Region also uses the permit as a tool to collect additional data for use in future permit actions.

2. Pretreatment

The State of Wisconsin:

WDNR received authorization to administer the pretreatment program on December 24, 1980. Each of the 26 municipal governments in the State required to develop a pretreatment program already implements an approved pretreatment program that complies with State and federal requirements. All the identified significant industrial users (SIUs) have control mechanisms. Approved pretreatment programs regulate discharges to their systems through the issuance of permits and other local controls. There are 439 SIUs discharging to POTWs with approved pretreatment programs. WDNR reviews annual reports received from the approved programs to evaluate the coverage of SIUs in those communities.

There are 165 industrial dischargers in the State subject to categorical pretreatment standards (categorical industrial users [CIUs]) that discharge to POTWs without approved pretreatment programs. WDNR issues the permits to these industries.

Many WDNR staff responsible for the pretreatment program are located in field offices around the State. Because these staff members are familiar with specific geographic areas and work closely with wastewater treatment operators, new industrial operations are readily identified. When staff become aware of an industrial user potentially subject to pretreatment requirements in a community without an approved pretreatment program, the industry is contacted and, if appropriate, a State control document is issued to the facility. These industries are then required to monitor their effluent twice per year and

report the results semiannually on WDNR-generated monitoring forms. WDNR inspects these facilities twice in a 5-year period.

Over the past 5 years, WDNR has conducted 10 pretreatment audits, 19 pretreatment compliance inspections, and 18 pretreatment reconnaissance inspections. The level of WDNR oversight of the pretreatment program has declined in recent years because of several factors, including loss of staff to other high-priority activities and State budget reductions. EPA has concerns about this trend. WDNR is in the process of amending and streamlining its audit procedures. Under the revised process, the State expects to meet its commitment to audit approved pretreatment programs at least once during the 5-year permit term. WDNR also plans to modify the annual and semiannual POTW report formats to ease collection and review of required program data elements during the years when audits are not performed. The State will use PCS/WENDB data elements to document annual report reviews and flag deficiencies for immediate follow-up by means of a pretreatment audit or as part of the annual compliance inspection.

When deficiencies in pretreatment program implementation or industrial user compliance are discovered, the State follows the stepped enforcement process outlined in its Enforcement Management System (EMS) and Enforcement Strategy (ES). When necessary, accelerated enforcement against an industrial user or POTW may be invoked.

3. Concentrated Animal Feeding Operations

The State of Wisconsin:

WDNR has issued individual permits covering all 125 animal feeding operations with 1,000 or more animal units.¹ Permits issued before July 2003 contain effluent limitations generally based on the 1974 Effluent Limitations Guidelines and New Source Performance Standards, as well as water quality standards. Permits issued after that date contain limitations based on the 2003 Effluent Limitations Guidelines and New Source Performance Standards, as well as water quality standards. All permits require implementation of a manure management plan and implementation of some of the nine minimum control measures referenced in 40 CFR 122.42(e). In the amendments to the State's administrative code expected in 2005, the State plans to adjust its technical standards for nutrient management and establish specific requirements to implement all the measures in 40 CFR 122.42(e).²

Wisconsin has a very good inventory of Large CAFOs and inspects Large CAFOs at least once every 5 years.

Many recently issued CAFO permits are for new operations or expanded operations not previously covered by a permit. Under the State's Environmental Protection Act, therefore, these permittees are subject to an environmental impact analysis, which looks at the overall impacts of a CAFO. Permits are

¹ The Management Report, measure #26, indicates that 96% of CAFOs are covered by NPDES permits. This measure includes those facilities that currently have fewer than 1,000 animal units, and thus do not currently require permits, but have requested permits based on anticipated future increases in size in the universe for calculating that percentage.

² The Management Report, measure #15, indicates that CAFO legal authority is expected in December 2004. This date was based on a March 2004 estimate of when the process of making amendments to the administrative code would be completed. Currently, the process is not expected to be complete until 2005.

drafted and issued to address the unique environmental and operational characteristics associated with each CAFO, thereby ensuring a quality permit.

When addressing water quality impacts associated with animal feeding operations through the WDNR's Notice of Discharge (NOD) program, implementation of a nutrient management plan (NMP) is often a required management practice. State, federal, and local agencies promote development of NMPs by all animal feeding operations in the following manner:

- Local units of government (e.g., counties and towns) often require the development of an NMP when animal feeding operations are constructing manure storage facilities.
- The Wisconsin Natural Resources Conservation Service (NRCS) has obtained significant Environmental Quality Incentive Program (EQIP) funding to provide cost-sharing for practices such as nutrient management planning. NRCS also applied for, and distributed, additional support obtained from other States that have not used all the available EQIP funds.
- WDNR, University of Wisconsin, the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), and NRCS are partnering to produce tools designed to promote the implementation of nutrient management planning. These tools include nutrient management planning software (SNAP Plus), as well as the Wisconsin Phosphorus Index.
- WDNR and DATCP are promoting the implementation of statewide performance standards for agricultural operations, including a standard for crop and livestock producers to create and implement an NMP. Although funding for this program is limited, nutrient management can be promoted whenever deemed necessary.

CAFOs are inspected at least once every permit term and may be inspected more frequently. Permit reissuance is often a prime reason for conducting a formal inspection to determine whether an operation is in substantial compliance with its current WPDES permit. Previously documented permit noncompliance, follow-up during the first year of a permit term for new permittees, permittee requests, and permit modifications are other criteria used to determine whether additional inspections are needed. Site visits may be conducted on a more frequent basis to provide an opportunity for WDNR staff to evaluate compliance with the WPDES permit, to provide a primary vehicle for compliance assistance in response to a citizen complaint, or to evaluate construction activities at a given operation (e.g., planned expansion or use of new technologies such as methane digestion).

EPA Region 5:

Region 5 has not received any applications for permits from CAFOs in Indian Country within Wisconsin.

Region 5's current inventory indicates that there are eight animal feeding operations that (1) are located in or near Indian Country in Region 5 and (2) are or might be Large CAFOs. This inventory might be incomplete. The Region has not performed any periodic (proactive) inspections of CAFOs in Indian Country in the Region.

4. Stormwater

The State of Wisconsin:

Wisconsin uses a number of individual and general permits to regulate discharges of stormwater from industrial dischargers, Phase II municipal dischargers, and Phase I and II construction sites. The State's stormwater construction permit is being revised following the recent promulgation of State rules to include the federal Phase II requirements. Reissuance is anticipated in 2005. The reissued permit will apply to construction sites with 1 or more acres of disturbed land and will require the development and implementation of a stormwater pollution prevention plan, including practices to control erosion and sedimentation. The State has also promulgated new performance standards for sediment and erosion control in Chapters NR 151 and 152. The State's general permit was challenged administratively in 2002 with respect to the State's exclusion of Indian Country from its general permit coverage under the authorized WPDES program. Wisconsin is in the process of amending its administrative authorities to clarify the scope of general permit coverage.

