Midwest Environmental ADVOCATES

pro bono publico

VIA ELECTRONIC MAIL

October 31, 2005

Mr. James M. Ritchie
Deaprtment of Natural Resources
Southeast Regional Headquarters
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Re: Comments on Municipal Storm Sewer Systems WPDES Permit No. WI-S050113-1

Dear Mr. Ritchie:

Thank you for the opportunity to comment on the Wisconsin Department of Natural Resources' Proposed Wisconsin Pollutant Discharge Permit ("WPDES") No. WI-S049891-2 ("Proposed Permit"). Midwest Environmental Advocates, Inc. is a nonprofit environmental law center that provides technical assistance and legal representation to communities and groups working to protect the public's right to clean air and water. We are submitting these comments on behalf of Friends of Milwaukee's Rivers.

This proposed permit is the Department of Natural Resources' ("DNR") opportunity to address the largest source of surface water pollution in Milwaukee County: run-off pollution. Milwaukee County storm water is discharging into the Milwaukee River, Menomonee River, Kinnickinnic River, Root River and Oak Creek. All of these receiving waters are listed as 303(d) impaired waters by the Department. *See* DNR 303(d) List of Impaired Waterways, 2004. The portions of the Menomonee River, Kinnickinnic River and Milwaukee River that are subsections of the Milwaukee River Estuary are 303(d) impaired for acute toxicity, bacteria, dissolved oxygen, with listed pollutants such as bacteria, heavy metals, PCBs and phosphorus. Similarly, Oak Creek is 303(d) impaired for acute toxicity. The pollutant in Oak Creek is apparently yet to be determined. All of these water bodies flow directly into Lake Michigan.

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Additionally, the Milwaukee River Estuary is considered an Area of Concern by the U.S. Environmental Protection Agency ("EPA"), and the subject of remedial action plans. See EPA Website (www.epa.gov/glnpo/aoc/milwaukee.html). As part of the Remedial Action Plan ("RAP"), EPA identified eleven use impairments in the Milwaukee River Estuary, ranging from restrictions on fish consumption to "fish tumors and other deformities" that need to be addressed.

Again, this permit is perhaps the best way to address these concerns. According to the Milwaukee State Journal, a soon-to-be released Southeastern Wisconsin Regional Planning Commission ("SEWRPC") study shows that run-off is "by far the biggest source of local water pollution" in Southeastern Wisconsin. Milwaukee State Journal, "Keeping It Clean," October 22, 2005 (Attached as Exhibit A). We should start cleaning the rivers and lakes by addressing the largest source of pollution—storm water run-off. We understand that regulating storm water is not easy. Our comments are meant to help increase the efficiency of the process and generate the greatest effect from each dollar spent on storm water pollution control.

A. The Proposed Permit Does Not Contain Specific Information Regarding Plans For Storm Water Control

COMMENT: The permit should include specific information regarding the current state of storm water control in Milwaukee County so the public can understand what *additional* measures are being taken.

In Part II, Section G, the proposed permit imposes a requirement of twenty-percent (20%) total suspended solids ("TSS") reduction, as set forth in section NR 151.13(2) of the Wisconsin Administrative Code. Wis. Adm. Code § NR 151.13(2). The reduction is based on the level of storm water that is released into receiving waters when no pollution controls are implemented. Therefore, if there are no pollution controls currently existing in Milwaukee County, the county would have to take steps to decrease storm-water TSS by twenty-percent over the next three years (October 1, 2008 deadline). Proposed Permit Part II, Section G.

It has likely been a long time, however, since Milwaukee County has had no storm water controls. In 2005, Milwaukee County cities received over $600,000 in state grants for storm water control projects. DNR, "Community Financial Assistance: Urban Non-Point Source and Storm Water Grant Program," 2005. In 2004, the Governor gave $200,000 towards the Menomonee River Valley West End Redevelopment in Milwaukee, which includes funds for a storm water "park" using native plants and buffers. Office of the Governor, Press Release: "*Governor Announces $325,000 in Grants to Help Clean Up Milwaukee Brownfields for Public Use*" May 20, 2004 (Attached as Exhibit K). Among other grants, the City of Wauwatosa, in Milwaukee County, received a $150,000 grant from the Department for storm water projects in Hart Park and catch basin installation. City of Wauwatosa, "Budget and Financing Committee Meeting Minutes," April 12, 2005 (Attached as Exhibit L).

