State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Sturtevant Service Center
9531 Rayne Road
Sturtevant, WI 53177-1833
Telephone (262) 884-2300
FAX (262) 884-2307
TDD (262) 884-2304

June 30, 2005

Robert Taggart
Crucible Materials
P O Box 977
Syracuse, NY 13201

SUBJECT: Coverage Under WPDES General Permit No. WI-S067831-2: Storm Water Discharges Associated with Construction Activities

Permittee Name:	Crucible Materials
Site Name:	Trent Tube Plant No 1
FIN:	32058

Dear Permittee:

The Department of Natural Resources (Department) received your Notice of Intent (NOI), Form 3400-161, on June 27 2005, for the Trent Tube Plant No 1 site and has evaluated the information provided regarding storm water discharges from your construction site. We have determined that your construction site activities will be regulated under ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and in accordance with Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-S067831-2, Storm Water Discharges Associated with Construction Activities. All erosion control and storm water management activities undertaken at the site must be done in accordance with the terms and conditions of the enclosed general permit.

To ensure compliance with the general permit, please read it carefully and be sure you understand its contents. We emphasize that you be sure to take the following actions (This is not a complete list of the terms and conditions of the general permit):

1) The Construction Site Erosion Control Plan and Storm Water Management Plan that you completed prior to submitting your NOI must be implemented and maintained throughout construction. Failure to do so may result in enforcement action by the Department.
2) The general permit requires that erosion and sediment controls be routinely inspected at least every 7 days, and within 24 hours after a rainfall event of 0.5 inches or greater. Weekly written reports of all inspections must be maintained. The reports must contain the following information:
    a) Date, time, and exact place of inspection;
    b) Name(s) of individual(s) performing inspection;
    c) An assessment of the condition of erosion and sediment controls;
    d) A description of any erosion and sediment control implementation and maintenance performed;
    e) A description of the site's present phase of construction.

3) When construction activities have ceased and the site has undergone final stabilization, a Notice of Termination (NOT) of coverage under the general permit must be submitted to the Department. A copy of the NOT form is enclosed for your use.

Chapter 283.35, Wis. Stats., authorizes the Department to issue a general permit for discharge from categories or classes of point sources. It is important that you read and understand the terms and conditions of the general permit because they are enforceable. The general permit can also be withdrawn if you do not remain in compliance with the terms and conditions of the general permit. The Department may also withdraw a storm water discharge from coverage under the general permit and require an individual WPDES permit on the Department's own motion, upon the filing of a written petition by any person, or upon your request.

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30 day period for filing a petition for judicial review.

The Department construction site storm water web page is: http://dnr.wi.gov/org/water/wm/nps/stormwater/const.htm. Additional storm water information, including permit forms, is accessible via this site. Thank you for your cooperation with the Construction Site Storm Water Discharge Permit Program. If you have any questions concerning the contents of this letter or the general permit, please contact Peter Wood at (262) 884-2360.

Sincerely,

Peter Wood, P.E.
Southeast Region
Water Resources Engineer

Enclosures: WPDES General Permit No. WI-S067831-2
Fact Sheet
DNR Form 3400-162: Notice of Termination
Construction Site Inspection Report

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of ch. 283, Wis. Stats., and ch. NR 216, Wis. Adm. Code, any operation engaged in

LAND DISTURBING CONSTRUCTION ACTIVITIES INCLUDING CLEARING, GRADING, AND EXCAVATING ACTIVITIES WHICH WILL RESULT IN THE DISTURBANCE OF FIVE OR MORE ACRES

located in the State of Wisconsin, excluding initial coverage within Indian Country after September 30, 2001, and meeting the applicability criteria listed in Part I of this General Permit is permitted to discharge storm water directly to waters of the state (surface waters, groundwater and wetlands) in accordance with the terms and conditions of this permit.

Other direct and indirect waste discharge to waters of the state is prohibited unless covered by another WPDES permit.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment or decree.

Unless notified by the Department of Natural Resources to the contrary, the effective date of coverage under this permit is 14 working days after an applicant's Notice of Intent has been received by the Department of Natural Resources.

Coverage under this permit to discharge shall be terminated in accordance with Part II.H. of this general permit.

This permit to discharge storm water shall expire at midnight, March 31, 2006.