The State has issued approximately 20 individual permits for MS4s, including two regulated under Phase I of the national stormwater program. The State expects to issue its general permit for small MS4s regulated under Phase II in 2005, after promulgation of revisions in Chapter NR 216 to incorporate the Phase II requirements. The permit will require the development and implementation of a stormwater management plan, which must include the six minimum measures established in the stormwater Phase II regulations. Nearly all of the 200 municipalities designated have indicated that they will apply for coverage under this permit.

Wisconsin's three industrial general permits for stormwater discharges associated with industrial activity are current. The State uses a tiered system based on the impact the stormwater discharge would have on the environment. Discharges with greatest potential impacts are placed under the Tier 1 industrial general permit. The Tier 1 general permit requires submission of annual chemical-specific monitoring results for the first 2 years following the implementation of a stormwater pollution prevention plan (SWPPP) and annual facility site compliance inspection reports. Facilities with medium risk are placed under the Tier 2 general permit. The Tier 2 general permit requires the development of an SWPPP and submission of reports. All other facilities are placed under the Tier 3 general permit, which does not require an SWPPP. Facilities covered under Tier 3 permits must maintain annual reports. In addition, the State has issued sector-specific general permits for auto dismantling, scrap recycling, and nonmetallic mining to address industry-specific concerns.

EPA Region 5:

The Region is planning discussions with the Oneida Tribe of Wisconsin, the Village of Hobart, Wisconsin, and WDNR to consider the most efficient way to permit these Green Bay area MS4s.

EPA's General Permit for Storm Water Discharges from construction sites, which encompasses Indian Country in three Region 5 States, was issued on July 1, 2003. Region 5 has sent letters and notice of intent (NOI) forms to operators of construction sites over 1 acre that began construction activities prior to the issuance of the permit, in accordance with EPA's interim stormwater permitting policy. New applicants can apply for coverage either by submitting an NOI by mail or by accessing EPA's eNOI Web site (<http://cfpub.epa.gov/npdes/stormwater/enoi.cfm>). Once a complete NOI is submitted, the permittee may begin land-disturbing activities 7 days after the NOI appears on the eNOI system, as long as it

complies with all requirements of the general permit. Construction operators and others can access the system and check for NOIs at <http://cfpub.epa.gov/npdes/stormwater/noi/noisearch.cfm>.

In Wisconsin, discharges from construction sites within Indian Country are excluded from coverage under the State's general permit. (Such discharges are covered under the EPA general permit.) An appeal focused on this exclusion was filed by interested parties, however, and the State appeals board ruled against WDNR. EPA is reviewing the matter. The full decision from the appeals board can be accessed at <http://dha.state.wi.us/home/Decisions/DNR/2002/IH-02-03.pdf>.

Region 5 is working with EPA Headquarters to revise the Multi-Sector General Permit for Stormwater Discharges Associated With Industrial Activity. This permit is scheduled to be issued in August 2005 and will include Indian Country in Region 5. Region 5 will provide education and outreach to the Tribe prior to permit issuance. Region 5 will work with the Tribes to identify all facilities in Indian Country that might need permits. Until the general permit is available, Region 5 will prioritize its permitting efforts in Tribal areas on facilities with the greatest potential risk to the environment.

5. Combined Sewer Overflows/Sanitary Sewer Overflows

The State of Wisconsin:

Combined Sewer Overflows: There are two combined sewer systems in Wisconsin: the Milwaukee Metropolitan Sewerage District (MMSD) and the City of Superior. Both are regulated under NPDES permits. Each of these municipalities has implemented programs to capture, store, and treat overflows from the combined sewer system. In both cases, additional investigations are under way to review the effect of existing controls and the need for additional controls to meet all the requirements of EPA's CSO policy.

Consistent with the nine minimum control requirements of the National CSO Policy, MMSD is required by its NPDES permit to provide public notification of CSO events, including notification to local health departments. The City of Superior has not instituted a CSO public notification plan, but it is required to treat all of its CSOs to meet limits equivalent to secondary treatment.

EPA Region 5:

There are no CSOs in Indian Country in Region 5.

The State of Wisconsin:

Sanitary Sewer Overflows: The State issues WPDES permits to POTWs. These permits prohibit SSOs and require that any overflows be reported. In some cases, owners or operators of collection systems do not operate a POTW but rather are tributary to a regional system that provides treatment. Such tributary systems are referred to as "satellite" systems. WDNR has issued a general permit to prohibit SSOs and bypasses from satellite collection systems and to require reporting if such events occur.

The State is pursuing rulemaking efforts to strengthen its ability to address SSOs. The result of these rulemaking efforts would be to establish capacity, management, operation, and maintenance (CMOM) requirements and to update the State's compliance maintenance program (currently geared toward maintaining municipal compliance with NPDES permit requirements related to POTWs) to address collection systems. The rulemaking would also address a deficiency Region 5 identified in the State rules

regarding prohibition of bypass. In advance of the State's completing this rulemaking, WDNR is issuing WPDES permits with bypass prohibition language that is consistent with the federal requirements.

The State has devoted a great deal of attention to CSOs and SSOs in the Milwaukee area. This has led to development of the individual SSO permits discussed below and additional conditions in the MMSD WPDES permits that require the evaluation of current CSO controls and the development of a revised CSO long-term control plan. In addition, MMSD has signed a stipulation agreement with the State to increase collection system capacity by 28% and to develop a regional CMOM program.

In the early 1990s MMSD completed construction of a tunnel storage system that captures excess wet-weather flows from both combined and separate parts of the regional collection system. This has allowed MMSD to greatly reduce its overflow frequency. For example, MMSD had no wet-weather-related overflows in 2003. Under heavy or sustained rainfall conditions, however, the capacity of the system can be exceeded. Unusually heavy rains in May 2004 led to the release of 4.6 billion gallons of combined stormwater and sanitary sewage. MMSD and many of the municipalities that discharge wastewater into the MMSD system have been referred to the Wisconsin Department of Justice for permit violations related to the SSOs.

SSO discharges are required to be reported to WDNR. Although no public notification requirements are in place for SSO discharges, such requirements are being considered for inclusion in revised State regulations as part of the rulemaking effort discussed above.

As discussed above, WDNR issued a general permit to prohibit SSOs and bypasses from satellite collection systems and to require reporting if such events occur. In instances where SSOs from satellite systems have been most significant, WDNR has issued individual WPDES permits to the satellite communities. These permits require the community to take specified actions to eliminate the overflows from the collection system. Four such individual permits have been issued in the Milwaukee area.

