

DNR Updates: HDD, NR 216, Solar, etc.

Amy Minser

April 13, 2022

Overview

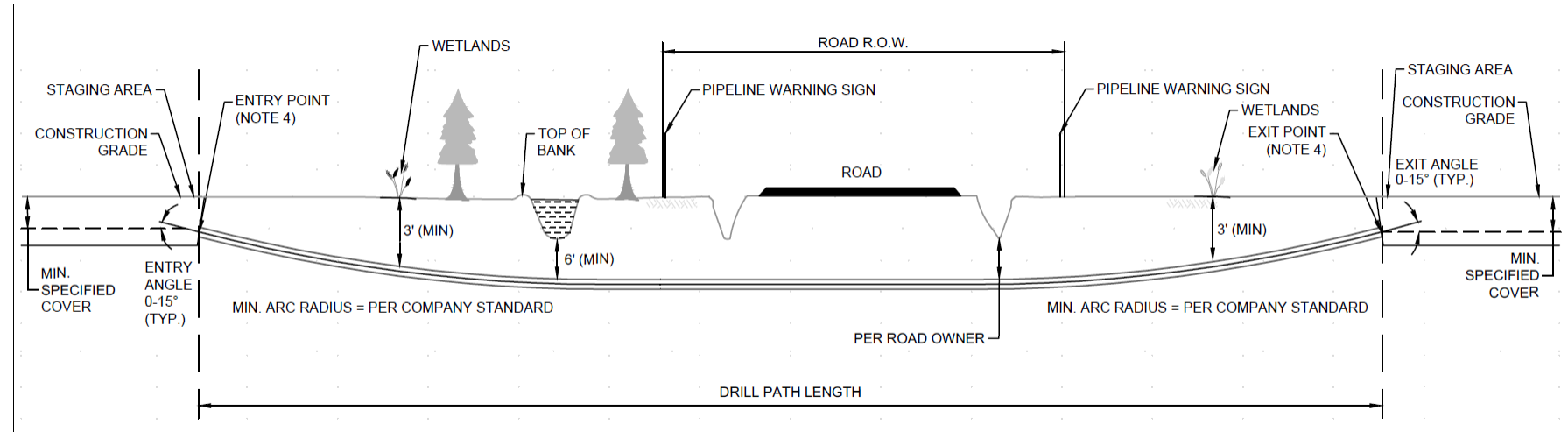
- Technical Standard Updates
- Horizontal Directional Drilling
- Ground-mounted solar
- NR 216
- Other MS4 Updates



Technical Standard Updates

- Technical Standard updates
 - 1060 Inlet Protection
 - 1056 Perimeter Control (1056 combined with 1071)
- New Technical Standards in Development
 - 1072 Horizontal Directional Drilling-Broad Review
 - 1011 High Performance Dry Storm Water Basins

What is Horizontal Directional Drilling?



Products installed:

- Pipe
- Conduit
- Cable

Why is HDD a concern?



Inadvertent Release (IR):

- An unplanned release of drill fluid
- A.K.A. ‘frac-out’ or ‘inadvertent return’

Drill Fluid contains:

- Water
- Bentonite (clay)
- Drinking-water safe additives

Purpose of Technical Standard 1072

This technical standard identifies practices to protect water quality by minimizing potential for inadvertent releases of drilling fluid associated with HDD and limiting resource impact if an IR does occur.

Plan the Work-Work the Plan

Technical Standard Development Team

Contractors

- John Edwardsen-M.J. Electric
- Brad Eifert, Michaels Directional Drilling
- Mike Hackel, Homburg Contractors