State of Wisconsin Department of Natural Resources
For the Secretary

By Roger L. Larson for
Al Shea,
Director, Bureau of Watershed Management

Date of Signature: 8/27/01

GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

LAND DISTURBING CONSTRUCTION ACTIVITIES INCLUDING CLEARING, GRADING, EXCAVATION ACTIVITIES WHICH WILL RESULT IN THE DISTURBANCE OF FIVE OR MORE ACRES

CONTENTS

Part I.	Applicability Criteria	3
Part II.	Notice of Intent and Termination Requirements	5
Part III.	Construction Site Erosion Control and Storm Water Management Plan	7
Part IV.	Effluent Limitations, Monitoring and Records Requirements	10
Part V.	Standard Requirements	12

PART I. APPLICABILITY CRITERIA.

A. Eligibility.

(1) Subject to the provisions of Part I.A.(3), I.A.(4) and I.B.(1) through (5), this general Wisconsin Pollutant Discharge Elimination System (WPDES) permit is applicable to all new and existing storm water discharges from land disturbing construction activity occurring after the effective date of this permit until the site undergoes final stabilization. Industrial, commercial, residential, and governmental construction activities eligible for coverage by this permit are those that involve clearing, grading, excavation and other land disturbing activities of five or more acres. This permit is applicable to discharges of pit/trench dewatering at these sites. Examples of some dewatering activities that may be regulated by this permit include dewatering of construction pits, sewer extension construction, pipe trenches, and other similar operations.

(2) This permit authorizes storm water discharges from land disturbing construction activities that are mixed with storm water discharges associated with industrial activity from industrial sources other than land disturbing construction activities provided that the storm water discharge from the other industrial activity is in compliance with the terms of all applicable WPDES permits authorizing such discharges.

(3) Storm water discharges associated with industrial activity that are subject to an existing WPDES permit or which are issued an individual WPDES construction site storm water discharge permit are not authorized by this permit.

(4) This general permit does not apply to construction sites otherwise eligible for this permit where the Wisconsin Department of Natural Resources (DNR) determines, pursuant to s. NR 216.53(3), Wis. Adm. Code, that coverage under an individual WPDES storm water discharge permit is more appropriate. The DNR may require individual permit coverage for storm water discharge from a construction site otherwise eligible for this permit if any of the following occur:

(a) The storm water discharge from a construction site is determined to be a significant source of pollution and more appropriately regulated by an individual WPDES storm water discharge permit;

(b) The storm water discharge from a construction site is not in compliance with the terms and conditions of this general permit or ch. NR 216, Wis. Adm. Code;

(c) A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants from the storm water discharge from the construction site; or

(d) Effluent limitations or standards are promulgated for a storm water discharge from the construction site different from the conditions contained in ch. 216, Wis. Adm. Code

B. Exclusions. The following are excluded from coverage under this permit:

(1) Storm water discharges from construction sites that are within Indian Country and are seeking initial coverage under this permit after September 30, 2001. Contact the DNR Northeast Regional office at (920) 492-5800 or the DNR Central office at (608) 267-7694 for non-Indian construction within Indian Country to determine if state permit coverage from the Department is required. Storm water discharges within Indian Country from non-tribal lands that have state coverage under this general storm water permit prior to September 30, 2001 may continue to be covered under this state general permit for purposes of state law.

(2) Storm water discharges from land disturbing construction activity that affect wetlands, unless the Department determines that the storm water discharges from land disturbing construction activity is in conformance with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

(3) Land disturbing construction activity and associated storm water discharges that affect endangered and threatened resources, unless the Department determines that the land disturbing construction activity and associated storm water discharges is in conformance with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats. and ch. NR 27, Wis. Adm. Code.

(4) Land disturbing construction activity and associated storm water discharges that affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the land disturbing construction activity and associated storm water discharges will not have an adverse effect on any historic property pursuant to s. 44.40 (3), Wis. Stats.

C. Authorization.

(1) A landowner planning a land disturbing construction activity of five or more acres must submit a completed Notice of Intent (NOI) to the DNR in accordance with the requirements of Part II of this permit to be authorized to discharge storm water under this permit.

(2) Only a landowner who submits an NOI in compliance with Part II of this permit is authorized to discharge storm water from a land disturbing construction activity of five or more acres under the terms and conditions of this permit. Except as provided in Part I.C.(3), I.C.(4) and I.C.(5), any landowner who intends to discharge storm water associated with a land disturbing construction activity that will disturb five or more acres must apply for coverage under this permit.

