

**State of Wisconsin  
Department of Natural Resources**

**Responses to Comments  
Water Application of Additives for Sediment Control  
Technical Standard Number 1051  
EGAD # 3800-2015-11**

**December 2015**

On October 5, 2015, the Wisconsin Department of Natural Resources (Department) issued a public notice on the proposed *Water Application of Additives for Sediment Control*, Technical Standard 1051. The Department received several comments on the proposed technical standard. Thank you to all for taking the time to review and comment on the proposed guidance. This document represents the Department's response to the written comments on the technical standard. To facilitate the responses, the Department may have paraphrased, rephrased, condensed, or consolidated comments.

**PUBLIC COMMENTS**

**Comments by Glory Adams**

Comment 1: "Changing DNR regulations calling Anionic Polyacrylamide and polymers additives is a misnomer to hide reality from citizens. These are chemicals and they need to be treated with the care of a chemical, not minimized".

Response: The use of the term "additive" is all encompassing and covers a broad range of substances used for settling or erosion control. The term additive is also consistent with the guidance titled "*Water Quality Review Procedures for Additives*". The term Additive is defined in the guidance as "Additive: substance, typically a commercial product, that has the potential to be directly discharged to a surface water and may cause toxicity to fish and aquatic organisms". No changes were made to the technical standard.

**Comments by Innovative Turf Solutions**

Comment 1: "Definition: why are only polyacrylamides and other polymers used in the definition of water clarification additives? There are clay based flocculants (water clarification additives) that exist and have been and are being used all over the country including in the state of Wisconsin currently. These products need to be cited and referred to in this definition as well as polymers".

Response: Under the definition for additive, text was added to note clay based materials may be used as additives for clarification.

**Comments by Steve McChesney**

Comment 1: "general comment: should there be a general comment about applied products need to be on a preapproved list? If I use a preapproved product at the maximum allowable concentration, do I need to submit the data in Appendix 1, or is that already done because the product is on the PAL? So is this procedure for field application, inclusion on the PAL, both? (neither?)"

Response: Products need to have an allowable usage rate based on the *Water Quality Review Procedures for Additives* guidance. Appendix 1 is used to evaluate the additive effectiveness, not toxicity. The Wisconsin Department of Transportation posts the Product Acceptability List (PAL) for erosion control products on their web site (<http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/tools/pal/default.aspx>) each June. This is based on additive effectiveness. The Department also maintains a list of allowable usage rates for land and water applied additives and is available on request (jan.kucher@wisconsin.gov).

Comment 2: “Section V.B.4 a floc layer 7” thick that has a top that is 7” deep below the surface of the water could be argued that it’s deep enough to leave in place. Maybe want to specify thickness of the floc layer rather than the depth”.

Response: Comment does not refer to the draft technical standard.

Comment 3: “Edit the Arabic 4 floating above the Roman VII heading.”

Response: Comment does not refer to the draft technical standard.

Comment 4: “Roman numeral headings X and XI are misplaced.”

Response: Comment does not refer to the draft technical standard.

Comment 5: “Definition of Sediment Control Structure: limit to ‘An impoundment or pond designed to intercept and detain sediment’ whether or not it’s runoff, because it might be a pump discharge. If the structure is two feet deep or greater, do I have a get –out-of-jail free card if sediment discharges in a high velocity flow, because at some velocity it will. I also don’t understand the sentence about its application isolation culverts or bridges.”

Response: Additives are used for basin runoff and/or process water flocculation and can include settlement from a pump discharge. The sediment storage needs to be 2 feet thick, below the settling depth of the basin. NR 151.122 identifies Total Suspended Solids (TSS) removal performance levels. A sedimentation basin can be used for culvert or bridge construction TSS removal, as long as it is not in a waterway. The use of sediment controls in a process system was added to the technical standard.

Comment 6: “Figure 1 referred to in Appendix 1 is nowhere to be found.

Response: The reference to Figure 1 in Appendix 1 has been omitted (there is no Figure 1).

### **Comment by Chippewa County**

Comment 1: “Please clarify section III. Conditions Where Practice Applies. It is not clear whether this standard is intended to apply to a post construction site on an ongoing basis or not. I anticipate several frac-sand mines wanting to use polymers as part of routine operations for treating stormwater and I don’t think it is clear whether this standard would/should apply to that kind of operation. If it is intended to apply to this kind of operation the following language could clarify that intent.

“This practice is to be used with self-contained sediment control structures, on a temporary basis for construction sites, in an emergency for post-construction sites, and if needed, to improve the sediment removal efficiency of a structure on a post construction site on a routine basis. Additives shall not be

directly applied to *surface waters of the state*. Sediment control structures may be within or discharge to surface waters of the state.”

Response: Inserted text that additives are used for construction or post-construction systems and that sediment control structures cannot be located within waters of the state.

The final technical standard was approved on December 16, 2015.

Prepared by:

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