



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

WN-16J

**FEB 24 2016**

Pamela Biersach, Director  
Bureau of Watershed Management  
Wisconsin Department of Natural Resources  
101 S. Webster Street  
P.O. Box 7921  
Madison, WI 53707

Re: Kretzschmar Holsteins, Inc., WPDES Permit No. WI-0065501-01-0

Dear Ms. Biersach:

The United States Environmental Protection Agency (EPA) has agreed in accordance with 40 CFR 123.44(j) to review draft National Pollutant Discharge Elimination System (NPDES) permits in the State of Wisconsin rather than proposed permits. Notwithstanding such agreement, 40 CFR 123.44(j) provides that state permitting authorities must still prepare and transmit proposed permits to EPA for review and potential objection in accordance with 40 CFR 123.44 when "there is significant public comment" on a draft permit. A "proposed permit" is defined as

A State NPDES "permit" prepared after the close of the public comment period (and, when applicable, any public hearing and administrative appeals) which is sent to EPA for review before final issuance by the State.  
[40 CFR 122.2]

On November 5, 2015, the Wisconsin Department of Natural Resources (WDNR) provided public notice and an opportunity for public comment on a draft permit for Kretzschmar Holsteins, Inc. Bad River Band of Lake Superior Tribe of Chippewa Indians submitted significant comments to WDNR expressing substantial concerns about the permit. In light of those significant public comments and 40 CFR 123.44(j), WDNR must prepare and transmit to EPA a proposed permit for Kretzschmar Holsteins, Inc., prior to final issuance by WDNR for EPA review in accordance with 40 CFR 123.44.

Please feel free to contact me at 312-886-4448 if you have any questions. Please have your staff work directly with Julianne Socha, of my staff, to coordinate transmission and review of the proposed permit.

Sincerely,



Kevin M. Pierard, Chief  
NPDES Programs Branch

cc: Nancy Larson, Deputy Director, Bureau of Watershed Management  
Mary Anne Lowndes, Chief, Watershed Runoff Management Section  
Tom Bauman, Watershed Runoff Management Section