(3) Storm water discharges from commercial building sites which meet the requirements of ch. NR 216, Wis. Adm. Code, and are regulated by ch. Comm 50 or 65, Wis. Adm. Code, in a manner which is in compliance with NR 216 shall be deemed to hold a WPDES permit and shall be in compliance with this permit. The Department of Commerce (COMM) shall notify the DNR of projects covered under this section which shall constitute the NOI for these projects.

Note: Chapter COMM 65, Wis. Adm. Code has not yet been promulgated. However, the Department of Commerce is currently proceeding to promulgate this new code that will regulate storm water discharges from commercial building sites.

(4) Storm water discharges from projects administered by the Department of Transportation (DOT), regulated by ch. TRANS 401, Wis. Adm. Code, and subject to the DOT and the DNR's liaison cooperative agreement, if in compliance with TRANS 401 and the liaison cooperative agreement shall be deemed to be in compliance with s. 283.33, Wis. Stats., and the requirements of ch. NR 216, Wis. Adm. Code. The DOT shall notify the DNR of projects covered under this section which shall constitute the NOI for these projects.

(5) Storm water discharges from land disturbing construction sites which are regulated, reviewed and approved by other DNR programs and meet the requirements of ch. NR 216, Wis. Adm. Code, in a manner which is in compliance with NR 216 shall be deemed to be covered by this permit and shall comply with the conditions of this permit. The appropriate DNR program shall notify the Bureau of Watershed Management of projects covered under this section which shall constitute the NOI for these projects.

Note: Construction sites covered under this may include, but are not limited to, new landfill developments, sewer extensions, and wastewater treatment plants reviewed by the DNR.

D. More than One General Permit Can Apply. This permit may be issued to existing holders of general or individual WPDES permits, resulting in multiple WPDES permits for some sites. Facilities having other permits which do not regulate storm water discharges from land disturbing construction activities shall be subject to this permit when construction activities will disturb five or more acres of land at the site.

E. Transfers. A person who has submitted a completed NOI and does not intend to control the permitted activities on the site may transfer authorization under a general WPDES permit to the person who will control the permitted activities as authorized in s. NR 216.54, Wis. Adm. Code. The transfer shall occur upon written notification, signed by both parties, sent via certified or registered mail, to the DNR by the transferor or transferee. Unless the permittee is notified to the contrary by the DNR, the DNR will recognize this permit coverage transfer upon receipt of written notification. The DNR may require additional information to be filed prior to granting coverage under the general WPDES permit. The DNR may, if appropriate, require the submittal of an application for an individual WPDES storm water discharge permit.

PART II. NOTICE OF INTENT AND TERMINATION REQUIREMENTS

A. Deadlines for Notification.

(1) Persons required to obtain coverage under this permit for storm water discharge associated with land disturbing construction activities of five or more acres shall submit a completed NOI to the DNR, via certified or registered mail, in accordance with the requirements of ch. NR 216, Wis. Adm. Code. The DNR must receive the completed NOI in accordance with the requirements of this Part at least 14 working days prior to commencing any land disturbing construction activities. The Department may withhold permit coverage beyond 14 working days in order to request additional information or to review project compliance with erosion control, wetland protection, endangered and threatened resources or historic property requirements. A NOI shall be submitted on forms supplied by the DNR. Data submitted in the NOI forms shall be used as the basis for issuing WPDES storm water discharge permits. Different NOI forms are used to provide information from different sources of storm water discharge.

(2) NOI forms may be obtained from DNR regional offices or by writing to the Wisconsin DNR, Storm Water Program – WT/2, Box 7921, Madison, Wisconsin 53707-7921.

(3) An application fee of $200 shall be paid to the DNR with the NOI, excluding notices filed by COMM or DOT projects. Construction projects receiving erosion control plan review and inspection by a county, city, village or town with an ordinance in effect prior to January 1, 1994, that establishes standards for erosion control at commercial building sites are exempt from the $200 permit application fee.

(4) The NOI form shall be signed in accordance with Part V.O.

B. Application Retention. The NOI will constitute the information necessary for a determination to be made for coverage under this permit. A copy of the NOI or other indication that storm water discharges from the site are covered under a general WPDES permit shall be kept with the building plans on the construction site and with the landowner. Where appropriate, other indicators such as notification under chs. Comm 50 or TRANS 401, Wis. Adm. Code, may be used in lieu of the DNR's NOI.