EPA Region 5:

The NPDES permits issued to POTWs by the Region require notification of noncompliant discharges, including SSOs. Upon notification of an overflow, the Region determines whether public notification is needed on the basis of the location and quantity of the overflow.

6. Biosolids

The State of Wisconsin:

In July 2000 Wisconsin became the fourth State in the nation to be authorized to administer the biosolids program. WDNR regulates biosolids through the WPDES program. State regulations and WPDES permit conditions control the amount of biosolids that may be land applied, on the basis of soil type, slope, time of year, proximity to residences and wells, and other factors. Land application rates are limited to the agronomic needs of the crop to be grown, and soil analyses are required at least once every 4 years. Biosolids incineration and control of septage are not covered by the program authorization agreement between EPA and WDNR, but Wisconsin does oversee these activities under State regulations that are consistent with federal regulations. Septage must either be taken to a wastewater treatment plant for further treatment or directly land-applied. The same site criteria apply to both septage and biosolids. The State uses SWAMP to track facility compliance (see Data Management Section).

Approximately 95% of the biosolids generated in the State are land-applied on an annual basis. As stated above, WDNR regulates biosolids through its WPDES permit program. The generators, usually POTWs, receive individual permits that control the effluent discharge and biosolids disposal.

EPA Region 5:

Region 5 carries out direct implementation of the biosolids program in the Region, except for parts of the program in Wisconsin, as noted above. The level of effort has been reduced because of reduced funding for the program nationwide. Because of limited resources, the Region includes biosolids requirements only in permits issued in Indian Country. Other Regional activities include providing outreach to the regulated community, assisting the States in seeking program approval, and providing technical and compliance assistance. Wisconsin accepts its facilities' annual reports and monitors compliance. Enforcement actions related to biosolids are typically initiated in response to complaints or as part of more comprehensive enforcement actions.

To increase Regional activities and provide for more proactive management of the biosolids program in the future, both the permitting and enforcement programs within EPA headquarters will need to reinvest in the program or provide dedicated funds for program implementation to the Region.

Section III. NPDES Compliance Monitoring and Enforcement Response

In a separate initiative, EPA's Office of Enforcement and Compliance Assurance (OECA), EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.

1. Enforcement Program

The State of Wisconsin:

The State has had an EMS since 1994, and until recently the NPDES permit program has operated under the provisions of this and additional guidance developed in the early 1980s. These earlier documents have been replaced by the "Enforcement Strategy for the Wisconsin Department of Natural Resources Water Pollution Control Program," July 2004 (ES). EPA welcomes this effort because significant changes, including the decentralization of certain enforcement functions and the advent of SWAMP, were not reflected in the 1994 EMS. The ES provides a comprehensive discussion of the types of permit violations that might occur and their relative severity, as well as guidance on appropriate responses. Though EPA has not had an opportunity to thoroughly review the new ES, Region 5 notes that valuable enhancements to this document include the additional detail provided regarding detecting violations and provision of an appropriate enforcement response for certain sectors (e.g., stormwater, CAFOs) identified as national wet-weather priorities.

Regional WDNR staff (rather than central office staff) have the primary responsibility to conduct inspections, monitor and evaluate compliance with permit terms and conditions, and initiate enforcement actions where necessary. SWAMP also provides automatic "ticklers" noting when violations of permit limits or conditions occur. The State most commonly finds and corrects significant environmental issues at non-major facilities through routine inspections and site visits, review of DMR data and other permit-related information, response to complaints, and requests for compliance assistance.

When enforcement actions are escalated, the State's regional water staff is assisted by environmental enforcement specialists in each Region to ensure that proper legal protocols are followed in the context of a formal enforcement action. Formal judicial action occurs when a permittee is referred to the Department of Justice (State Attorney General) for action. Attorneys from WDNR's Bureau of Legal Services provide legal support for technical staff in the development of enforcement actions. The State does not have authority to issue administrative orders. In both the stormwater program and septage program, however, environmental wardens have the ability to issue citations and collect limited penalties. On occasion, stormwater permit enforcement actions are taken in conjunction with violations of Chapter 30, Wisconsin Statutes. This chapter implements the State's water regulation program and public trust doctrine. It covers permits for grading adjacent to waterways, stream crossings, dredging, fills, structures, and construction adjacent to and in wetlands. As described in the ES, the level of enforcement response is determined by a number of factors, including the following:

- Actual or potential impacts on human health, welfare or the environment
- Cause of the violation
- Number and duration of violations
- Presence of willful or negligent conduct
- Actual or potential impacts on program integrity at the State or federal level
- Permittee knowledge, experience, and awareness of environmental regulations
- Significance of monetary gain or unfair competitive advantage
- Magnitude of violation
- History and responsiveness to violation
- Nature or toxicity of the pollutant
- Other mitigating circumstances

WDNR uses its citation authority to get immediate injunctive relief to correct problems related to stormwater, biosolids, or septage haulers. To compel injunctive relief from other types of facilities, the State schedules an enforcement conference followed by a letter commemorating agreements. WDNR makes a referral to the Wisconsin Department of Justice when a facility is not implementing the plan for injunctive relief or when citations have previously been issued. Wisconsin does not have administrative authority to assess penalties in the WPDES program except for citation authority for stormwater and biosolids violations. Thus, prosecution by the Wisconsin Department of Justice is generally the only mechanism by which WDNR can obtain penalties for WPDES permit violations.

Chapter 10 of the State's "Environmental Enforcement Handbook" provides guidance on establishing "reasonable, defensible, and fair" penalties and lists the following as objectives in guiding the development of penalties:

- Penalties should be based on the gravity of the violation.
- Penalties should be large enough to deter noncompliance and impose an actual penalty.
- Penalties should be larger than the economic benefit of noncompliance.
- Penalties should be consistent with penalties proposed for similarly situated regulated parties, to the extent possible, in order to provide fair and equitable treatment to the regulated community.
- Penalties should be reviewed from time to time to recognize changing regulatory factors and to ensure that the environment is fully protected.

Financial experts are retained in situations in which the State believes that an entity has derived significant benefits from noncompliance. The penalty amounts assessed and collected for discharges in violation of WPDES permits between 2000 and 2003 are shown in Table 2.

Table 2: Penalties Assessed and Collected, 2000-2003^a

Year	Amount
2000	\$304,122.50
	\$750.00
	\$24,158.60
Total	\$329,031.10
2001	\$280,681.04
	\$145,754.00
	\$53,235.45
Total	\$479,670.49
2002	\$217,207.00
	\$103,125.00
	\$33,163.00
Total	\$353,495.00
Grand Total	\$1,162,196.59

^aDuring this period, a total of 208 stormwater citations were issued (2000, 45; 2001,102; 2002, 61).