Utilities

- Matt Fehler, WE Energies
- Dana Halverson, Alliant Energy

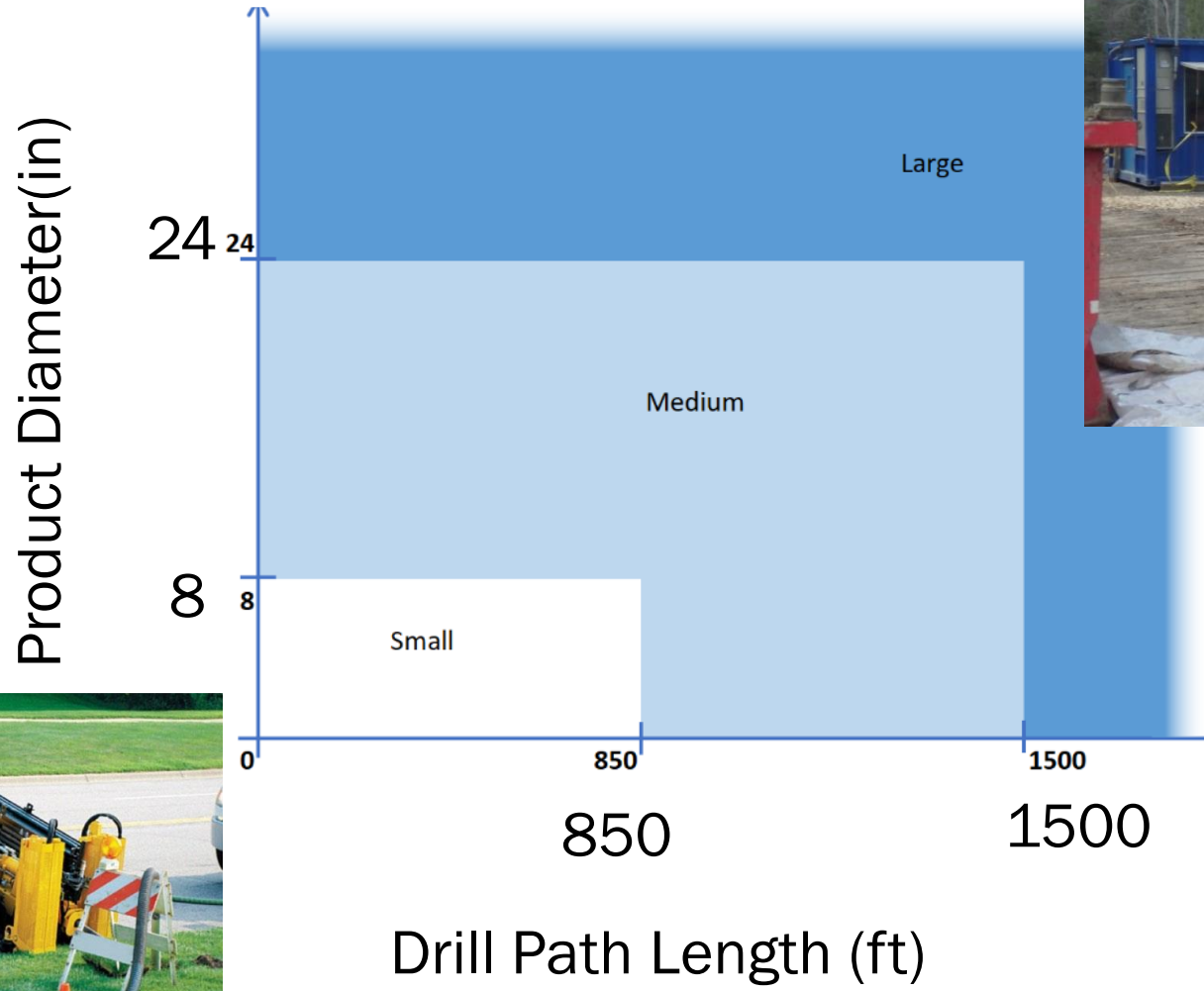
Consultants

- Susan Knabe, Stantec Consulting
- Lance Newman, Kapur
- Ann Nye, GAI

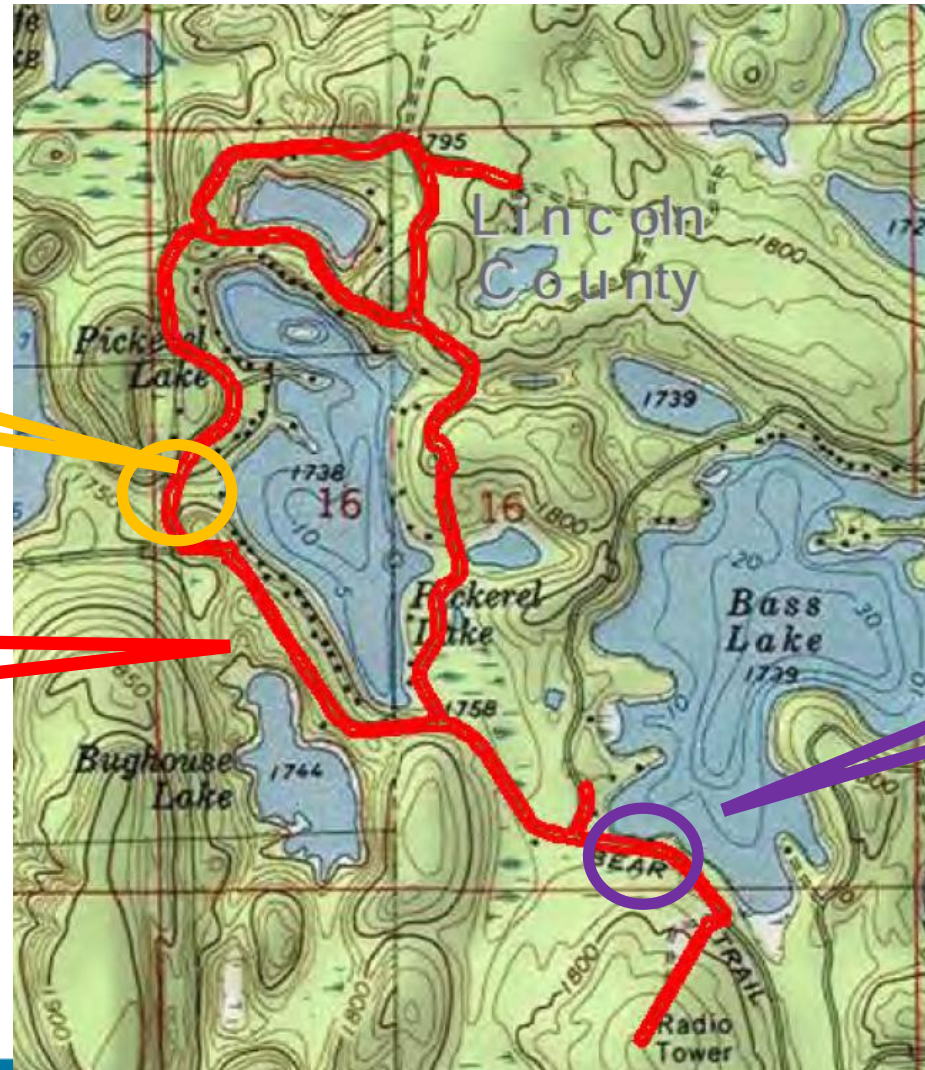
Other Stakeholders

- Kate Brunner, SOC
- Abby Williamson, WisDOT
- Elliott Mergen, Dane County LWCD
- Geri Radermacher, WDNR
- Kim Gonzalez, Amy Minser, WDNR

