

**State of Wisconsin
Department of Natural Resources**

**Responses to Public Comments on
Wisconsin Pollutant Discharge Elimination System (WPDES)
General Industrial Storm Water Discharge Permits**

May 2021

**Tier 1 General Permit to Discharge Storm Water Associated with Industrial Activity,
Permit No. WI-S067849-5 (“Tier 1 general permit”)**

**Tier 2 General Permit to Discharge Storm Water Associated with Industrial Activity,
Permit No. WI-S067857-5 (“Tier 2 general permit”)**

On January 13, 2021, the Wisconsin Department of Natural Resources (department) public noticed the WPDES general industrial storm water discharge permits listed above. The public comment period closed on February 12, 2021.

The department received written comments from the United States Environmental Protection Agency; BARD Materials; Wisconsin Paper Council; Wisconsin Transportation Builders Association; Sokaogon Chippewa Community; Midwest Environmental Advocates, River Alliance of Wisconsin, and the Milwaukee Riverkeeper; and Wisconsin Power and Light. In this document, the department may have paraphrased or edited comments to capture the main point or to clarify a comment. Any minor corrections to typographical errors, updating page numbers and headers/footers, updating the Table of Contents and titles, and correcting formatting and web links are not included in this summary document. The acronyms and abbreviated words below used in this document have the meaning indicated:

BM	BARD Materials
ERW	Exceptional Resource Water
ORW	Outstanding Resource Water
SIC Code	Standard Industrial Classification Code
SWPPP	Storm Water Pollution Prevention Plan
Sokaogon	Sokaogon Chippewa Community
USEPA	United States Environmental Protection Agency
WPC	Wisconsin Paper Council
WPL	Wisconsin Power and Light
WTBA	Wisconsin Transportation Builders Association

Changes indicated below apply to both general permits unless otherwise indicated.

Changes Initiated by the Department

The department **corrected** a reference to s. NR.216(3)(e), Wis. Adm. Code in section 2.1.1 of the Tier 2 draft general permit.

Comments by the United States Environmental Protection Agency (USEPA)

By letter dated February 8, 2021, the USEPA stated it would not object to reissuance of the general

permits but recommends that the Department consider and address the comments identified in Enclosure A.

USEPA Comment 1: 40 C.F.R. § 122.28(b)(3)(i) and the corresponding state regulation at s. NR 216.25(4) states that any person may petition the Director to take action to require an individual permit. The permit as currently drafted does not include an explicit statement highlighting this feature and without such a statement it may not be clear to the public that they have ability to make such a request. EPA suggests revising Section 6 (General Conditions) to include a statement highlighting this feature.

Response: In the Tier 1 and Tier 2 general permits, the department has **created** Section 6.3, Petition to Move to Individual Permit Coverage, so that any person may submit a written request to the department to withdraw coverage under this general permit and to replace it with an individual storm water permit under s. NR 216.25(4), Wis. Adm. Code.

USEPA Comment 2: 40 C.F.R. § 122.28(b)(2)(ii) states that the contents of the notice of intent (NOI) shall be specified in the general permit. The permit as drafted does not include the contents of the NOI. The permit includes a “Note” at the end of section 1.1 and EPA suggests that it be revised to list each of the seven sections of the NOI (e.g. I-Applicant Contact Information, II-Facility/Site Location, III-Operations Information, etc.).

Response: In the Tier 1 and Tier 2 general permits, the department has **updated** the note in Section 1.1 to include information requested in the Notice of Intent. The Notice of Intent requires applicants to provide information on the applicant, facility location, applicability and operations information, storm water discharge information, and non-storm water discharge information.

Public Comments

Comments by Bard Material (BM)

BM Comment 1: Section 2. Permit Applicability Criteria in Tier 1 & 2 can be somewhat confusing for individuals who are trying to determine applicability for their operations. For example, my organization is Ready Mix Concrete (SIC 3273) which is covered by a Tier 2 permit but only specifically referenced in the Tier 1 applicability section. There are also examples of this in 2 permit under the notes portion of 2.1.1.

I propose that the applicable SIC codes be referenced in their appropriate general permit. If this is not achievable due to overall length of the general permit, I understand. But It would be nice to have a SIC search function on the website that would quickly identify the appropriate permit to apply for and to have that linked in the general permit under section 2. I believe this could help smaller, less experienced, and new operators more easily identify what they are required to have for permitting.