(http://www.wauwatosa.net/ImageLibrary/Internet/2005AgendasMinutes/CouncilCommittees/BudgetFinance041205.pdf).

It is safe to assume that some controls already exist across the county. Without accurate information regarding the number of catch basins, current storm water treatment practices, or, most notably, studies on current TSS reduction, the public has no idea whether the 20% reduction is a step up from existing efforts. It is also unclear whether or not Milwaukee County can take "credit" for storm water controls implemented by communities within the County, or whether or not this permit only pertains to Milwaukee County departments such as the Milwaukee County Department of Parks and Public Infrastructure.

B. The Proposed Permit Does Not Give the Public an Opportunity to Review Actual Plans for Storm Water Control

COMMENT: The permit should include specific components of the Storm Water Quality Management, Pollution Prevention and Public Education and Outreach Plans or allow additional public comment and DNR review when the plans are generated.

While the proposed permit mentions public participation in the permit, Milwaukee County is not required to make public any of the specific plans that are required in the permit. See Proposed Permit, Part II, Section A. The proposed permit only includes requirements to "establish" plans for storm water control. The plans have not been created and there is no mechanism for members of the public to judge the "reasonableness" of the measures set forth in the permit. Without these details, public comments are meaningless.

The proposed permit does identify the need for public participation in the upcoming process, but does not effectively require future participation. See Proposed Permit, Part II, Section B. The proposed permit requires the County to "implement a program to notify the public of activities required by this permit and to encourage input and participation from the public regarding these activities. This program shall include measurable goals for public involvement and participation and comply with applicable state and local public notice requirements." Proposed Permit, Part II, Section B. A plan for future public involvement is a step in the right direction, however it is severely limited.

First, the implementation schedule severely undercuts the requirement's intended effect. The County must "submit [a] proposed public involvement and participation program to the Department by March 31, 2007." See Proposed Permit, Part III, Section B. Furthermore, "the County shall implement the public involvement and participation program by September 30, 2007." See Proposed Permit, Part III, Section B. However, by September 30, 2007, the first day that the County is required to include the public in their decisions, the County will have already completed *every* required plan, except the broad plan for 20% reduction and the analysis of flood control structures. See Proposed Permit,

Part III, Sections (A)-(K). Specifically, the County will develop all pollution prevention plans, post-construction storm water management plans, illicit discharge detection plans, Lake Michigan outfall pollution abatement plans and construction site pollution control plans before the public participation plan needs to be implemented. By the time the public is allowed to review the substantive aspects of this permit, almost all of the substantive provisions will be part of the permit. This is unacceptable.

Finally, the program is too vague. "Public participation" is an ambiguous idea and may potentially be satisfied by meaningless gestures. Without specific requirements, the public is not guaranteed any real involvement in the process.

C. The Proposed Permit Does Not Set Priorities That Would Focus Attention Where its Storm Water Control Actions are Most Effective

COMMENT: The permit should identify the areas that have the greatest storm water impact on receiving waters, and methods that have the best results. With this focus, the County can achieve the highest rate of pollution reduction possible per dollar spent.

As the Department is well aware, budget constraints often restrict efforts to control pollution. Given the potential for future budget constraints, certain aspects of Milwaukee County's Storm Water Permit may receive less attention than other areas. The county's storm water impacts are not spread out equally across all areas of Milwaukee County. For example, a study done in the Lake Wingra Watershed in Madison showed that ninety-two percent (92%) of the storm water pollution came from four of the eight sub-watersheds. Bannerman, DNR, "Source Area and Regional Storm Water Treatment Practices: Options for Achieving Phase II Retrofit Requirements in Wisconsin." 2003. 2003 (Attached as Exhibit M). The same is likely true of Milwaukee County. For example, there is some evidence from local scientists that very high levels of E. coli are entering the Menomonee River from portions of the Menomonee River Parkway in Wauwatosa, as well as entering Milwaukee beaches from county controlled storm water outfalls (Sandra McClellan, Great Lakes Water Institute, personal communication).

Similarly, the various components of the permit are not equally important. For example, controlling road salt is more important than residential grass clippings with respect to their effects on receiving waters. The proposed permit, however, does not suggest any difference in priority from program to program or area to area. The Environmental Protection Agency ("EPA") has published cost-effective analyses for BMPs in certain areas and the DNR's 2003 study of Lake Wingra shows a similar focus on prime areas of concern. See EPA, "Urban Storm Water BMP Performance Manual," April 2002 (Not Attached due to size—Available at EPA Website; Bannerman, DNR, "Source Area and Regional Storm Water Treatment Practices: Options for Achieving Phase II Retrofit Requirements in Wisconsin." We recommend use of these, and similar materials to set priorities.