Size-Based Criteria



Project vs. Drill Path



Medium HDD Planning Area

Small HDD Planning Areas

Large HDD Planning Area

Project Stages

Initial Design

- ID Resources
- ID Challenges

Planning

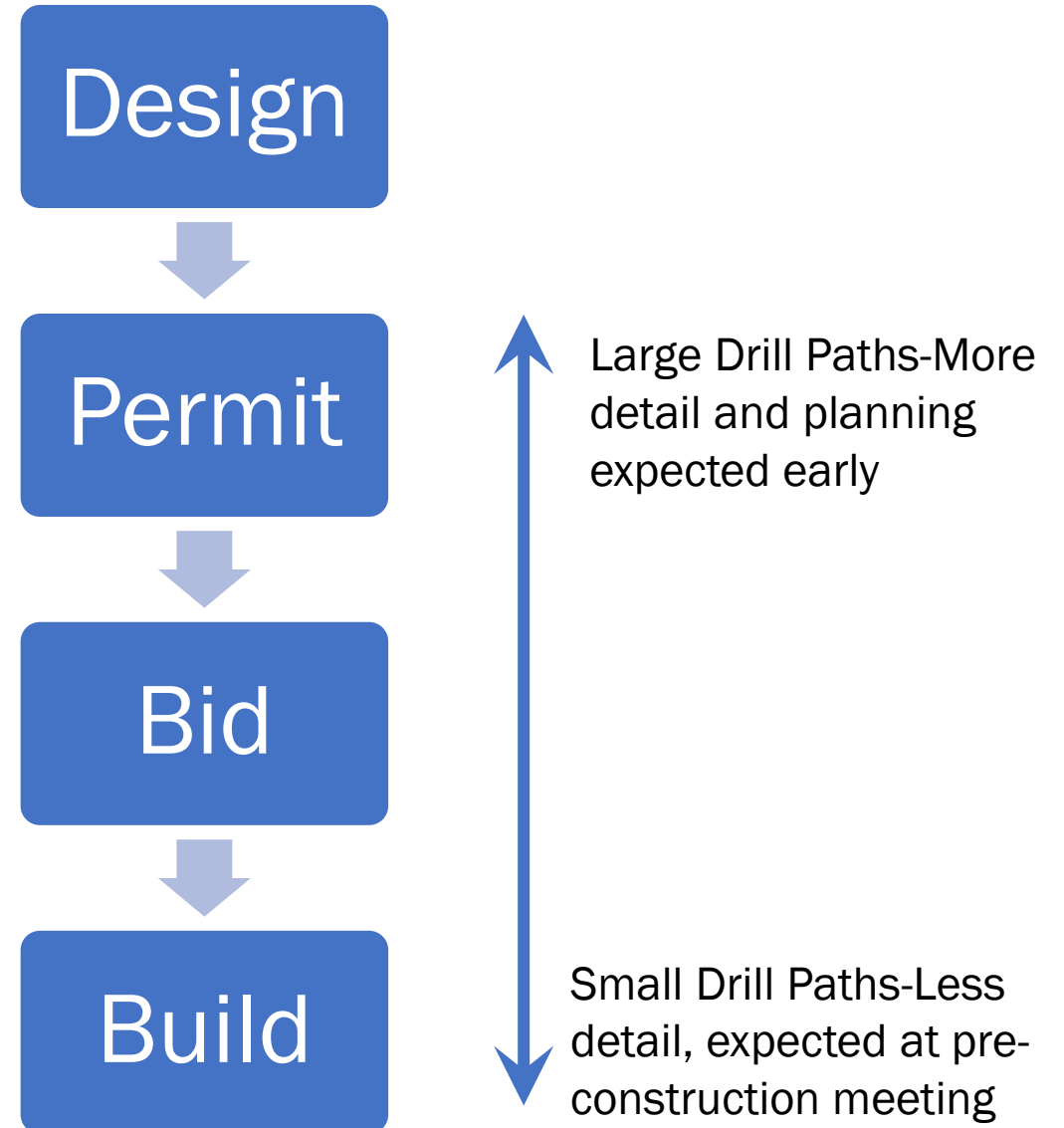
- Confirm Resources
- Confirm Challenges
- Establish procedures