Response: Department staff can assist facilities with determining which permit is applicable in accordance with subch. II of NR 216, Wis. Adm. Code, if provided a SIC code. The department has reviewed the applicability sections of both the Tier 1 and Tier 2 general permits where Standard Industrial Classification (SIC) Codes are used to classify industrial activities of a facility. The Note in Section 2.1.1 of the Tier 1 general permit directs applicants to the Tier 2 permit, where SIC Code 3273 is referenced in Section 2.1.9 of the applicability section.

The department has made no changes to the general permits in response to this comment.

Comments by Wisconsin Paper Council (WPC)

WPC Comment 1: Legal Authority for Permit Conditions. The Tier 1 and 2 General Permits contain numerous requirements and conditions that permittees must meet. Moreover, Wis. Stat. § 227.10(2m) provides in part: “No agency may implement or enforce any standard, requirement or threshold, including as a term or condition of any license issued by the agency, unless that standard, requirement, or threshold is specifically required or explicitly permitted by statute or by a rule that has been promulgated in accordance with” Wis. Stat. Ch. 227. Furthermore, Wis. Stat. § 227.01(5) defines “license” to include “all or any part of an agency permit.”

We request that the Department include citations to the legal authority for each such requirement contained in the Tier 1 and 2 General Permits. Including this information in the permits would increase transparency and provide permittees with a better understanding of the basis for these permit requirements. It would also help ensure that the Department has the legal authority for imposing such conditions.

The Air Management program currently includes citations for the various requirements contained in air permits. Providing clarity as to the source of conditions and requirements by citing the applicable legal authority should be a best practice for all permits issued by the Department.

Response: The department exercises its permitting authority through the Wisconsin Pollutant Discharge Elimination System (WPDES), authorized under ch. 283, Wis. Stats. The purpose of ch. 283, Wis. Stats., is to provide the department authority to administer its program in a manner equivalent under federal law with the approval of the USEPA. Under s. 283.35, Wis. Stats., the department issues general permits to broad classes of discharges where environmental protection can be achieved through a set of general provisions that apply to a specified category of point source discharges. To that effect, the department has laid out the discharges requiring permit coverage under the provisions in subch. II of NR 216, Wis. Adm. Code, and has included permit conditions within the general permits that reflect the provisions within the industrial subchapter. If questions remain on the department’s authority for any specific provision(s) within the general permits, the department will address these concerns; however, the level of effort to incorporate by reference each code citation for each permittee is encumbered by staff time and available resources.

The department has made no changes to the general permits in response to this comment.

WPC Comment 2: Submittal of the Storm Water Pollution Prevention Plan. Both the Department’s Tier 1 and Tier 2 General Permit fact sheets provide:

The Department has determined that the [SWPPP] Summary form is inadequate in determining permit coverage and ensuring adequate SWPPP development and implementation at the permitted facility for the protection of waters of the state. Submission of the full SWPPP with the notice of intent meets the provisions of NR 21.29(1).

Initially, it is worth noting that DNR has not provided any information regarding why it now believes submittal of the SWPPP Summary form is inadequate to determine permit coverage and whether there is adequate SWPPP development and implementation. Furthermore, requiring submittal of SWPPPs, and the Department’s stated goals in requiring the submittal, suggest that each plan will be reviewed. Is that the intent, and if so, does the Department have the resources to do so?

Also, requiring submittal of the SWPPP is inconsistent with DNR’s rules. Currently, NR 216.29(1) requires the submittal of a SWPPP summary, and that the SWPPP be kept on site and made available to the Department upon request. NR 216.29(1)(f) provides that the Department “shall notify the permittee if it determines that the SWPPP summary is inadequate and may require the permittee to submit the SWPPP for review.” This provision, however, contemplates the Department’s review of a specific SWPPP

Summary form, determining it is inadequate, and then the Department may require that permittee to submit the entire SWPPP. Nothing in this provision suggests that the Department can carte blanche declare all SWPPP summaries inadequate and require all permittee to submit their SWPPPs.

Moreover, the Department recognized the need to change these rules by proposing to modify NR 216.29 to eliminate the need to submit a SWPPP summary and to require the submittal of SWPPP. The Department has estimated, however, that these rules will not be signed and published until the summer of 2022, well after the anticipated effective dates of these permits. The rules need to be changed prior to instituting these changes in the Tier 1 and Tier 2 General Permits.