C. Failure to Notify. Persons who fail to notify DNR of their intent to be covered under this permit, and who discharge storm water runoff to waters of the State associated with land disturbing construction activities of five or more acres, are in violation of ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code and the federal Clean Water Act (CWA).

D. Incomplete Notice of Intent. Within 14 working days after the date the DNR receives the NOI, the DNR may require an applicant to submit data necessary to complete any deficient NOI or may require the applicant to submit a complete new NOI when the deficiencies are extensive or the appropriate form has not been used.

E. Date Coverage Effective. Unless notified by the DNR to the contrary, applicants who submit a NOI in accordance with the provisions of ch. NR 216, Wis. Adm. Code, are authorized to discharge storm water from land disturbing construction sites under the terms and conditions of this permit 14 working days after the date the DNR receives the NOI. The DNR may require the landowner to submit plans and specifications for approval of storm water treatment practices, pursuant to s. 281.41, Wis. Stats. The DNR may deny coverage under this permit and require submittal of an application for an individual WPDES permit based on a review of the completed NOI or other information.

F. Where to Submit. The NOI for coverage under this permit shall be mailed via certified or registered mail to the appropriate regional DNR office or to the following address:

Wisconsin DNR
Storm Water Program – WT/2
P.O. Box 7921
Madison, WI 53707-7921

G. Use of Information. All information contained in the NOI other than that specified as confidential shall be available to the public for inspection and copying. All confidential information, so identified, shall be in separate documents. Effluent data is not confidential information. Confidential treatment will be considered only for information identified in documents separate from nonconfidential information which meets the requirements of s. 283.55(2)(c), Wis. Stats., and for which written application for confidentiality has been made pursuant to s. NR 2.19, Wis. Adm. Code.

H. Notice of Termination.

(1) When a construction site has undergone final stabilization and all land disturbing construction activities that required coverage under this permit have ceased, the permittee shall submit a signed notice of termination to the DNR within 45 days.

(2) The notice of termination shall be submitted on forms supplied by the DNR. Data submitted in the notice of termination forms shall be used as the basis for terminating coverage of this permit. Different notice of termination forms are used to provide information from different sources of storm water discharge.

(3) Notice of termination forms may be obtained from the DNR regional offices or by writing to the DNR, Storm Water Program – WT/2, Box 7921, Madison, WI 53707-7921.

(4) The notice of termination shall be mail to the appropriate regional DNR office or to the following address:

Wisconsin DNR
Storm Water Program - WT/2

P.O. Box 7921
Madison, WI 53707-7921

(5) Notice of termination forms shall be signed in accordance with Part V.O.

(6) Termination of coverage under this permit shall be effective upon DNR's submittal of written confirmation of final stabilization to the permittee.

PART III. CONSTRUCTION SITE EROSION CONTROL AND STORM WATER MANAGEMENT PLAN

A. Erosion Control Plan Requirements.

(1) The permittee shall develop a construction site erosion control plan for each site covered by ch. NR 216, Wis. Adm. Code, and shall perform all activities required by the plan and shall maintain compliance with the plan thereafter. The construction site erosion control plan shall address pollution caused by soil erosion and sedimentation during construction, and up to final stabilization of the site. The construction site erosion control plan shall be prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the Wisconsin Construction Site Best Management Practice Handbook (WDNR Pub. WR-222 November 1993 Revision).

(2) The Wisconsin Construction Site Best Management Practice Handbook (WDNR Pub. WR-222 November 1993 Revision) contains limitations on suitable conditions where best management practices can be applied. Tributary area limitations on the use of practices for trapping sediment in channelized flow conflict with the practices suggested in the January 7, 1987 version of the State Model Construction Site Erosion Control Ordinance. Where this occurs, the specifications contained in the Wisconsin Construction Site Best Management Practice Handbook shall take precedence over erosion and other pollutant control requirements contained in the State Model Construction Site Erosion Control Ordinance.

Note: The Wisconsin Construction Site Best Management Practice Handbook is available through Document Sales, 202 S. Thornton Ave., Madison, Wisconsin 53707. To order please call (608) 266-3358 or 1-800-362-7253.]

(3) The plan shall be completed prior to the submittal of a NOI for covered under this permit and shall be updated in accordance with Part III.C. as appropriate.