Construction

- Monitor
- Follow procedures
- Report if needed

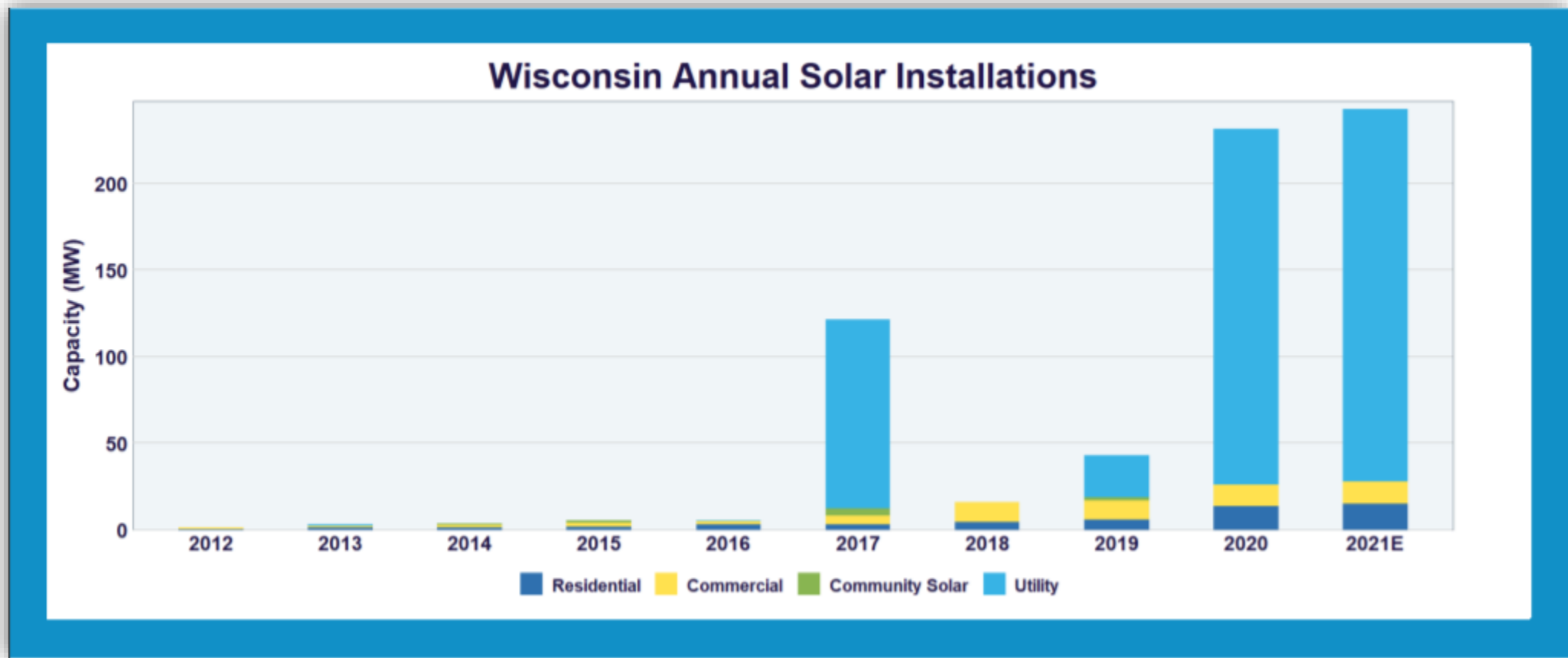
Written Plans

- HDD Plan-Project materials, procedures, and monitoring
- Spill Plan-Response and notification procedures
- IR Plan-Containment supplies, response plans, notifications, and post-IR operations



Next Steps for TS 1072

- Public comment period closed midnight on **Monday, March 28, 2022.**
- Drafting responses to comments
- Team and internal review of revisions
- Finalize and post document