Response: Under s. NR 216.29(1)(b), Wis. Adm. Code, facilities shall develop a SWPPP and submit a SWPPP summary to the department prior to initiating industrial operations. The department has **amended** sections 5.1.1. of the Tier 1 and Tier 2 general permits to reflect that the facility may submit either the SWPPP summary or full SWPPP in lieu of the SWPPP summary when applying for coverage. When reviewing the applicable provisions within the Clean Water Act, the department noted that SWPPP operational information within the Notice of Intent required by the USEPA allows applicants to either provide the full SWPPP, or provide narrative style information on the Notice of Intent summarizing activities conducted onsite, the pollutants and constituents associated with the industrial activity, the source area control measures and best management practices employed at the facility to reduce or eliminate exposure of these pollutants, and a schedule for good housekeeping measures and maintenance. The information requested in the department's SWPPP Summary Form currently does not capture this information, and subsequently will be revised to be consistent with information required by USEPA under the Clean Water Act.

Comments by Wisconsin Transportation Builders Association (WTBA)

WTBA Comment 1: The Wisconsin Transportation Builders Association ("WTBA") is a statewide association of approximately 250 companies that plan, design, construct, and maintain all types of transportation facilities. Many WTBA members own and/or operate portable asphalt and concrete plants as well as non-metallic mining facilities. The portable plants are often required to obtain separate coverage under the Tier 2 stormwater general permit. Submission of the full narrative SWPPP is not necessary for DNR to make a coverage decision. Accordingly, WTBA believes that the SWPPP summary option should remain for these types of temporary facilities as well as facilities exhibiting long-term progressive mining activities.

Response: The department has **amended** section 5.1.1. of the Tier 2 general permit so that the facility may submit either the SWPPP summary or full SWPPP in lieu of the SWPPP summary when applying for coverage.

Comments by Sokaogon Chippewa Community (Sokaogon)

Sokaogon Comment 1: After reviewing the recent reissuance of the WDNR Storm Water Industrial Discharge permits for Tier 1 and Tier 2 Facilities, we have come to the determination that certain wording and terminology could be misconstrued in a way that may lead to the wrong entity overseeing a permit. Specifically, in § 2.4.1 of the Tier 1 permit and § 2.5.1 of the Tier 2 permit, the term "Indian country" is used multiple times. By definition, Indian country includes, "all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation."

Given the above definition, any entity seeking a permit in Indian country should work with both the EPA and the involved Tribe to determine permitting authority.

Response: The department has **amended** language and Note associated within sections 2.4.1 and 2.5.1 of the Tier 1 and Tier 2 general permits, respectively, to clarify storm water discharges within Indian Country are not eligible for coverage under the draft general permits and should contact the USEPA to apply.

Comments by Midwest Environmental Advocates, River Alliance of Wisconsin, and the Milwaukee Riverkeeper (MEA)

MEA Comment 1: The Tier 1 and Tier 2 permits should require major storm event preparedness as part of the SWPPP to acknowledge the impacts of more frequent and intense rainfall events expected before the permits expire. The provisions in both draft Tier 1 and Tier 2 permits should be amended to require that facilities' SWPPP identify potential contamination during major storm or flood events and include measures to reduce that contamination, including moving sources of contamination out of the 100-year floodplain.

Response: The department's storm water program does not have direct regulatory authority over placement of materials within the floodplain. In accordance with s. NR 216.27 (2), Wis. Adm. Code, when plans are developed or activities conducted in accordance with other federal, state, or regulatory programs that meet the requirements of this section, the plans may be incorporated in the SWPPP by reference.

Ch. NR 116, Wis. Adm. Code, applies to all municipalities and their respective jurisdictions to regulate all floodplains where serious flood damage may occur. Municipalities are required to develop maps of the areas to be regulated under this chapter and develop floodplain zoning ordinances to define proper uses in those regulated areas. Under s. NR 116.12 (1)(c) and (g), Wis. Adm. Code, respectively, storage of materials that are buoyant, flammable, explosive or injurious to human, animal, plant, fish or other aquatic life are prohibited in floodways areas. S. NR 116.13(6), Wis. Adm. Code, provides that storage of any materials which are buoyant, flammable or explosive, or which in times of flooding could be injurious to property, water quality or human, animal, plant, fish or aquatic life, shall be either floodproofed to or placed at or above the flood protection elevation. Adequate measures shall be taken to assure that these materials will not enter the river or stream during flooding.

