

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
PUBLIC NOTICE OF INFORMATIONAL HEARING, INTENT TO ISSUE A WISCONSIN POLLUTANT
DISCHARGE ELIMINATION SYSTEM (WPDES) GENERAL PERMIT No. WI-0063835-01-0 FOR BALLAST
WATER DISCHARGES, AND ENVIRONMENTAL ASSESSMENT OF THE PROPOSED ACTION

Activity Regulated: The discharge of ballast water from commercial vessels 164 feet in length or more that have a ballast tank volume of 2114 gallons or more, and which are also covered under the U.S. EPA Vessel General Permit.

Receiving Water and Location: Waters of the state where commercial shipping occurs, primarily Lake Michigan and Lake Superior.

Brief Description of General Permit: Ballast water discharges from vessels in Wisconsin waters and meeting the applicability criteria may be covered under the general permit for authorization to discharge ballast water. The proposed general permit contains requirements to regulate aquatic invasive species commonly found in ballast water. The state general permit is intended to supplement the EPA Vessel General Permit with the inclusion of ballast water treatment requirements and prohibitions that the Department believes are necessary to protect water quality. Discharge standards for treatment systems become effective for existing oceangoing vessels in 2012, and even more restrictive standards for new oceangoing vessels in 2013. The standards and implementation schedule are more stringent than the proposed International Maritime Organization standards. Exceptions to the more restrictive treatment standards may be allowed if a demonstration is submitted that technology is not available to meet applicable discharge standards. Certain vessels may also be exempt from treatment. Discharge standards for vessels that operate exclusively in the Great Lakes are not included in this permit, but may be subject to treatment when this general permit is reissued.

Summary of the General Permit Program: Section 283.35, Wisconsin Statutes, authorizes the Department of Natural Resources to issue general discharge permits for categories of point source dischargers. It is more efficient for the Department to cover multiple facilities under a general permit rather than issuing individual permits for each facility when no special circumstances warrant site-specific permit requirements or limitations. The general permit program is intended to minimize paperwork for the permittee as well as the Department. However, if the Department determines it is necessary or appropriate to withhold or withdraw a facility from coverage by a general permit, it may do so for the following reasons:

- (1) A facility may be removed from general permit coverage and issued an individual permit at the written request of the discharger.
- (2) A facility may be removed from general permit coverage and be required to apply for and obtain an individual permit. Any person can submit a written request that the Department take such action. An individual permit may be required if: a) the point source is a significant contributor of pollution; b) the point source is not in compliance with the terms and conditions of the general permit; c) a change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants from the point source; d) different effluent limitations or standards are promulgated for a point source or class of point sources covered by the general permit; or e) a water quality management plan is approved and it contains requirements applicable to a facility covered by the permit.

The Department has tentatively decided that the above specified WPDES general permit should be issued.

This public notice also serves as the notification of the environmental assessment prepared for the general permit in accordance with ch. NR 150, Wis. Adm. Code. An environmental impact statement is not required by rule, and the Department believes an EIS is unnecessary.

Hearing Date, Time, and Location: March 23, 2009, 10:00 AM, DNR Southeast Regional Headquarters Room 140, 2300 N. Dr. Martin Luther King Drive, Milwaukee, Wisconsin.

Hearing Officer: Marney Hoefler, DNR, 101 S. Webster St. PO Box 7921, Madison, WI 53707-7921, (608) 266-7588

Permit Drafter: Paul Luebke, DNR, 101 S. Webster St. PO Box 7921, Madison, WI, 53707-7921, (608) 266-0234, Paul.Luebke@wisconsin.gov

The Department of Natural Resources, pursuant to Section 283.49, Wisconsin Statutes, has scheduled for the time and place listed above, a public hearing for the purpose of giving all interested persons an opportunity to make a statement with respect to the above announced permit action for the existing discharge of ballast, and the accompanying environmental assessment.

A hearing officer will conduct the hearing in an orderly and speedy way and will use procedures specified in Subchapter II of ch. NR 203, Wis. Adm. Code, necessary to insure broad public participation in the hearing.

The hearing officer will open the hearing and make a concise statement of the scope and purpose of the hearing and shall state what procedures will be used during the course of the hearing. The hearing officer shall explain the

method of notification of the final decision to grant or deny the permit and the methods by which the decision may be reviewed in a public adjudicatory hearing.

The hearing officer may put limits on individual oral statements to insure an opportunity for all persons present to make statements in a reasonable period of time and to prevent undue repetition. The hearing officer may also limit the number of representatives making oral statements on behalf of any person or group.

Informational and clarifying questions and oral statements shall be directed through the hearing officer. Cross-examination shall not be allowed.

Persons wishing to comment on or object to the proposed permit action are invited to do so by attending the public hearing or by submitting any comments or objections in writing to the Department of Natural Resources, at the permit drafter's address. All comments or suggestions received from members of the public no later than 7 days following the date of this public hearing will be used, along with other information on file and testimony presented at the hearing, in making a final determination. Where designated as a reviewable surface water discharge permit, the U.S. Environmental Protection Agency is allowed up to 90 days to submit comments or objections regarding this permit determination.

Information on file for this permit action, including the draft permit and fact sheet, may be inspected and copied at the permit drafter's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call the permit drafter for directions to their office location, if necessary. Information on this permit action may also be obtained by calling the permit drafter at (608) 266-0234 or by writing to the Department. Reasonable costs (usually 20 cents per page) will be charged for copies of information in the file other than the public notice and fact sheet. Permit information is also available on the internet at: <http://dnr.wi.gov/org/water/wm/ww>. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

PUBLISHING NEWSPAPERS:

Daily Telegram, 1226 Ogden Ave., Superior, WI 54880-1590
Green Bay Press-Gazette, PO Box 19430, Green Bay, WI 54307-9430
Milwaukee Journal Sentinel, PO Box 661, Milwaukee, WI 53201-0661
Wisconsin State Journal, PO Box 8056, Madison, WI 53708-8056

Date Notice Issued: February 20, 2009