An effective permit designates which aspects of the permit are most important and, more importantly, which areas of the county cause the greatest impact. What geographic areas

should be the primary focus of money and time that is available? Should riparian areas that border particularly intensive land uses receive greater attention than inland areas of the city that are less intensive? The blanket requirements are not an effective way to use resources available to the county. For example, Milwaukee County parkways flank significant portions of all of Milwaukee's local rivers, and thus it seems that special storm water controls and BMPs for minimizing road salt and sediment in these areas should receive priority consideration.

The proposed permit takes a step in this direction by specifically targeting the Lake Michigan outfalls at Bradford and McKinley Beaches. This process of prioritizing concern needs to continue. If the permit is expecting the County to make these decisions later on in the process, this expectation should be specifically addressed in the permit. Ideally, the Department would specifically identify the types of areas within the county that are particularly problematic and require early plans for these areas. Regardless of the level of detail, some mention of priorities would help the County deal with budget allocation.

D. The Proposed Permit Allows Toxic Volumes Of Chloride to be Discharged Into Wisconsin Waterways That Are Already on the 303(d) Impaired Waters List for Acute Toxicity.

COMMENT: Mandating the use of road salt in the proposed permit without requiring monitoring of chloride may result in post-storm runoff chloride levels more than three times higher than Wisconsin acute toxicity criteria into highly impaired waters.

In its proposed permit, Milwaukee County is required to "develop and implement a pollution prevention program that establishes measurable goals for pollution prevention." Proposed Permit, Part I, Section F. As part of this pollution prevention program, the proposed permit notes that "if road salt or other deicers are applied by the permittee, no more shall be applied than necessary to maintain public safety." Proposed Permit, Part I, Section F(4).

As mentioned above, the Milwaukee River Estuary, which includes rivers listed as Milwaukee County receiving waters, is listed as a 303(d) impaired waterway for toxicity and heavy metals. Under Wis. Admin. Code NR 105, chloride's acute toxicity criteria is listed as 757 mg/l. In one of a series of twenty tests performed by Earthtech, Inc., with assistance from the United States Geologic Survey ("USGS") and the Wisconsin Department of Natural Resources ("DNR"), under a cooperative agreement with the United States Environmental Protection Agency ("USEPA") from 2002-2003, chloride concentrations levels were found to spike up to 2600 mg/l in the Milwaukee River exceeding Wisconsin acute toxicity criteria by a factor of three. See Environmental Technology Verification Report: Storm water Source Area Treatment Device, July, 2004, at 26. Attached as Exhibit B (hereinafter, "ETV Report").

The ETV Report quickly explains this jump in chloride concentration by referring to a winter storm, where all total dissolved solids ("TDS") increased, most "likely influenced

by road salting operations." ETV Report at 22. On the same page, the report indicates "[t]he likely source of the chloride is the winter application of road salt to the highway." Id. While the ETV Report was seeking to explain an unusual level of chloride, the facts unambiguously highlight the direct correlation between road salt and water quality degradation and emphasize the limitation in this MS4 permit which fails to monitor the rate and volume at which chloride is reaching waterways through storm water conveyance systems at higher than acute toxic levels.

According to the EPA Office of Water, road salt has led to degraded habitats in areas where salt accumulates in runoff. See Storm Water Management Fact Sheet, US EPA Office of Water, EPA 832-F-99-016, September, 1999 at 2. Attached as Exhibit C.

In addition, road salt impacts the environment in five major categories: soil, vegetation, groundwater, surface water, and aquatic biota. Road salt breaks down soil structure, decreases permeability and forms complexes with heavy metals, thereby releasing them into the environment. High salinity causes osmotic stress, leaf scorch, browning, and dieback of plants up to 50 feet away from the road. In surface water, road salt can cause density stratification and can lead to anoxia in lake bottoms. See Rod Frederick, Winter Maintenance and the Environment, US EPA Office of Water. Attached as Exhibit D.

The Wisconsin DNR concurs. "Road salt pollutes surface and groundwater, kills trees and grass, corrodes auto bodies and metal bridges, rots underground cables and causes pavement to disintegrate." *See* DNR, The Greener Machine. Attached as Exhibit E.

