

## EPA Permit Requirements within Indian Country/Tribal Lands

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## EPA Permit Differing Requirements from WDNR Permit

### EPA

Permit	Page #	Requirement
1.1.9	2	Notify EPA of cationic treatment chemical use
1.3.1	4	Discharge of concrete washout is prohibited
1.4	5	All "operators" must submit NOI to EPA
2.1	8	Permit references storm water controls throughout
2.1.4	9	Must repair BMPs immediately and complete by next business day or document why it cannot but must within 7 days
2.1.4	9	Must change BMP or technique if it fails 3 times or more
2.2.1	10	Provide natural buffers or equivalent within 50 ft of receiving waters
2.2.2	10	Direct storm water to vegetated areas unless infeasible site conditions

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## EPA Construction Site Permit Applicability in WI

- In Wisconsin, EPA Construction Permit only applies within 'Indian Country' as defined in 18 USC Sec. 1151, which includes lands owned by or held in trust for an Indian tribe, and sensitive tribal areas.
- 'Tribal Lands' is sometimes used to refer to Indian Country and for this training, consider them equivalent.
- In Indian Country, Notice Of Intent (NOI) applications goes to EPA (not WDNR).
- WDNR does not provide storm water construction site permit coverage to discharges in Indian Country.  
Note: WDNR still provides WPDES permit coverage for certain discharges but not for any storm water construction site discharges.

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## EPA Permit Differing Requirements from WDNR Permit

### EPA

Permit	Page #	Requirement
2.2.10	13	Remove sediment adjacent to inlet protection measures by end of same business day found
2.2.12	13	Remove water from top of sediment basins
2.2.13	14	Must provide training for persons who handle and use water treatment chemicals
2.2.14	15	Less than 5 acres: Complete stabilize measures as soon as practicable but no later than 14 days
2.2.14	16	More than 5 acres: Complete stabilize measures as soon as practicable but no later than 7 days
2.2.14	17	Near special or impaired waters: Stabilize ASAP & complete within 7 days

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## Permit Requirement Differences between EPA & WDNR Permits

### Differences by groupings:

- |                        |            |
|------------------------|------------|
| • General requirements | 6 entries  |
| • Submittals to EPA    | 6 entries  |
| • Timetables           | 16 entries |
| • Inspection           | 14 entries |
| • Dewatering           | 17 entries |
| • Buffers              | 2 entries  |
| • Training             | 7 entries  |
| • Pollution            | 7 entries  |
| • Corrective action    | 8 entries  |
| • Documentation        | 14 entries |

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## EPA Permit Differing Requirements from WDNR Permit

### EPA

Permit	Page #	Requirement
2.3.3	19	Spill kit for fuels and other chemicals stored on site
2.3.5	21	Detailed provisions for proper application of fertilizer
2.4	22	Detailed dewatering techniques/requirements (8 specific requirements)
3.2	23	Water quality benchmarks for discharges to special/impaired waters. EPA may require additional analyses and/or stormwater controls
3.3.1	25	Turbidity monitoring requirements/sampling
3.3.2	25	Turbidity discharge benchmark of 50 NTU; potentially alternative higher benchmark with EPA approval
3.3.3	26	Must conduct corrective actions if weekly average discharge exceeds 50 NTU

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## EPA Permit Differing Requirements from WDNR Permit

## EPA

Permit	Page #	Requirement
3.3.4	28	Summary of turbidity monitoring requirements and quarterly reporting through EPA eReporting Tool
4.1	28	Must have "qualified" (trained) person to conduct site and dewatering inspections
4.2	28	Must inspect site either once every 7 days or alternatively every 14 days and within 24 hrs of ¼ inch rain within 24 hrs
4.2	29	Must inspect site from snow melt caused by 3.25 inches or more of snow in 24 hr period
4.3.1	29	Must inspect any portion of site that discharges to impaired or special waters once every 7 days, within 24 hrs of a ¼ inch rainfall, and within 24 hrs of 3.25 inches of snowmelt in 24 hrs

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## EPA Permit Differing Requirements from WDNR Permit

## EPA

Permit	Page #	Requirement
5.1	34	Section on conduct corrective action with condition list to trigger corrective action
5.1.5	35	Corrective action for dewatering discharges above 50 NTU
5.2.1	35	Corrective action deadlines of immediate and complete by next business day or document why not corrected by next business day and not matter what corrections within 7 days.
5.2.2	35	Corrective action triggers for site dewatering issues including shutting off discharge until corrections made.
5.4	36	EPA permit requires corrective action log to document correction action taken

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## EPA Permit Differing Requirements from WDNR Permit

## EPA

Permit	Page #	Requirement
4.3.2	30	Must inspect dewatering operations that discharge a minimum of once per day
4.4.1	30	Inspection frequency can be reduced for stabilized areas to twice/month for first month then once per month till permit termination.
4.4.1	30	Detailed reduction inspection schedules for stabilized areas on linear projects
4.5	31	Listing of areas that need to be inspected including disturbed areas, all BMPs and stormwater controls, pollution prevention controls, construction support areas.

