

State of Wisconsin
Department of Natural Resources
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Notice of Final Determination to Issue the Wisconsin Pollution Discharge Elimination System “Construction Site Storm Water Runoff General Permit” Storm Water Associated With Land Disturbing Construction Activity, Permit No. WI-S067831-6

The Wisconsin Pollution Discharge Elimination System “Construction Site Storm Water Runoff General Permit” Storm Water Associated With Land Disturbing Construction Activity, Permit No. WI-S067831-6: covers storm water discharges to waters of the state from land disturbing construction activities affecting or anticipated to affect one acre or more of land. This general permit contains requirements specified under ch. NR 216, Wis. Adm. Code, and ch. NR 151, Wis. Adm. Code. Chapter NR 216, Wis. Adm. Code, states the applicability of the permit and defines how storm water from land disturbing activity may be discharged so that waters of the state will be protected through the implementation of performance measures in chs. NR 216 and NR 151, Wis. Adm. Code. This general permit will apply to discharges to waters of the state throughout the state, except discharges within Indian Country.

The permit is issued under the statutory authority granted to the DNR pursuant to ss. 283.33 (storm water discharge permits) and 283.35 (general permits), Wis. Stats., and applies to new and existing storm water discharges to waters to the state.

Pursuant to ss. 203.12 and 205.08(10)(e), Wis. Adm. Code, the DNR has made a final determination to reissue the general permit. The permit is effective October 1, 2021. The general permit is effective for five years and will expire on September 30, 2026.

The final general permit, fact sheet, and response to comments are available on the DNR’s webpage: <https://dnr.wisconsin.gov/topic/Stormwater/construction>

Further information concerning the DNR’s response to comments, the final general permit and related documents may be obtained by contacting Melissa Yarrington, DNR Storm Water Program Coordinator, at Wisconsin DNR, P.O. Box 7921, Madison WI 53707-7921, Melissa.Yarrington@Wisconsin.gov or 715- 401-1794. Reasonable costs (usually 20 cents per page) will be charged for copies of information in the file.

APPEAL RIGHTS

Those desiring further adjudicative review of this final determination may request a public adjudicatory hearing, as provided by s. 283.63, Wis. Stats., and ch. 203, Wis. Adm. Code. A request shall be made by filing a verified petition for review with the DNR’s secretary within 60 days of the effective date of the general permit (October 1, 2021).

Section 283.35, Stats., authorizes the Department to issue a general permit for discharges from categories or classes of point sources. The Department may withdraw a facility from coverage under a general permit if it is determined that a discharge is a significant contributor of pollutants, if the discharger is not in compliance with the permit terms and conditions, if there are changes in treatment technology or new effluent standards or limitations since permit issuance, or if a permittee requests individual permit coverage.

For permit-related decisions that are not reviewable pursuant to s. 283.63, Stats., such as the decision to confer general permit coverage to a specific facility, it may be possible for a permittee or other persons to obtain an administrative review pursuant to s. 227.42, Stats., and s. NR 2.05(5), Wis. Adm. Code, or judicial review pursuant to s. 227.52, Stats. If a person chooses to pursue review of a decision to grant general permit coverage to a specific facility, a petition must be filed within 30 days of the date the Department's decision to confer coverage is either mailed or otherwise served. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Stats., a petition must be filed with the appropriate circuit court and be served on the Department. A petition for judicial review must name the Department of Natural Resources as the respondent.