A landmark study performed by the USEPA evaluates the cost effective nature of road salt and concludes that the actual cost of road salt in terms of actual damage to vehicles, highways, structures, utilities and vegetation is more than fifteen times the cost of the purchase and application of road salt. The study acknowledges that increased levels of salt in groundwater and surface drinking water in particular cases have exceeded safety standards. "We can no longer afford to ignore the fact that we are depositing large quantities of salt into the water . . . upon which we are dependent every moment of our lives . . . . [S]alt use for winter maintenance must be reduced . . ." See "An Economic Analysis of the Environmental Impact of Highway Deicing," EPA-600/2-76-105, May 1976, at 2-3. Attached as Exhibit F

Monitoring of chloride may be performed under methods prescribed in 40 C.F.R. § 136.3 Table IA. As a result, it is both required and feasible for the DNR to require monitoring conditions for chloride in the Proposed Permit.

The proposed permit cites the Wisconsin Department of Transportation (DOT) "Highway Maintenance Manual," chapter 35, and refers to the agency guidance on road salt use. This is a valuable first step towards setting requirements that set forth a clear idea of "necessary to maintain public safety." Still, the permit's language does not reflect the extreme nature of road salt and the need to address its effects as part of any effective storm water program

E. The Proposed Permit Allows Ferric Ferrocyanide, a Road Salt Anti-Caking Agent and a 307(d) Toxic Pollutant under the Clean Water Act, to be Discharged into Wisconsin Waterways that are Already on the 303(d) List for Acute Toxicity.

COMMENT: The Proposed Permit should impose appropriate effluent limitations and require monitoring for ferric ferrocyanide, a toxic pollutant discharged into Wisconsin waterways that are already on the 303(d) impaired waters list for acute toxicity, in order to ensure compliance with water quality standards.

Ferric ferrocyanide is used in road salt as an anti-caking agent. In 2003, the USEPA determined that ferric ferrocyanide is one of the cyanides within the meaning of 307(a) of the Clean Water Act. 40 CFR § 401.15. While ferric ferrocyanide as used as an anti-caking agent is generally of low toxicity, road salt on snow banks or on highway surfaces, however, expose ferric ferrocyanide to sunlight, which can dissociate it and form cyanide. Cyanide has the potential to impact aquatic life adversely. *See* Environmental Canada, Existing Substances Evaluation, Assessment Report – Road Salts. Attached as Exhibit I.

Because ferric ferrocyanide has been established as a toxic pollutant, it is therefore subject to effluent limitations. 33 U.S.C. § 1317(a)(2). The DNR must impose effluent limits and require monitoring in order to determine compliance with the effluent limitations, and modify the Proposed Permit to meet these effluent limitations.

Monitoring of ferrocyanide may be performed under methods prescribed in 40 C.F.R. § 136.3 Table IA. As a result, it is both required and feasible for the DNR to impose effluent limits for ferric ferrocyanide and impose monitoring requirements to ensure compliance with water quality standards.

F. Because the Fabled "Cost-Effectiveness" of Road Salt is Effective Only in Certain Temperatures and Omits Many of the Actual Costs to Highways, Vehicles, Bridges, Vegetation, Aquatic Life, and Drinking Water, the DNR Should Evaluate the True Costs of Road Salt and Consider Viable Alternatives.

COMMENT: The DNR should consider viable alternatives to road salt and perform a realistic cost-benefit analysis which includes the actual costs of applying road salt to Wisconsin highways.

The DNR believes that road salt is the most cost-effective method of snow removal and winter highway maintenance. Many of the true costs of road salt, however, are not included in the equation, making the seemingly-expensive alternatives to road salt much more viable.

First, it must be acknowledged that road salt, in addition to environmental concerns, has performance limitations. The WDOT Guidelines state that road salt may be highly

effective at snow and ice reduction in temperatures above 20°F, but are far less effective at lower temperatures, not uncommon in Wisconsin winters. Wisconsin Department of Transportation (DOT) "Highway Maintenance Manual," Guidelines at 35.10. Attached as Exhibit G.