Wisconsin uses supplemental environmental projects (SEPs) to a limited extent. These follow EPA guidance on the use of SEPs.

As noted above, the State has no authority to issue administrative orders. Compliance schedules are included in WPDES permits. The court, as a result of prosecution, may also order compliance activities. In either case, compliance timelines are added to SWAMP. Enforcement staff also monitor compliance timelines through WDNR's CASETRACK system, which is used to monitor the number and types of formal enforcement actions taken by WPDES and enforcement staff. Environmental Enforcement staff maintain files associated with formal enforcement actions. WPDES staff responsible for monitoring permit compliance maintain paper files for all permittees. SWAMP contains an information entry segment called "Event Tracker" that allows staff to enter contact and other information to the system so it is available to all WDNR staff. There is no automated mechanism to update national data systems with enforcement or compliance data. The environmental partnership agreement between WDNR and EPA contains commitments for periodic reporting of this information to EPA.

NOVs are used to formally document significant violations discovered by WDNR. The NOV asks for a written explanation of the circumstances surrounding the violation and for corrective actions, if necessary, by a certain date. In most cases, the NOV requests that the permittee meet with WDNR staff

to develop appropriate responses to the noted violations. Both Environmental Enforcement and WPDES staff monitor the response to all NOV's issued by WDNR, and enforcement action is escalated as appropriate for the circumstances. The level of access authority is provided based on which activities each person needs to perform in SWAMP. As results are entered into SWAMP, they are flagged as "review needed" by compliance staff for any of the following reasons:

- The results are outside the acceptable range for the parameter/unit combination.
- The limit of detection and quantitation are required to be reported and are missing.
- The number of results expected based on the sample frequency in the permit has not been reported.
- A permit limit is exceeded.

Periodic reports list data outside the norm or needing further review. A report summarizing effluent discharges on a monthly basis for many substances is generated annually and provided to each facility for review and return.

CASETRACK can be used to monitor "events due," but it does not send tickler messages. There are no specific requirements for enforcement staff to monitor events due on a set interval. In practice, both enforcement and regulatory staff appear to keep abreast of responses to NOV's.

EPA Region 5:

The Region targets its efforts to ensure base program integrity, as well as to maximize the environmental benefits of its actions. In terms of the base program, the Region monitors the QNCR and the active exceptions list to ensure that they remain below 10% and 2%, respectively. These targets are routinely met. Generally, because most NPDES program elements have been delegated, State enforcement action is the primary mechanism for managing against these goals; Environmental Performance Partnership Agreement (EnPPAs) and annual work plans contain language that indicates that where these goals are not met, federal enforcement action will be a priority. Currently, a high priority for the Region is enforcement related to CSOs and SSOs. Forty-two percent of the nation's CSO permittees are in the Region, and enforcement related to this pollution source has been a priority. The Region has had a CSO strategy since 1986, and it was most recently updated in 2003. The Region's focus is on those CSOs impacting high-priority beaches, drinking water sources, or other environmentally sensitive areas. Other wet-weather sources of pollution are also being targeted. To this end, the Region has also developed a CAFO permitting and enforcement strategy and is updating its stormwater strategy. It is in the early stages of developing a strategy to address failing on-site wastewater treatment systems.

The Region has some direct implementation responsibilities for the federal biosolids program in Wisconsin. In addition, it has direct implementation responsibilities within Indian Country. Enforcement actions related to biosolids are generally prompted by complaints. The need for enforcement actions in Indian Country has been rare.

The NPDES program has had an enforcement management system since the 1980s. This system is out-of-date, and development of new operating procedures has been a priority for completion by the end of 2004.

The Water Division within Region 5 has a manual system maintained by the enforcement process manager for monitoring the status of cases in the pipeline. A monthly meeting is held to update the status of all proposed actions. In addition, meetings are scheduled with the Office of Regional Counsel approximately every 6 weeks to review the status of cases and potential bottlenecks. In 2002 the Water Division also consolidated a number of databases that were used to track permittees' progress in complying with enforcement actions and made a concerted effort to review all open cases and close out those for which it was appropriate. Approximately 40% of the open cases were closed out as a result of this effort.

2. Record Keeping and Reporting

The State of Wisconsin:

WDNR employs a variety of mechanisms to monitor the performance of permittees. Many WDNR staff responsible for this function are located in field offices around the State. Because these staff members are generally familiar with specific geographic areas, new or different operations are readily identified. When staff become aware of a facility potentially subject to the NPDES program, the facility is contacted and, if appropriate, a permit is issued to the facility.

With respect to the industrial stormwater permittees, WDNR has issued six industrial general permits. All information submitted on the industrial NOI is entered into an Oracle-based stormwater data system. All the stormwater data are maintained in a separate, Oracle-based database called STORM; the data are not entered into SWAMP. These two systems are not integrated.

With respect to tracking construction site permittees, WDNR has issued one construction site general permit that covers construction sites with 5 or more acres of land disturbance. All information submitted on the construction site NOI is entered into the Oracle-based stormwater data system.

WDNR will likely issue one general permit to cover MS4s, except in cases where an individual permit is used. MS4 NOI data will be tracked in the Oracle-based stormwater data system. The system is designed to track general information about the operator, location of the system, and permit issuance/reporting compliance dates. Information on the status of compliance with the six minimum control measures will also be tracked.

EPA Region 5:

The Region develops formal administrative records in accordance with 40 CFR 124.18 for all permits issued by the Region.

3. Inspections

The State of Wisconsin:

WDNR has developed a WPDES inspection strategy (dated April 2003) that is used to guide program staff in conducting inspections and evaluating permittee compliance. This strategy covers a broad range of topics related to the timing of inspections, defining different types of inspections, and discussing related compliance activities. The strategy also provides specific objectives, such as "identify facilities

that have not applied for permits” or “improve permittee performance,” for the water program inspections, but it does not provide clear guidance for prioritizing inspections.

An attachment to the strategy provides expectations for the number of inspections to be performed, and a related commitment has been requested during EnPPA negotiations. Wisconsin has not met these commitments in recent years, however, averaging an inspection coverage rate of 46% in FY2000 and FY2001. This rate increased to 60% in FY2002 and to 76% in FY2003 (according to the Management Report). EPA is encouraged by this trend and will further discuss with WDNR ways to maintain this level of effort. As discussed previously, Region 5 is concerned about the reduction in State oversight of the industrial pretreatment program.