(4) The construction site erosion control plan shall include, at a minimum, the following items:
(a) Description of the site and the nature of the construction activity;
(b) Description of the intended sequence of major activities which disturb soils for major portions of the site, such as grubbing, excavating, or grading;
(c) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities;
(d) Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed;
(e) Existing data describing the surface soil as well as subsoil, from Natural Resources Conservation Service (NRCS) information;
(f) Depth to groundwater, as indicated by the NRCS soil information where available, except when permanent infiltration systems are used the depth to groundwater shall be identified as outlined in Part III.A.(5) below; and

(g) Name of immediate named receiving water from the United States Geological Survey 7.5-minute series topographic maps or other appropriate source.

(5) When permanent infiltration systems are used, appropriate on-site testing shall be conducted to determine if seasonal high water is within five feet of the bottom of the proposed practice. If permanent infiltration structures are to be used and there is a municipal well within 400 feet or a non-public well within 100 feet, the groundwater flow must be identified in accordance with the provisions specified in either chs. NR 110 or 214, Wis. Adm. Code. [Note: Chapters NR 811 and 812 require minimum separation distances for infiltration systems, storm sewer systems and storm water ponds relative to wells.]

(6) The construction site erosion control plan shall include a site map with the following items:
(a) Existing topography and drainage patterns, roads and surface waters;
(b) Boundaries of the construction site;
(c) Drainage patterns and approximate slopes anticipated after major grading activities;
(d) Areas of soil disturbance;
(e) Location of major structural and non-structural controls identified in the plan;
(f) Location of areas where stabilization practices will be employed;
(g) Areas which will be vegetated following construction; and
(h) Wetlands, area extent of wetland acreage on the site, and locations where storm water is discharged to a surface water or wetland.

(7) The construction site erosion control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity identified in the NOI and the timing during the construction process that the measures will be implemented. The description of erosion controls shall consider the following minimum requirements:
(a) Description of interim and permanent stabilization practices, including a schedule for implementing the practices. Site plans shall ensure existing vegetation is preserved where attainable and disturbed portions of the site are stabilized;
(b) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing, structural measures shall be installed on upland soils;
(c) Management of overland flow at all sites, unless otherwise controlled by outfall controls;
(d) Trapping of sediment in channelized flow;
(e) Staging construction to limit bare areas subject to erosion;
(f) Protection of downslope drainage inlets where they occur;
(g) Minimization of tracking at all sites;
(h) Clean up of off-site sediment deposits;
(i) Proper disposal of building and waste material at all sites;
(j) Stabilization of drainage ways;
(k) Installation of permanent stabilization practices as soon as possible after final grading; and
(l) Minimization of dust to the maximum extent practicable.

(8) No solid materials, including building materials, may be discharged in violation of chs. 30 and 31, Wis. Stats., or U.S. Army Corps of Engineers Section 404 permit requirements.

(9) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

(10) The DNR may, upon request of a permittee or upon finding of just cause, grant modifications to the compliance and reporting schedules or any requirements of this permit.

(11) Runoff settling basins and pit/trench dewatering settling basins, if used, shall be constructed in accordance with the practices found in the Wisconsin Construction Site Best Management Practice Handbook, and as follows:

(a) Basins shall discharge to a vegetated or otherwise stabilized area protected from erosion. A principal spillway outlet pipe shall discharge at the bottom of the embankment.

(b) When the sediment reaches the elevation of the sediment storage and permanent pool elevation, basins shall be cleaned out. Materials removed from basins shall not be disposed of in a manner that could pollute waters of the state.

(c) Basins should be surrounded by fences.

(12) All maintenance shall be in accordance with established guidelines. Where measures are not in accordance with guidelines, a description of the procedures to maintain effective operating conditions of vegetation, erosion and sediment control measures and other protective measures shall be identified in the plan.

(13) The construction site erosion control plan shall clearly identify the contractor(s) and subcontractor(s) that will install and maintain erosion control and storm water management measures. This information may be added to the plan after the NOI has been submitted to DNR. It must be included in the plan prior to the commencement of land disturbing construction activities.

B. Storm Water Management Plan Requirements.

(1) Pollution caused by storm water discharges from the site after construction is completed, including, but not limited to, rooftops, parking lots, roadways and the maintenance of grassed areas shall be addressed by a storm water management plan. Inclusion in the plan of post construction management shall not bind either future owners of the property nor municipalities to implement the management practices. A storm water management plan is not required for projects that do not alter runoff volumes or runoff quality from existing conditions and that do not include new development.