Second, there are many alternatives to road salt, including magnesium, potassium and calcium chlorides, calcium magnesium acetate ("CMA"), and sand. See New Hampshire Department of Environmental Services, Watershed Management Bureau, Road Salt and Water Quality, 1996 (hereinafter "Road Salt and Water Quality") The WDOT Guidelines recommend that salt be mixed with magnesium chloride or calcium chloride. The WDOT Guidelines also recommend using salt brine and liquid magnesium chloride solutions. Id.

Third, while CMA's initial cost could be much higher than road salt, it is less damaging to soils, less corrosive to concrete and steel, and non-toxic to aquatic organisms. CMA is also benign to roadside vegetation and the components of CMA are not harmful to groundwater. See Road Salt and Water Quality at 2.

Wisconsin has a significant body of readily available information from which to draw in determining the best methods for winter road management. The Proposed Permit fails to acknowledge or take advantage of any of this information, instead choosing to ignore the well-documented disadvantages of applying road salt.

G. Federal and State Law Provide that Effluent Limitations Must be Sufficient to Meet Water Quality Standards. By Exempting Storm Water Runoff From Effluent Limitations for Chloride Discharges, the DNR is in Violation of Federal and State Law.

COMMENT: As a matter of law, by exempting storm water runoff from effluent limitations for chloride discharges, Wis. Admin. Code §106.81 and the proposed permit violates 33 U.S.C. § 1311(b)(1)(c) and Wis. Stat. § 283.31(3). DNR must set effluent limits in the proposed permit sufficient to meet or exceed water quality standards.

Wis. Admin. Code § 106.81 exempts discharges of storm water run-off regulated by a storm water permit. Wis. Admin. Code § 106.81. However, the Clean Water Act specifically provides that more stringent effluent limitations must be achieved in order to meet water quality standards. 33 U.S.C. § 1311(b)(1)(C); 40 C.F.R. §§ 122.44, 122.4(i). The exemption of discharges of storm water run-off directly contradicts the requirements of the Clean Water Act.

Under federal and state law, the DNR must include effluent limitations in the permit sufficient to meet water quality standards. Wis. Stat. § 283.31(3). Where there are insufficient effluent limitations to meet water quality standards, the DNR must set more stringent limits. 33 U.S.C. § 1311(b)(1)(C); 40 C.F.R. § 122.44.

It is impossible for the DNR to meet water quality standards if effluent limitations for chloride are not established and chloride monitoring is not required in the Proposed Permit.

The process and logic of federal and state water law is clearly established. Effluent limitations must be achieved to ensure compliance with water quality standards. In order to ensure compliance with effluent limitations, the DNR must monitor discharge of effluents into Wisconsin waterways. The DNR must issue permits which require compliance with effluent limitations and water quality standards. The Proposed Permit fails to impose effluent limitations for chloride and therefore, water quality standards. The DNR must reissue the Proposed Permit with effluent limits for chloride to ensure compliance with water quality standards.

H. The Proposed Permit Provides No Means of Verifying that Water Quality Standards Are Being Attained.

COMMENT: To ensure that the WPDES permit will meet water quality standards, the WPDES permit should require periodic ambient water quality monitoring beneath outfalls to coincide with wet weather events. This is needed to demonstrate that the BMPs identified in the WPDES permit are sufficient to meet the goals of the Clean Water Act.

The permit includes no process for DNR to determine whether water quality standards have been violated. Part I, section C simply states that if the DNR finds a violation of water quality standards, it may require that the permittee "develop an action plan to adequately address the identified water quality concern" or submit data to show that there is no water quality standards violation. Proposed Permit, Part I, Section C. Part II, section G requires, "to the maximum extent practicable," a 20% reduction in the annual average mass of total suspended solids in runoff, but fails to define or provide any process for determining whether the 20% reduction will maintain water quality standards. Proposed Permit, Part II, Section G(1).

The Proposed Permit must require monitoring to ensure that water quality standards are met under the Clean Water Act. Wis. Stat. § 283.55(1)(a).

I. The DNR Must Prepare a Reasonable Potential Analysis to Determine Whether Water Quality Standards will be Violated.

COMMENT: The DNR must apply a Reasonable Potential Analysis to determine whether water quality standards will be violated, and whether additional WQBELs may be necessary to meet water quality standards.

The U.S. Environmental Protection Agency ("US EPA") has provided a regulatory scheme that NPDES permitting authorities must follow to ensure that WQBELs are developed and included in WPDES permits for discharges containing pollutants at levels

that will cause, or have the reasonable potential to cause, or contribute to an excursion above WQSs.

> Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants) which the [DNR] determines, are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard . . .

40 C.F.R. § 122.44(d)(1)(i).

This "Reasonable Potential Analysis" ("RPA") is required to determine whether the conditions of a WPDES permit are sufficient to meet water quality standards, including numeric water quality criteria. If not, then an individual permit is necessary with additional conditions to meet numeric water quality criteria. 40 C.F.R. § 122.44(d)(1)(iii) – (iv).

If the DNR has not established a numeric water quality criterion for a specific pollutant which causes, or has a reasonable potential to cause, or contribute to an excursion above the narrative water quality criteria specified in Part I, Section C, the DNR must establish effluent limitations using either (1) calculated numeric water quality criteria which will attain and maintain applicable narrative water quality criteria and will fully protect the designated use; (2) establish effluent limitations on a case by case basis using US EPA water quality criteria and other relevant information, or; (3) establish effluent limitations for an indicator parameter provided the Proposed Permit identify which pollutants are intended to be controlled. 40 C.F.R. § 122.44(d)(1)(vi)(A) - (C).

J. The Proposed Permit's Education Requirements Do Not Reflect the Key Importance that Education Plays in Storm Water Control.

COMMENT: The permit should set specific requirements that clearly outline methods of getting information to homeowners and citizens about beneficial and detrimental storm water practices.

Storm water and other non-point sources of pollution are difficult to regulate. The key to non-point regulation is to cut down on the supply of non-point source pollutants while establishing end of pipe controls wherever possible. End of pipe controls alone, however, cannot address all areas and types of pollution.

Public education is the key to this type of preventive action. The proposed permit, however, does not require anything more than putting up posters in government offices. If more is required, it is not clear from the permit's language. The County is required to "promote" decisions that would help lower storm water pollution, a requirement that does not suggest any specific actions that would accomplish the permit's goal.

Public education is not a new concept. Many methods have been tried in the past and some were clearly more effective than others. The Department and Milwaukee County can access methods of disseminating information that have been effective in the past and specifically adopt these methods. The Department and Milwaukee County should also be encouraged to partner with environmental and community groups to help develop materials and disseminate information to the public about how they can help protect water quality.

CONCLUSION

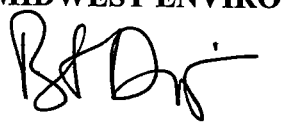
Municipal Storm Sewer Systems WPDES Permit No. WI-S050113-1 should not be issued until it is modified to reflect the following concerns:

1. The permit should include specific information regarding the current state of storm water control in Milwaukee County so the public can understand what additional measures are being taken.
2. The permit should include specific components of the Storm Water Quality Management, Pollution Prevention and Public Education Plans or allow the public additional comment and DNR review when the plans are generated.
3. The permit should identify the areas that have the greatest impact on water quality and the procedures that have the best results so the County achieves the highest rate of pollution reduction possible per dollar spent.
4. Mandating the use of road salt in the proposed permit without requiring monitoring of chloride may result in post-storm runoff chloride levels more than three times higher than Wisconsin acute toxicity criteria into highly impaired waters.
5. The Proposed Permit should impose appropriate effluent limitations and require monitoring for ferric ferrocyanide, a toxic pollutant discharged into Wisconsin waterways that are already on the 303(d) impaired waters list for acute toxicity, in order to ensure compliance with water quality standards.
6. The DNR should consider viable alternatives to road salt and perform a realistic cost-benefit analysis which includes the actual costs of applying road salt to Wisconsin highways
7. DNR must set effluent limits in the proposed permit sufficient to meet or exceed water quality standards.
8. To ensure that the WPDES permit will meet water quality standards, the WPDES permit should require periodic ambient water quality monitoring beneath outfalls to coincide with wet weather events. This is needed to demonstrate that the BMPs identified in the WPDES permit are sufficient to meet the goals of the Clean Water Act.
9. The DNR must apply a Reasonable Potential Analysis to determine whether water quality standards will be violated, and whether additional WQBELs may be necessary to meet water quality standards.
10. The permit should set specific requirements that clearly outline one or two methods of getting information to homeowners and citizens about storm water control.

Thank you very much for the opportunity to comment on this permit. I hope our comments help Milwaukee County achieve the highest degree of storm water protection possible with given resources. We look forward to your written response.

Sincerely,

MIDWEST ENVIRONMENTAL ADVOCATES, INC.



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