In addition to conducting inspections, WDNR uses other techniques to ensure that permittees are complying with the terms and conditions of their permits. This “compliance assurance process” takes several forms and includes

- Compliance maintenance—working with facilities and assisting them to remain compliant
- Compliance assessment—conducting reviews of DMRs and other reports for compliance; following up on self-reported violations
- Enforcement—formal actions taken when a significant violation is identified, including notification of a violation of a permit condition, formal enforcement conferences or contacts, and referral to the State Department of Justice.

EPA Region 5:

The Region has developed a CWA inspection strategy that describes the manner in which inspections are prioritized and agreed to between the States and EPA. As described in this strategy, a variety of factors influence selection of inspection targets, including national and regional priorities, case closeout needs, multimedia initiatives, complaints, and coverage requirements. The Region requests that the States perform all coverage inspections, though most States have had difficulty in meeting these commitments in recent years. The Region is working with the States to increase the number of inspections they perform, but it does not have the resources to backstop State shortfalls. In addition, the Region is concerned that the current requirements for coverage inspections might impede the States and EPA from focusing on those inspections that might result in the greatest environmental benefit and believes that this is an issue that warrants policy discussion at the national level.

4. Compliance Assistance

The State of Wisconsin:

WDNR has used a broad array of innovative strategies and compliance assistance tools to improve compliance rates. For example, within the stormwater program three of six industrial general permits were drafted specifically to cover one type of industry each—scrap recycling, used auto parts recycling, and nonmetallic mining facilities. The scrap and auto parts recycling permits include the option for a facility to join a Cooperative Compliance Program (CCP). A CCP is an organization that provides additional training and auditing of its members and provides compliance reports to WDNR.

With respect to CAFOs, WDNR, University of Wisconsin, DATCP, and NRCS are partnering to produce tools designed to promote the implementation of nutrient management planning. These tools include nutrient management planning software (SNAP Plus), as well as the Wisconsin Phosphorus Index. In addition, WDNR and DATCP are promoting the implementation of statewide performance standards for agricultural operations, including a standard for crop and livestock producers to create and implement an NMP.

With respect to other segments of the industrial community, the Bureau of Cooperative Environmental Assistance works to implement activities through innovative, nonregulatory programs. The following examples apply to industries in the WPDES program:

- An Innovation Stakeholders Group has been convened as an informal, quarterly forum of business, consulting, government, environmental, and academic leaders for the exploration of environmental, economic, and social issues associated with environmental regulation.
- WDNR has been using environmental management systems for the past 5 years as a part of enforcement settlements, compliance strategies, and “beyond compliance” programs.
- Three ongoing programs address environmental performance within industry sectors, including the Pollution Prevention Partnership (paper), 5 Star Program (dry cleaners), and Environmental Excellence Award (asphalt pavers).
- Recognition awards are provided through the Federation of Environmental Technologists’ “Governor’s Environmental Excellence Awards” and the Wisconsin Manufacturers and Commerce’s “Business Friend of the Environment” award.
- The Environmental Cooperation Pilot Program has allowed seven participating companies, WDNR, and the public to implement regulatory streamlining, energy reductions, emissions reductions, and material reuse and recovery.
- The “Permit Primer” was created as an interactive Web tool for managing the full scope of permitting and prevention strategies to avoid the need for permitting or reduce permit requirements for new and expanding businesses.
- The Dairy Gateway project (building a sustainable dairy agriculture region) and the Community Mercury Reduction program are using the strength of community participation and building networks to achieve better environmental results than would be achieved through traditional regulatory approaches.
- The Wisconsin Pollution Prevention Partnership Web site (<http://wip2.uwex.edu>) is jointly maintained by WDNR, the University of Wisconsin-Extensions, and the Wisconsin Department of Commerce. The Web site provides resources, contacts, and links to pollution prevention activity affecting all media.

- A full-scale strategy is being implemented for the reduction of mercury-containing products, reductions in air emissions (voluntary and rule-based), and the community mercury reduction program to prevent mercury in wastewater.
- Legislation (the Environmental Results Act) has been introduced in Wisconsin to provide opportunities to combine growth and environmental improvement while building new and better working relationships with businesses, communities, and environmental groups. The legislation also provides the potential for new frameworks to make compliance strategies more effective, administrative burden more manageable, and administrative direction more focused on significant environmental problems.

The State has no formal mechanism for measuring the outcomes of compliance assistance activities. EPA would like to discuss with WDNR the possibility of quantifying some of the outcomes because compliance assistance represents a considerable effort in Wisconsin.

EPA Region 5:

The Region typically provides extensive compliance assistance when new federal regulations are promulgated. In recent years, considerable effort has been placed on compliance assistance related to implementation of both the CAFO regulations and the Phase II stormwater regulations. This assistance includes workshops, formal presentations, and development and distribution of guidance and technical documents, as well as individual site visits.

Within the first year after the new biosolids regulations were published, the Region hosted a satellite broadcast to explain the regulation and its requirements. The Region reached nearly half of the regulated community with this broadcast. The Region has also instituted a small community compliance assistance program for biosolids modeled after the operation and maintenance evaluation program. For the small community assistance program, the Region evaluates compliance assistance activities by reviewing annual reports for regulatory compliance.

Section IV. Related Water Programs and Environmental Outcomes

1. Monitoring

The State of Wisconsin:

Wisconsin's monitoring program provides data on streams, rivers, lakes, and wetlands. The State employs a variety of approaches for implementing its monitoring program, including fixed-station networks, special site-specific studies, and baseline monitoring of lakes, wadeable streams, and non-wadeable streams. In addition, Wisconsin is conducting a pilot probabilistic sampling project through EPA's Regional Environmental Monitoring and Assessment Program and participating in the national wadeable stream survey (which will include a 50-site, statewide probabilistic monitoring network).

The State is currently developing a comprehensive, statewide strategy for water resource monitoring. A first draft was submitted to EPA in June 2004, and a final strategy is anticipated by the end of 2004. The strategy will articulate how data are collected for multiple program elements, including establishment of use designations, WPDES compliance, listing and delisting of impaired water bodies under CWA section 303(d), and CWA section 305(b) assessments and reporting. Wisconsin has committed to submitting a final monitoring strategy to EPA as part of its EnPPA. The State's comprehensive monitoring strategy will address the manner in which the State will improve the number of State waters assessed in order to enhance the understanding and characterization of surface water quality throughout Wisconsin.

