

Public Comments & DNR Responses
to Proposed Guidance

***Maintaining BMPs in Locations that Qualify for Delayed
Implementation for the Highway Reconstruction Standard***

The DNR received only two comments which were from the City of De Pere and the Wisconsin DOT. Thank you for taking the time to review and comment on the proposed guidance.

1. City of De Pere comment:

Under Section C. Guidance, 3. Off-Site Replacement BMPs, b., an offsite replacement is required within the same HUC-12. Cities and Villages should be given additional flexibility to utilize their municipal border. Depending on the development within a completely urbanized area of a HUC-12, it can be difficult to create a facility to offset the loss of treatment as part of a highway reconstruction project without impacting existing development (ie removing a building). Giving cities and villages the flexibility to utilize the municipal border will help the communities create/find a more viable facility/location, such as existing green space, within the municipal border.

Proposed guidance section C.3.b. read as follows:

An analysis should be conducted to show that the proposed BMPs will remove an equivalent mass of TSS from existing urban highway or parking lot area within the same 12-digit Hydrologic Unit Code (HUC) whenever possible, as those that will be removed as part of the highway reconstruction.

DNR Response: The DNR believes that it is being flexible by allowing TSS pollutant removal to be made up within the same HUC 12. Additionally, it states that is to be made up within the same HUC 12, whenever possible. If it can be demonstrated that there is no practical alternative to make up an equivalent mass within the same HUC 12 then an alternative location may be considered. This clarification statement has been added to the guidance.

2. Wisconsin DOT comment:

WisDOT requested that DNR clarify in the guidance as to why the guidance applies to WisDOT highway construction projects which are covered under ch. Trans 401, Wis. Adm. Code, and the Cooperative Agreement between DNR and WisDOT.

DNR Response: The 3rd paragraph under section A. *Statement of Problem Being Addressed* has been added to clarify this issue.

The final guidance was given final approval by the Bureau Director in May 2014.

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