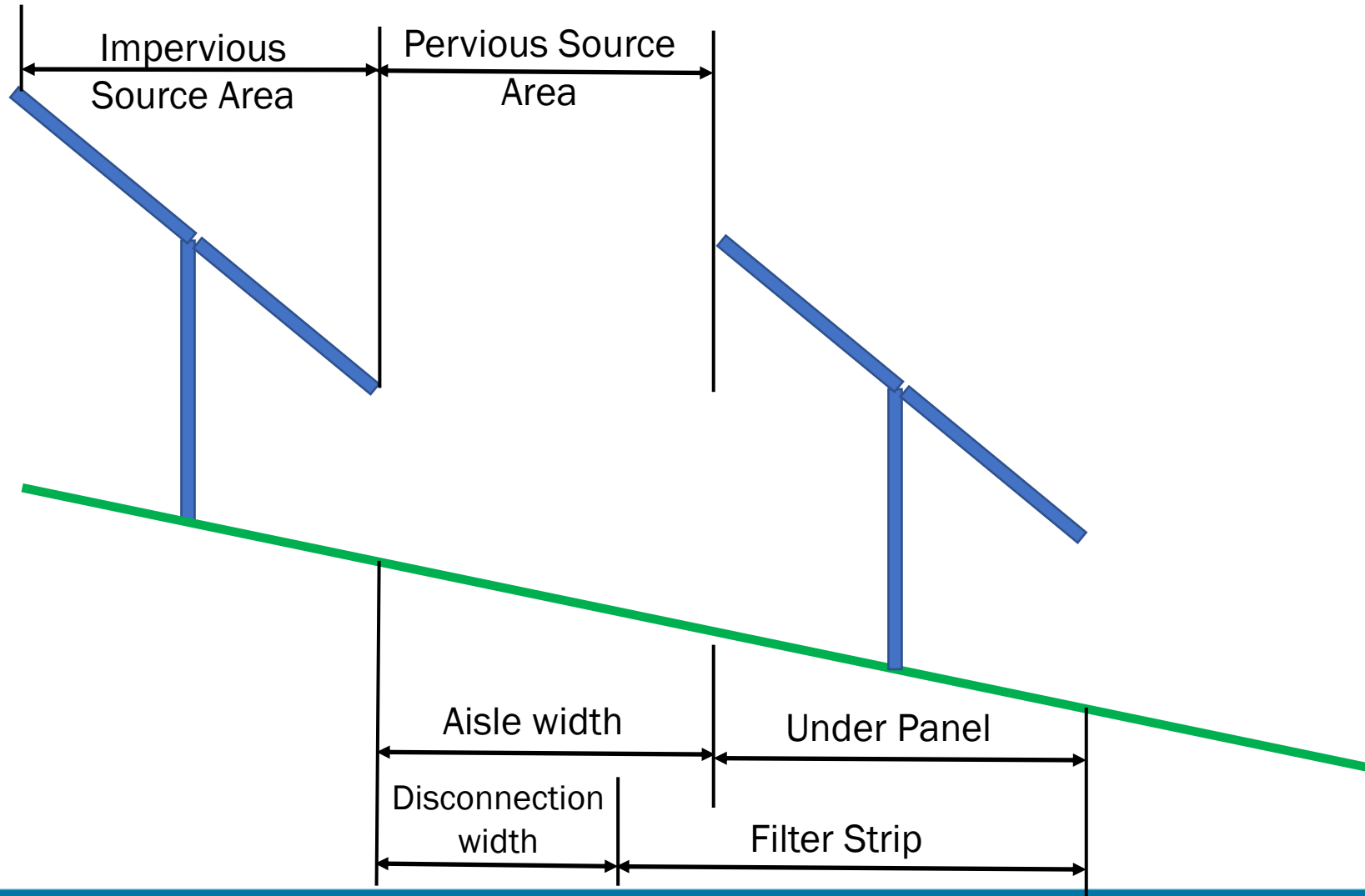
According to the Solar Energy Industries Association, Wisconsin can expect an additional 3,960 MW over the next 5 years

Background

