Proposed NR 216 notes to address the following EPA issues

53 – No Exposure Certification latitude and longitude

Under s. NR 216.21(3)(b)3., delete the existing note and insert the new note as indicated:

3. Submit an initial "no exposure" certification to the department within 6 months after August 1, 2004 using U.S. EPA NPDES Form 3510-11 or on a form available from the department. The "no exposure" form shall be mailed to: Department of Natural Resources, Storm Water Program — WT/2, PO Box 7921, Madison, WI 53707-7921.

~~**Note:** U.S. EPA published a guidance document entitled Guidance Manual for Conditional Exclusion from Storm Water Permitting Based On "No Exposure" of Industrial Activities to Storm Water, EPA 833-B-00-001, dated June 2000. This guidance and the federal NPDES Form 3510-11 are available from the U.S. EPA website at http://water.epa.gov/polwaste/npdes/stormwater/Conditional-No-Exposure-Exclusion.cfm. The department no exposure certification form is available from the department website at http://dnr.wi.gov/topic/stormwater/industrial/forms.html or by contacting the storm water program in the bureau of watershed management at (608) 267-7694.~~

Note: The department's no exposure certification form, Form 3400-188, requests necessary information to be consistent with federal requirements and U.S. EPA NPDES Form 3510-11, including the latitude and longitude of the facility. U.S. EPA has published a guidance document entitled Guidance Manual for Conditional Exclusion from Storm Water Permitting Based On "No Exposure" of Industrial Activities to Storm Water, EPA 833-B-00-001, dated June 2000. This guidance is available from the U.S. EPA website at https://www.epa.gov/npdes/stormwater-discharges-industrial-activities. The department no exposure certification form is available from the department website at http://dnr.wi.gov/topic/stormwater/industrial/forms.html.

55 – Illicit discharge definition

Under s. NR 216.002(11), add the note:

(11) "Illicit discharge" means any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

Note: A discharge listed in the definition above may be considered an illicit discharge on a case-by-case basis if the MS4 permittee or the department identifies it as a significant source of a pollutant to waters of the state.

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56 – MS4 reliance on another government entity

57 – MS4 proposed changes to storm water management programs

Part of 67 – MS4 storm water management program evaluation

At the end of s. NR 216.07(8)(e), add the note:

(8) ANNUAL REPORT. For the permittee's first permit term of 5 years, submission of an annual report to the department. After the term of the first permit, the department may reduce annual reporting frequency but annual reports shall be filed in the 2nd and 4th years of the subsequent permit terms. The municipal governing body, interest groups and the general public shall be encouraged to review and comment on the annual report in accordance with sub. (2). The annual report shall include the following information:

(a) The status of implementing the permit requirements and compliance with permit schedules.

(b) A summary of activities to comply with sub. (6).

(c) A fiscal analysis which includes the annual expenditures and budget for the reporting year, and the budget for the next year.

(d) A summary of the number and nature of enforcement actions, and inspections conducted to comply with the required legal authorities.

(e) Identification of water quality improvements or degradation.

Note: As authorized under s. NR 205.07(L), the department requests other relevant information in the annual report to determine the MS4 permittee's compliance with a permit issued under this subchapter, such as any reliance on another entity to satisfy some permit requirements, proposed changes to the storm water management program, and an evaluation of the storm water management program.

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