Subsequently, the SWPPP may be modified to reflect changes to minimum source area controls, best management practices, and good housekeeping measures where activities and materials may be present in the floodplain or incorporated by reference into the SWPPP where these conditions are present.

The department has made no changes to the general permits in response to this comment.

MEA Comment 2: Some discharges within Indian Country appear to be afforded coverage under the permits. The permits should be amended to clarify that permittees seeking coverage for discharges from facilities within Indian Country should contact the relevant Tribe and EPA to ensure compliance with the Clean Water Act. DNR should amend § 2.4.1 of the Tier 1 permit and § 2.5.1 of the Tier 2 permit to indicate any discharges within Indian Country are not eligible under the Tier 1 or Tier 2 permit. A clarifying note could also be added directing potential permittees to contact the EPA and relevant Tribe(s) to determine what entity has storm water permitting authority for the area.

Response: The department has **amended** language and Note associated within sections 2.4.1 and 2.5.1 of the Tier 1 and Tier 2 general permits, respectively, to clarify storm water discharges within Indian Country are not eligible for coverage under the draft general permits and should contact the USEPA to apply.

MEA Comment 3: The SWPPP should be publicly available because it is an integral part of the Wisconsin

Pollutant Discharge Elimination System permits. DNR should amend Tier 1 permit § 1.2 and Tier 2 permit § 1.2 to require that permittees who will have continuing coverage under the new general permits confirm with DNR via email that they have made their SWPPP publicly available on their own public-facing website and upload the link or the SWPPP itself to DNR's. All facilities covered under the permit should post a publicly accessible sign indicating permit coverage and directing the public to its SWPPP.

Response: The department's Industrial Permit Data webpage allows interested parties to query permitted facility data at the following link: <https://dnr.wi.gov/topic/stormwater/data/industrial/index.asp>. The department provides a public facing webpage for industrial facilities that have applied for coverage after October 1, 2020 where the Notice of Intent and SWPPPs are available online: <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx>. The department will continue to request the SWPPP where appropriate and make these publicly available for these records. For all other industrial facilities, interested parties may contact the department to request a facility's records. Department staff contact information can be accessed at the following link: <https://dnr.wisconsin.gov/topic/Stormwater/contacts.html>.

The department has made no changes to the general permits in response to this comment.

MEA Comment 4: Monitoring requirements should be more robust to ensure protection of surface and groundwater quality standards. DNR should amend Tier 1 permit §§ 4.2.1.2 and 4.3.2 and Tier 2 permit §§ 4.2.1.2 and 4.3.2 to require that the permittee submit photographs with its required visual observations or visual monitoring inspections and indicate that DNR will audit the inspection reports to ensure that they are meaningfully completed.

Response: The department may consider modifications to the quarterly visual inspection form to include photos and indicate that deficiencies noted during annual facility site compliance inspections and quarterly visual inspection forms requires department notification. While the department does not require submittal of all such reports, it has the authority to request records required under the industrial subsection for all facilities covered under subch. II of NR 216, Wis. Adm. Code.

In accordance with section 3.4.2 of the permits, facilities are required to amend and submit the SWPPP to the department within 30 days if the annual facility site compliance inspection, quarterly visual inspections, or other information reveals the provisions of the SWPPP are ineffective in controlling storm water pollutants discharged to the state.

Language has been **added** in sections 4.3.1 and 4.3.2. of the general permits to reflect submission of an amended SWPPP is required if annual facility site compliance inspections or quarterly visual inspections reveal that the provisions of the SWPPP are ineffective in controlling storm water pollutants discharged.

MEA Comment 5: DNR should make it easier to comply with TMDLs by providing clear instructions about how to determine whether a facility is subject to a TMDL. DNR should amend Tier 1 permit §§ 2.7.5, 2.7.6 and Tier 2 permit §§ 2.8.5, 2.8.6 to clarify that the DNR will notify each permittee either on a publicly available website or via email which TMDLs apply to their facility.

Response: Sections 2.7.2 and 2.7.5 of the Tier 1 permit and Sections 2.8.2 and 2.8.5 of the Tier 2 permit provide links for permittees to view impaired waters and waterbodies with an approved Total Maximum Daily Load. Facilities are required to conduct an annual check by February 15th each calendar year and document the results of their annual check. Each website contains information on the cause of the impairments and mapping applications for permittees to use during an annual check.

The department has made no changes to the general permits in response to this comment.