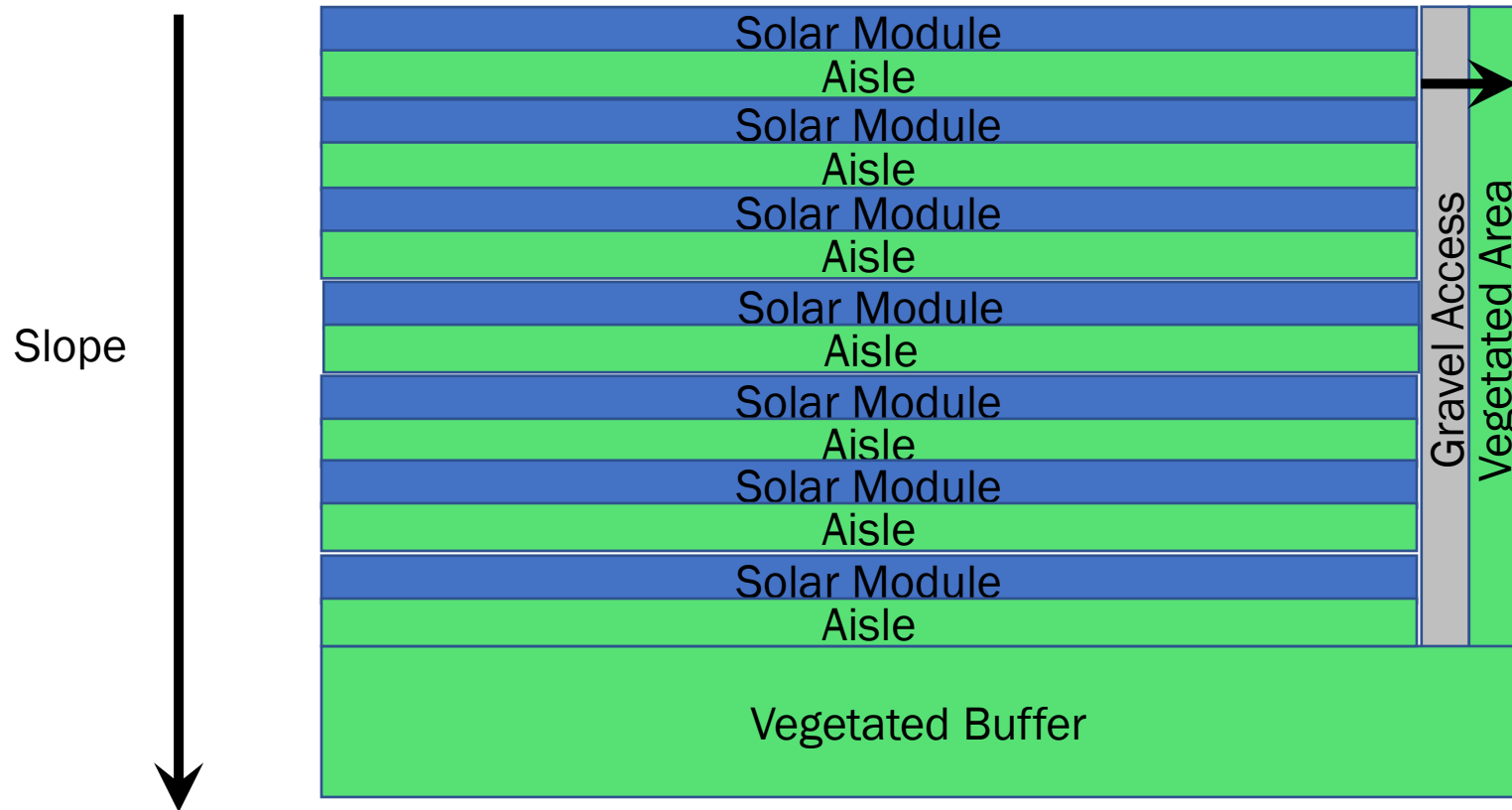
- Rapid development
- 20-5,000 acres
- Row crop to meadow
- Disconnected impervious
- Out-of-state applicants
- Pollutant trading credits