Currently, Wisconsin permit staff members periodically perform effluent monitoring when conducting inspections of permittees. These data may be collected to ensure compliance with specific limitations or other requirements in permits. Targeted monitoring for specific data collection activities may be provided through application data requirements in cases where noncompliance is an issue or staff have observed surface water quality problems that might be associated with a point source discharge. The State operates flow gauges at about 110 sites, providing data on flow for use in pollutant loading development calculations. Wisconsin also operates 41 fixed stations generating data that are used in the permit program in addition to chemical data from other sources (e.g., gauging stations) when available. These stations are located primarily on large rivers and are monitored for a variety of parameters at varying frequencies. Generally, these sites provide trend information on chemical parameters over time, particularly for water quality standards development and permitting. Data from fixed stations can be used to determine background concentrations, understand seasonal and other temporal variations in water quality parameters, and develop water quality models. Data from upstream and downstream of a facility can be used to determine whether a discharger is having any adverse impact on water quality. Data from these stations, and other monitoring, can also be used to determine the effectiveness of permits and whether standards are being met. The State does not use a rotating-basin approach at this time.

Wisconsin uses a targeted (e.g., targeted to collect data for a specific purpose) approach for assessing streams, but it is piloting a probabilistic approach that employs random site selection. Approximately 400-500 sites are sampled each year with the direct objective of filling in gaps where streams have not

been sampled previously. To increase assessment coverage, Wisconsin is evaluating the utility of a probabilistic design for streams and implementing a combination of census and random design for lakes. Like the programs of many Region 5 States, Wisconsin's program focuses on aquatic life use and biological endpoints for much of its determination of water quality status. As the State increases its focus on other uses and parameters such as nutrients, bacteria, and sediment, the percentage of waters identified as impaired is likely to rise. The inclusion of additional water body types (wetlands, headwater streams) might also result in increased identification of impaired waters.

EPA Region 5:

To date the Region has not specifically coordinated its permitting with the State's monitoring program, but it does coordinate with the State prior to drafting permits. Region 5 uses available data to write NPDES permits. In most cases, if a wasteload allocation is needed for the dischargers on a given receiving stream, the States will have included such dischargers in the development of the wasteload for the receiving water.

At this time none of the receiving waters to which Region 5-permitted facilities discharge are required to have a TMDL.

2. Environmental Outcomes

The State of Wisconsin:

Monitoring/Assessment Trends: Wisconsin's current assessment coverage of aquatic life use in rivers and streams is about the same as that in 1994. Wisconsin assessed 21,411 stream miles for aquatic life use in 1994 and assessed 23,120 stream miles for aquatic life use in 2002. Although these two reports show a difference in the percentage of assessed rivers and streams fully supporting aquatic life use (from 80% in 1994 to 52% in 2002), a truly valid comparison cannot be made. This difference would be a result of changes in the site selection approach, monitoring methods and parameters, water quality criteria, assessment procedures, water quality, or some combination of these factors.

Summarizing the trophic status for all lakes is one way to characterize the condition of Wisconsin's lakes. Data collected on lakes by WDNR staff, the Self Help Citizen Monitoring Program, and through projects were used to estimate a trophic state index (TSI) for 990 lakes based on Secchi disk (clarity) measurements. These data represent 45% of Wisconsin's total inland lake surface acreage. The sample is biased in that it represents only the lakes that have been actively sampled. Approximately half of the waters assessed exhibit what is considered to be excellent to good water quality (oligotrophic and mesotrophic conditions). Between 1997 and 2001, 708 of the lakes could be assessed for trends; 78 were improving, 258 were stable, and 51 were declining.

Current Assessment Status: In 2002, 40% of the stream miles in the State were assessed for aquatic life and 100% were assessed for fish consumption. Of the stream miles assessed, 52% were fully supporting aquatic life use and 0% were fully supporting fish consumption (due to a statewide mercury advisory). The State also assessed 81% of the lake acres for aquatic life, 6% for swimming, and 83% for fish

consumption.³ Of the assessed lake acres, 53% were fully supporting aquatic life, 1% were fully supporting swimming, and 0% were fully supporting fish consumption (due to a statewide mercury advisory). Wisconsin assessed 100% of the Great Lakes shoreline miles for aquatic life and 100% for fish consumption. Of the assessed Great Lakes shoreline miles, 0% were fully supporting aquatic life and 0% were fully supporting fish consumption.

3. Water Quality Standards

The State of Wisconsin:

WDNR is responsible for both the NPDES and water quality standards programs in the State of Wisconsin. In the development of water quality standards in Wisconsin, the WDNR permitting program and the regulated community are well represented and permitting issues are thoroughly aired. The procedures for determining whether WQBELs are needed, including reasonable potential analysis, are found in chapter NR 106, Wisconsin Administrative Code. The State is also timely on its triennial reviews and has no outstanding water quality standard disapprovals. Wisconsin's thermal standards were struck down by the Wisconsin Supreme Court, but they were never removed or revised in the State regulations.

The State has very few waters listed as impaired on the 303(d) list for which point source discharges are the principal cause of impairment. To date, WDNR has issued one TMDL that included a point source wasteload allocation. In general, WDNR does not expect to address many point sources through TMDLs and therefore has not developed a formal process for integrating the permit program into the TMDL program. Procedures to establish WQBELs for impaired waters in the absence of TMDLs are included in chapter NR 106, Wisconsin Administrative Code.

Use attainability analyses and changes to designated uses have been rare in Wisconsin, although WDNR is working on possible revisions to Wisconsin's system of aquatic life uses. Wisconsin's water quality standards contain provisions that describe the applicability of the uses and water quality criteria and implementation procedures for Wisconsin's antidegradation policy. Wisconsin implements its antidegradation policy in a manner consistent with the policy at chapter NR 102 and the implementation procedures at chapter NR 207.

Wisconsin reviews and revises its water quality standards as needed. When the State or the public identifies a need for a water quality standards review, an advisory group is formed including WDNR, the affected and interested public, EPA, the U.S. Fish and Wildlife Service, and others. The advisory committee assists WDNR in developing rules to propose to the State's Natural Resources Board. Wisconsin's provisions on compliance schedules are found in chapter NR 106, Procedures for Calculating Water Quality Based Effluent Limitations for Toxic and Organoleptic Substances Discharged to Surface Waters, subchapter II, General Procedures for Effluent Limitations, statute NR 106.117. The most recent revision to Wisconsin's water quality standards was the adoption of EPA's 1999 ammonia criteria recommendations. Wisconsin is working on revisions to its thermal criteria.

³ Wisconsin also assessed 46% of lake acres for secondary contact recreation. Adding this 46% to the 6% assessed for swimming matches the Management Report, measure #49, which shows 52.5% assessed for recreation.

Wisconsin has a nutrient criteria development plan that was reviewed and accepted by EPA.