MEA Comment 6: In the Tier 1 permit, DNR should require more frequent chemical sampling to ensure compliance with surface- and groundwater quality standards and, in the Tier 2 permit, DNR should require chemical sampling and basic monitoring. The DNR should amend Tier 1 permit § 4.3.3.1 to require facilities submit to DNR chemical monitoring for those residual pollutants listed in its SWPPP every year. It should likewise amend the Tier 2 permit § 3.3.2.3 to require that the permittee conduct sampling data to identify sources of storm water contamination through low-cost methods like, pH, TSS, COD, TDS, and specific conductance and repeat the sampling twice during the period from March to November once every three years.

Response: The monitoring requirements in the general permits are consistent with those in subch. II of NR 216, Wis. Adm. Code, Industrial Storm Water Permits. Additionally, the Department may make a determination under section 2.4.7 and 2.5.7 of the Tier 1 general permit and Tier 2 general permit respectively if a storm water discharge is more appropriately covered under an individual WPDES permit, in which case more extensive chemical monitoring may be required on a case-by-case basis.

Alternatively, if the department determines that a facility or an industrial activity covered under a Tier 2 general permit may be discharging storm water contaminated with pollutants listed in s. NR 216.27 (3)(j), Wis. Adm. Code, the department may require that the facility or activity be covered by a Tier 1 general permit as noted in section 2.3 of the Tier 2 general permit.

The department has made no changes to the general permits in response to this comment.

MEA Comment 7: DNR should require facilities to demonstrate, through sampling or monitoring, that they do not need storm water permit coverage. The DNR should amend Tier 2 permit § 2.1.3 to clarify that “This permit or an individual industrial permit applies unless the facility can affirmatively show through sampling or other monitoring (e.g., TDS or Specific Conductance or other industry-specific appropriate parameters within storm water basins or at basin outlets) that no storm water runoff has come into contact with any overburden, raw material, intermediate product, finished product, by-product, or waste material.”

Response: Section 2.1.3 acknowledges that the activities listed under the referenced SIC Codes in this section are classified as Tier 2 facilities and are eligible for coverage under this permit. The language within the Tier 2 permit is consistent with applicability criteria of s. NR 216.21, Wis. Adm. Code, and those discharges that require coverage under 40 C.F.R. § 122.26 (a)(2)(i). The note clarifies that the department has an industry-specific general permit that applies to non-metallic mining facilities in SIC Code 14-- series that have storm water contact with overburden, raw material, intermediate product, finished product, by-product, or waste materials.

The department has made no change to the Tier 2 general permit in response to this comment.

MEA Comment 8: DNR should clarify that no activities subject to a federal effluent limitation guideline (ELG) are covered under the general permits. The DNR should amend Tier 1 permit § 2.4.9 and Tier 2 permit § 2.5.9 to state that “Discharges associated with activities subject to any of the federal effluent limitation guidelines require coverage under a separate WPDES general permit or individual permit.”

Response: Sections 2.4.10 and 2.5.10 of the Tier 1 and Tier 2 general permits, respectively, contain a note indicating that discharges associated with activities subject to any of the federal effluent limitation guidelines listed in Table 1 require coverage under a separate WPDES general permit or individual

permit. However, these industrial facilities still require coverage under this permit for storm water discharges not subject to the federal effluent limitation guidelines listed in Table 1.

The department has made no change to the general permits in response to this comment.

MEA Comment 9: DNR should harmonize the language in the general permits with the proper standard for an anti-degradation analysis. DNR should amend Tier 1 permit §§ 2.6.4, 2.6.5, 2.8.4 to mirror the anti-degradation language in DNR's regulations and the federal regulations by including the word "necessary" rather than "related to." In particular, Tier 1 permit § 2.8.4 and Tier 2 permit § 2.9.4 should be edited to read: "Before the permittee may allow any increased or new discharge of storm water authorized under this permit, the permittee must demonstrate that this discharge is necessary to accommodate important economic or social development in the area in which the waters are located and that water quality remains adequate to protect existing uses fully." DNR should amend Tier 2 permit §§ 2.7.4, 2.7.5, 2.9.4 to mirror the anti-degradation language in DNR's regulations and the federal regulations by including the word "necessary" rather than "related to."