Modeling Approach



Modeling Approach-Buffer



Solar Website

<https://dnr.wisconsin.gov/topic/Sectors/SolarInstallations>



Changes Affecting All Permit Types

- Definitions
- Electronic Reporting
- Updated references to ch. [NR 151](#), Wis. Adm. Code
- Protections for outstanding resource waters (ORW), exceptional resource waters (ERW), and impaired waters to improve consistency with federal regulations
- Applicability of expired and reissued general permits
- Other environmental program language removed throughout

Municipal Subchapter – Part 1

- Implemented the Remand Rule
- Clarified application requirements for GP and IP
- Clarified rules for reliance on other entities to fulfill permit requirements
- General permittees may re-apply via 4th year annual report
- Added reporting and self-evaluation requirements
- Added storm water-specific TMDL implementation
- Moved Authorized Local Program

Industrial Subchapter

- Updated provisions for consistency with state and federal law
- Require SWPPP to identify discharges to ORW, ERW, and Impaired Waters
- Allow SWPPP in lieu of SWPPP Summary

Construction Subchapter

- Moved Authorized Local Program
- Revised for consistency with state and federal law
- Required identification of ORW, ERW, and Impaired Waters
- Clarified permit certificates posting expectations
- Doubled fees if land disturbance prior to NOI submittal
- Added reapplication after 3 years
- Clarified expectations for amendment or new NOIs
- Updated Application Fees

Construction NOI Fees:

Acres of Land Disturbance	Application Fee before January 1, 2023	Application Fee after January 1, 2023
Less than 2	\$140	\$250
2 or more and less than 5		\$350
5 or more and less than 25	\$235	\$550
25 or greater	\$350	\$800

NR 216 Next Steps

- Effective 4/1/2022
- Update website with summary of major changes
- As permits are reissued, permit conditions will be updated per revised NR 216
- Update e-permitting system for revised construction NOI fees effective 1/1/2023

Other MS4 Anticipated Changes

- Leaf management guidance update recently posted
- New E-Permit Dashboard Interface
- 2020 Urbanized Area expected Summer 2022, Fee categories updated per census
- Reissue of TS4 (WisDOT's MS4 Permit) June 1, 2023
- Annual report due in 2023 to include reapplication option
- Reissue of MS4 General Permit May 1, 2024

CONNECT WITH US

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OFF THE RECORD"