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## EPA Permit Differing Requirements from WDNR Permit

## EPA

Permit	Page #	Requirement
6.1	36	EPA permit requires formation of a storm water team to consist of those that design, install maintain or repair BMPs, personnel that apply treatment chemicals, those that conduct inspections and those that take corrective action and team members identified in SWPPP
6.2	37	General training required for everyone on the project storm water team
6.3	37	Must pass qualified construction inspection training for those that do site inspections
7.0	38	Site operators (owner and/or general contractor) must develop a SWPPP

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## EPA Permit Differing Requirements from WDNR Permit

## EPA

Permit	Page #	Requirement
4.5	31	Inspection areas continued including areas of dewatering, areas where water flows discharge points, and all stabilized areas.
4.6	32	Detailed list of 5 items of what to inspect/what to look for during site inspection
4.6.2	32	If a discharge is observed during the inspection, identify all discharge points and document the visual quality of discharge
4.6.3	32	Conduct dewatering inspections and make out reports including rates and photos
4.7	33	Complete site inspection report in 24 hrs with findings, rain amount, etc. and signature

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## EPA Permit Differing Requirements from WDNR Permit

## EPA

Permit	Page #	Requirement
7.2.2	39	Must identify each member of storm water team & verify each person has appropriate training
7.2.2	39	Documentation of training and that the training meets EPA requirements
7.2.3	39	Description of offsite construction activity areas
7.2.3	39	Max area disturbed at any one time
7.2.3	40	List of all pollutant generating activities on site
7.2.4	40	Several items listed for SWPPP site map including locations where polymers and flocculants will be used
7.2.6	41	Must include information on natural buffers

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## EPA Permit Differing Requirements from WDNR Permit

**EPA**

Permit	Page #	Requirement
7.2.6	42	Several requirements listed for use of water treatment chemicals
7.2.6	43	Training required for persons that handle and apply treatment chemicals
7.2.7	44	Procedures for inspection, maintenance, and corrective action
7.2.7	44	Inspection schedule to be followed including reducing frequency
7.2.8	44	Procedures for turbidity benchmark monitoring
7.2.10	45	SWPPP certification and submittals to EPA
7.3	46	SWPPP must be available on site
7.4	46	Section on SWPPP modifications including records and dates

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## EPA Permit Differing Requirements from WDNR Permit

**EPA**

Permit	Page #	Requirement
8	47	Submittals to EPA on terminating permit coverage
8.2	47	Section on terminating permit coverage including taking photographs of site
8.3	48	How to submit notice of termination to EPA

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## Mapped Native American Lands in Wisconsin

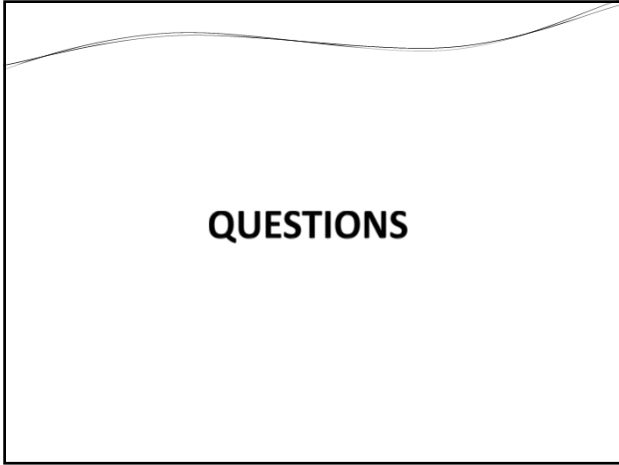
- WDNR's Surface Water Data Viewer (SWDV) contains a 'Native American Lands' layer under the 'Administrative, Political & Cadastral' folder
- Search for 'SWDV Wisconsin' in an Internet search field to find this site

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## EPA Construction General Permit Related Information

Search for 'EPA 2022 construction general permit'

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