Response: The department has **amended** the language in sections 2.6.4, 2.6.5, and 2.8.4 of the Tier 1 permit, and sections 2.7.4, 2.7.5, and 2.9.4 of the Tier 2 permit from 'related to' to 'will accommodate'. This language is consistent with anti-degradation language found in s. NR 207.04(1)(c), which provides the context under which an applicant can apply this standard where a proposed new or increased discharge is found to not result in a lowering of water quality. Section 3.5 of the Tier 1 and Tier 2 permits indicate that permittees with an industrial storm water will discharge to an outstanding resource water (ORW) or exceptional resource water (ERW) shall include a written section in the SWPPP that discusses and identifies the management practices and control measures the permittee will implement to prevent the discharge of any pollutant(s) in excess of the background level within the water body. This section of the permittee's plan shall specifically identify control measures and practices that will collectively be used to prevent the discharge of pollutants in excess of the background level within the water body. Adherence to this condition affords that water quality remains adequate in the receiving water body to protect existing uses fully for ORW and ERW waters. Sections 2.8 and 2.9 of the Tier 1 and Tier 2 general permits, respectively, specify that discharges to Fish and Aquatic Life Waters may not establish a new or increase an existing discharge of pollutants if the increased discharge would result in a significant lowering of water quality which also ensures water quality remains adequate to protect existing uses.

Comments by Wisconsin Power and Light (WPL)

Wisconsin Power and Light (WPL) submits this following comments for consideration on the Department's draft Tier 2 Storm Water Associated with Industrial Activity General Permit (GP) (WI-S067857-5). WPL appreciates the work of the Department to develop this draft GP and provide an opportunity for feedback. We currently utilize this GP at three of our electric generating facilities and two landfills in the State of Wisconsin, and we appreciate consideration of the following comments

WPL Comment 1: It is unclear when the Department plans to issue this draft GP and when it will become effective. For planning purposes, WPL would appreciate if the Department could share when this permit is expected to be issued and effective.

Response: The department intends to reissue the Tier 2 general permit prior to expiration May 31, 2021. When the permit is issued it becomes effective on the effective date.

The department has made no change to the general permits in response to this comment.

WPL Comment 2: Section 5.1.1 specifies that a Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Department for facilities requiring coverage under the GP. Currently, as written, it is not

clear how quickly the SWPPP shall be submitted after the revised GP becomes effective. WPL asks the Department to clarify the due date for this submittal. In addition, WPL would appreciate confirmation that the Department intends to require facilities with existing coverage to submit a complete SWPPP once the new permit becomes effective.

Response: Facilities with existing permit coverage are not being asked to resubmit a complete SWPPP unless specifically requested. However, if a facility meets the conditions of section 3.4 or 5.1.5 of the Tier 2 permit, the department requests that a SWPPP be submitted with 30 days of occurrence of the circumstances listed.

Section 5.1.1. of the Tier 2 general permit applies to facilities that do not currently have coverage under the permit but are required to obtain permit coverage under subch. II of NR 216, Wis. Adm. Code. For existing facilities that previously operated with a permit, the department has **amended** sections 5.1.1. of the Tier 2 general permits to reflect that the facility may submit either the SWPPP summary or full SWPPP in lieu of the SWPPP summary when applying for coverage with a Notice of Intent. Notices of Intent are filed through the online ePermitting system here:

<https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

WPL Comment 3: The draft GP requires submission of the full SWPPP for each facility to the Department *and re-submittal each time the SWPPP is amended*. WPL asks the Department to reconsider the provision to require submittal of a SWPPP to the Department after each amendment, but rather focus on more substantive changes (e.g., physical site changes). For example, at a complex site, such as a generating station or landfill, a SWPPP is treated as a living document that is updated regularly. Some amendments are administrative in nature (e.g., a change in facility staff or changes in contact information) that do not affect material management or the potential to discharge pollutants. Given that the Department retains the right to inspect and review the complete SWPPP at any time, we respectfully request the Department reconsider the types of amendments that would necessitate resubmittal. In addition, if the Department finalizes the amended SWPPP submittal requirement, it may want to consider asking permittees for a short description of the substantive SWPPP amendment since these can be large documents and small changes may be hard for the Department to identify.

Response: Section 3.4 of the Tier 2 general permit specifies the circumstances in which an amendment shall be submitted to the department. SWPPP amendments such as updating contact information can be accomplished by contacting regional storm water staff:

<https://dnr.wisconsin.gov/topic/Stormwater/contacts.html>

The department appreciates a summary of changes that have been made when amendments occur to facilitate review of SWPPPs.

The department has made no change to the Tier 2 general permit in response to this comment.