



Wisconsin Department of Transportation

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DATE: January 21, 2016

TO: Members, Senate Committee on Transportation and Veterans Affairs
The Honorable Jerry Petrowski, Chair

FROM: Tom Rhatican, Assistant Deputy Secretary
Wisconsin Department of Transportation

SUBJECT: Senate Bill 588 (general permit for storm water discharge from transportation projects)

Chairman Petrowski and Committee Members:

The Wisconsin Department of Transportation (WisDOT) would like to provide some important background information to committee members as you consider 2015 Wisconsin Senate Bill 588 (SB 588). SB 588 requires the Wisconsin Department of Natural Resources (DNR) to issue a general permit covering storm water discharges from transportation sites such as construction, reconstruction, maintenance or repair of a highway or bridge.

WisDOT is fully in support of this bill. SB 588 codifies the long standing cooperative agreement between the DNR and WisDOT, and simply converts our interdepartmental liaison procedures into a permit process.

Under current law, WisDOT is not required to obtain certain permits affecting waters of this state, including storm water discharge permits. Instead, and through our interdepartmental liaison procedures with the DNR, WisDOT employs an alternate strategy involving coordination, review, and concurrence from the DNR prior to construction.

The US Environmental Protection Agency (EPA) notified the DNR that our interdepartmental procedures for approval of construction-site erosion control and storm water management activities may lack some necessary elements of the federal Clean Water Act (CWA). In response to the EPA, the DNR and WisDOT agreed to develop a legislative proposal that included the statutory changes necessary to address the EPA's concerns. The necessary provisions are included in SB 588.

SB 588 requires that WisDOT obtain coverage under a general permit prior to initiating construction activities. Because it is WisDOT's and DNR's intention to model a transportation-specific general permit after our successful interdepartmental liaison procedures, we are confident that this bill, if passed, will meet the EPA requirements and allow both agencies to accomplish our respective missions in the most coordinated and efficient manner.

If you have any questions, please contact me or Nate Yahn, WisDOT legislative advisor, at (608) 266-1114.