Wisconsin currently does not have criteria for E. coli to protect recreational uses, relying instead on fecal coliform criteria. The State intends to adopt bacteria criteria as protective as EPA's 1986 ambient water quality criteria for bacteria by no later than March 2006. The State's tentative timeline for rule adoption is as follows:

<u>Action</u>	<u>Date</u>
Initiate Rule Making	Initiated
Board Authorization for Hearing	April 2005
Public Hearings	June 2005
Board Approval	September 2005
Promulgation of Rule	Winter 2005-2006

WDNR is completing its Source Water Assessment Program (SWAP) as required by the 1996 reauthorization of the Safe Drinking Water Act. WDNR's assessments for public water systems that use surface water includes locational and other information on large animal feeding operations and wastewater outfalls jointly collected with the Watershed Management Bureau. WDNR has identified in the Source Water Assessment Program the importance of establishing relationships with surface water programs to facilitate cooperation in building common strategies for source water protection.

The Watershed Management Bureau has identified three high-priority information management systems: the Storage and Retrieval system (STORET), the State's Waterbody Assessment Display and Reporting System (ADRS), and SWAMP. Each of these systems will soon have a spatial component that will allow staff to maintain data gathered for the system (including the CAFO and outfall data) and to integrate updated data into the State's source water assessment program application for vulnerability assessments. The data collected for SWAP for outfalls and CAFOs are part of a larger set of information from these three critical data systems (including impairments, sources, pollutants, 303(d) impaired waters, outstanding and exceptional resource waters, and more) that has been included in an internal WDNR Web mapping application to assist staff in decision making for water assessments, permits, and monitoring. Conversely, the location of drinking water wells and the fixed-radius assessment areas (collected for SWAP), if made available to WDNR wastewater staff, can provide improved data for staff decision making, particularly for wastewater permitting. Although security issues hamper the distribution of well location data statewide, access to septage coordinators through either the SWAP application or the spatial interface provided in SWAMP would be particularly useful for evaluating proposed septage spreading or other land application sites. These data could also be used by nonpoint source coordinators or stormwater specialists to evaluate potential impacts on drinking water facilities.

EPA Region 5:

Currently, one Wisconsin Tribe (the Sokaogon Chippewa Community [SCC]) has federally approved water quality standards. SCC is in the process of conducting its water quality standards triennial review. EPA's water quality standards and NPDES programs will work cooperatively on the Region's triennial review.

Currently, all Tribes in Region 5 are being encouraged to develop a 305(b)-type report, regardless of whether their water quality standards have been approved by EPA.

The Region has received three stormwater permit applications from SCC and has worked closely with the Tribe and the EPA water quality standards program to interpret the Tribe's outstanding natural resource water antidegradation policy. When issuing federal permits in Indian Country, the Region requests water quality certifications ("401 certifications") from Tribes to ensure that the permits comply with all EPA-approved Tribal water quality standards. The Region has worked closely with SCC on its 401 certification process and has completed one 401 certification action (a denial). For Tribes preparing water quality standards for EPA final action, Region 5 proactively meets with Tribes to discuss potential permitting issues.

The Region is not aware of any drinking water intakes in close proximity to permitted discharges in Indian Country. Should any be discovered, they would be considered in the development of appropriate effluent limits, including the need for disinfection.

4. Total Maximum Daily Loads

The State of Wisconsin:

The State has very few waters listed as impaired on the 303(d) list where point source discharges are the principal cause of impairment. To date, WDNR has issued one TMDL that included a point source wasteload allocation. In general, WDNR does not expect to address many point sources through TMDLs and therefore has not developed a formal process for integrating the permit program into the TMDL program. Procedures to establish WQBELs in impaired waters in the absence of TMDLs are included in Chapter NR 106, Wisconsin Administrative Code.

WDNR has issued very few TMDLs. Currently there are 19 approved TMDLs in the State and more than 400 waters on the latest 303(d) list. Seven more TMDLs are scheduled for completion this year. WDNR has stated that lack of resources is the primary reason for the slow pace. Significant budget cuts and reductions in force associated with those cuts have diminished the State's capabilities.

EPA Region 5:

Region 5 has offered and WDNR has accepted additional funding to increase the pace of TMDL development, but WDNR has not accepted additional EPA contractor resources. WDNR believes that even if a contractor was employed to produce TMDLs in the State, WDNR would expend significant amounts of time assisting the contractor, resulting in little cost saving. Although improvements are not expected in the near future, Region 5 is working with WDNR to identify additional options to increase the pace of TMDL development, including the option of direct EPA development of certain TMDLs. WDNR has requested that EPA develop federal TMDLs on specific waters to assist them. Point sources are not expected to be a major source of pollutant loading for the impaired waters. Most of the pollutant loadings are attributed to nonpoint sources. In most impaired waters in Wisconsin, there are no known point sources. Wisconsin has focused on the restoration of impaired watersheds as an alternative to traditional TMDL development. EPA and WDNR are working on documenting and reporting efforts in impaired waters that will allow the waters to achieve water quality standards. This effort, along with the continued effort to develop TMDLs, is expected to contribute significantly to addressing the impairments in Wisconsin.

5. Safe Drinking Water Act

The State of Wisconsin:

WDNR is completing its SWAP as required by the 1996 reauthorization of the Safe Drinking Water Act. WDNR's assessments for public water systems that use surface water include locational and other information on large animal feeding operations and wastewater outfalls jointly collected with the Watershed Management Bureau. WDNR has identified in the Source Water Assessment Program the importance of establishing relationships with surface water programs to facilitate cooperation in building common strategies for source water protection.

Section V. Other Program Highlights

Wisconsin's permit streamlining efforts are documented in a memorandum titled "Wisconsin's NPDES Permit Streamlining Efforts," dated October 20, 2002.

In 1997 Wisconsin law (statute 283.84, Wisconsin Statutes) authorized WDNR to administer a pilot pollutant-trading program. In response to this law, three pilot projects were designated and an evaluation of the feasibility of trading was undertaken. The primary interest in all the trading pilots was phosphorus and trading between point and nonpoint sources. (Note: Wisconsin regulates phosphorus discharges from point sources through a categorical effluent standard; chapter NR 217, Wisconsin Administrative Code). As a result of this work, one trading program was implemented. In all other instances, trades were found not viable because of the large and difficult-to-implement nonpoint reductions necessary to offset the point source contributions.

Under several EPA grants, WDNR has developed and begun implementation of an eDMR pilot effort. Approximately two dozen permittees are currently filing eDMR information under this pilot effort. The effort has been slowly expanded during calendar year 2004 to incorporate additional permittees.

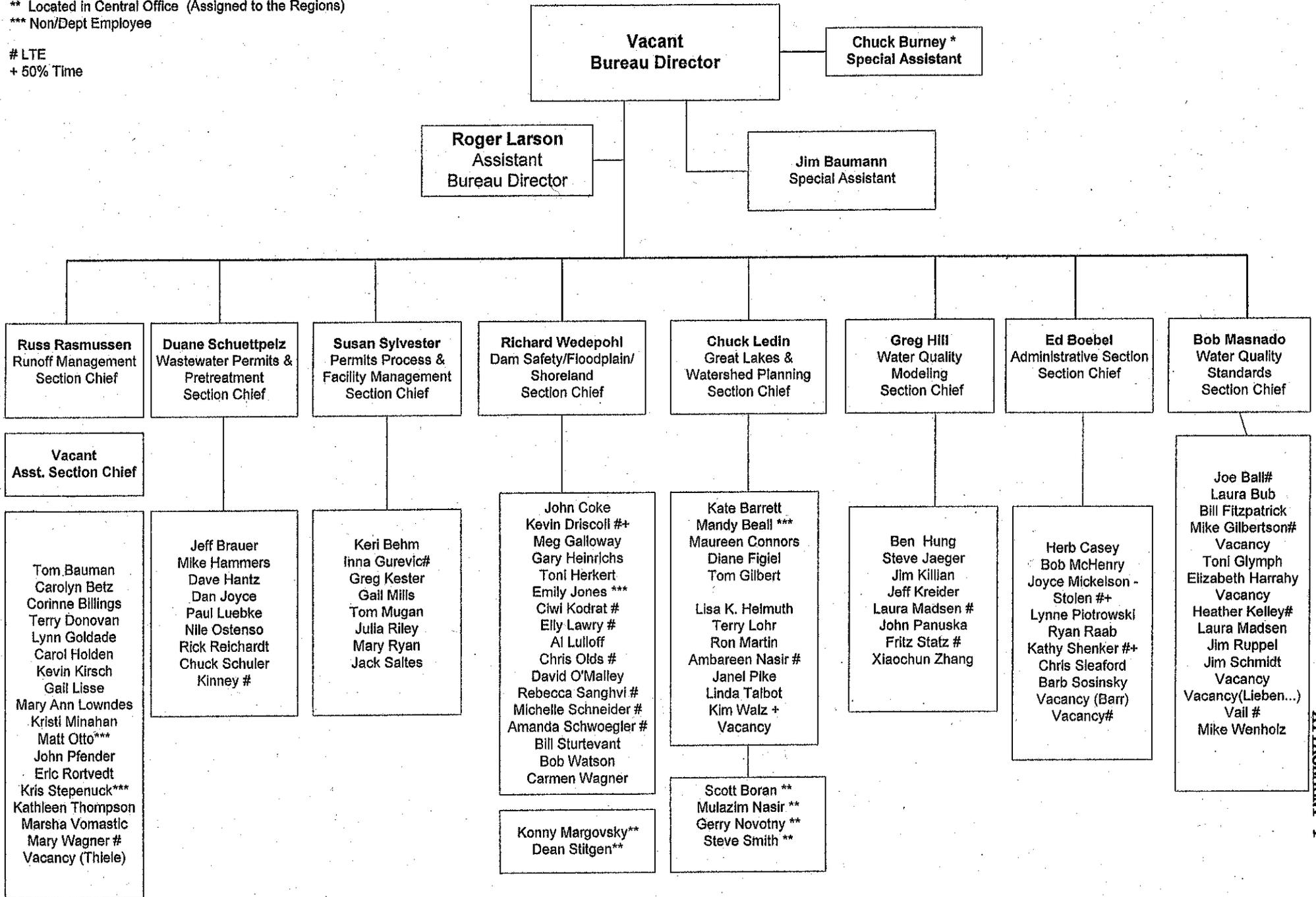
WDNR has created, as part of SWAMP, a permit application component that allows staff to generate a permit application that incorporates data and information from the SWAMP databases. The current system requires that permit applications be filed as hard-copy documents. An electronic WPDES permit application project is being developed under an EPA grant.

BUREAU OF WATERSHED MANAGEMENT STAFFING CHART

Revised: January 2, 2004
Prepared by: Kate Shenker

* Temporary Assignment
** Located in Central Office (Assigned to the Regions)
*** Non/Dept Employee

LTE
+ 50% Time



NPDES Management Report, Fall 2004

Wisconsin

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
						State Activities	EPA Activities	State Activities	EPA Activities
NPDES Progress									
Universe	1	# major facilities (6,690 total)	I.1		n/a	132	0		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	727	2		12
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	2,500	0		
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	2,226	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	325	0		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	517	13		
	8	# pretreatment programs (1,482 total)	II.2		n/a	26	--		
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	439	--		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	2	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	131	--		
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	10.0%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	12/04	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	0	n/a		
	17	DMR data entry rate	I.7		95%	100%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	0	--		
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	90.2%	n/a		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	98.5%	100.0%		66.7%
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	2	0		
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	84.6%	--		
	24	% SIUs w/control mechanisms	II.2		99.2%	100.0%	--		
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	100.0%	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	96%	--		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	1	0		
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	0		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft)) (35 States)	II.4	100% states 2008	n/a	N	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft)) (49 States)	II.4	100% states 2008	n/a	N	Y		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	76%	0%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	63%	100%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	5%	--		
	35	% SNCS addressed by formal enforcement action (FEA)	III.1		14%	0%	--		
	36	% SNCS returned to compliance w/o FEA	III.1		70%	83%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	0	0		
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	0	1		

Explanation of Column Headers:

Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTs as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The [definitions document](#) accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

Additional Data: These columns provide additional data in cases where information from other data sources differs from information in the National Data Sources column for reasons such as different timing of the data "snapshot." Additional data should generally adhere to the same narrative definitions as data in the National Data Sources, and should be derived using similar processes and criteria. Our goal is to work with the States on these discrepancies to ensure consistent and accurate reporting. A State contact is available who can respond to queries. The profiles discuss each additional data element.

State Activities: Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

EPA Activities: Information in these columns reflects activities conducted by the EPA Region within the State.

NPDES Management Report, Fall 2004

Wisconsin

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data		
					State Activities	EPA Activities	State Activities	EPA Activities	
Water Quality Progress									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	57,698	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	944,000	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	1,315	--		
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	11	0		
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--		
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a		
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submissions	n/a	n/a	1		
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--		
	47	% river/stream miles assessed for recreation	IV.2		13.8%	0.0%	n/a		
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	40.0%	n/a		
	49	% lake acres assessed for recreation	IV.2		49.4%	52.5%	n/a		
	50	% lake acres assessed for aquatic life	IV.2		48.5%	81.3%	n/a		
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	0	n/a		
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	N	n/a		
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	Y	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	57	--		
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	49	0		
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	--	--		
	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	--	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	84.0%	n/a		
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--		

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