(2) The storm water management plan shall include a description of the management practices that will be installed during the construction process to control peak flow, pollutants and runoff volume that will occur after construction operations have been completed. Storm water management practices shall be in accordance with applicable state and local regulations. To the extent feasible, the plan shall consider efforts to increase on-site infiltration through conveyance, depression storage and reduction of impervious area, consistent with any state or local development standards.

(3) For any permanent structures, provisions shall be made for long-term maintenance. Long-term maintenance provisions for storm water management structures should be made with the local municipality. If the local municipality agrees to take over long-term maintenance responsibilities, a copy of the agreement shall be attached to the notice of termination. If the local municipality will not make such an agreement, alternative provisions that will be made for long-term maintenance of storm water management structures shall be identified, and a copy of the document mechanism by which it shall be enacted attached to the notice of termination.

(4) The storm water management plan shall include a description of practices to control impacts from runoff volume and pollutants. These may include, but are not limited to: infiltration systems, flow attenuation, constructed wetlands, temporary or permanent ponds, combinations of these practices, or other methods which do not cause significant adverse impact on the receiving surface water or

groundwater. The plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

Note: To assist with a storm water management plan the UW-Extension published The Wisconsin Storm Water Manual. Part 1 of this manual of this manual gives an overview of storm water planning, storm water legal issues, pollution prevention and best management practices. The second part of this manual, is an elaboration of the technical design guidelines for storm water management practices, including sections on hydrology; infiltration basins and trenched; wet detention basins; and artificial wetland storm water management. To order a copy of The Wisconsin Storm Water Manual (publication number G-3691-P) contact the University of Wisconsin Extension at (608) 262-3346 or toll free at (877) 947-7827. The cost of this manual is currently $15.00 plus shipping and handling and orders may be made via credit card.

C. Amendments.

(1) The permittee shall amend the erosion control and storm water management plan whenever:
(a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan; and
(b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site storm water runoff.

(2) Upon request of the DNR and unless otherwise specified, amendments to the plan shall be submitted to the DNR by the permittee via certified or return receipt requested mail, within five days of the date the permittee identifies the need for a change or the DNR notifies the permittee that a change is required. The DNR may extend this time frame as is needed and is reasonable.

PART IV. EFFLUENT LIMITATIONS, MONITORING AND RECORDS REQUIREMENTS

A. Effluent Limitations. This permit does not establish water quality-based effluent limitations. Neither the United States Environmental Protection Agency nor the DNR have established specific effluent limitations for storm water discharges associated with construction activity. Therefore, this permit establishes performance standards associated with the Best Available Technology (BAT) for erosion and sediment control and storm water management. Compliance with the provisions cited in Parts II and III of this permit will constitute compliance with effluent limitations for storm water discharges associated with construction activity.

B. Monitoring.

(1) For the purposes of monitoring, the permittee shall:
(a) Conduct the following inspections:
1. Weekly inspections of implemented erosion and sediment controls; and
2. Inspections of erosion and sediment controls within 24 hours after a precipitation event 0.5 inches or greater which results in runoff during active construction periods.
(b) Maintain weekly written reports of all inspections conducted by or for the permittee that include:
1. The date, time and exact place of the inspection;
2. The name of the individual who performed the inspection;
3. An assessment of the condition of erosion and sediment controls;
4. A description of any erosion and sediment control implementation and maintenance performed; and

5. A description of the present phase of construction at the site.

(2) The information maintained in accordance with Part IV.B.(1) above, upon request of the DNR, shall be submitted to the appropriate DNR office as directed.

C. Records.

(1) The permittee shall retain records of all monitoring information, copies of all reports and plans required by this permit, and records of all data used to obtain coverage under this permit. Minimum periods of retention are as follows:

(a) The construction site erosion control and storm water management plan, and amendments to the construction site erosion control and storm water management plan shall be retained at the site until construction is completed, the site has undergone final stabilization and permit coverage is terminated.

(b) All reports required by ch. NR 216, Wis. Adm. Code, or information submitted to obtain coverage under NR 216, including the construction site erosion control and storm water management plan, amendments, and background information used in their preparation, shall be kept by the permittee for a period of at least three years from the date of notice of termination.

(2) Persons operating a construction site under approved local sediment and erosion plans, grading plans, or storm water management plans shall submit signed copies of the NOI to the local agency approving the plans. If storm water from the construction site discharges to a separate storm sewer system that is operating pursuant to a general WPDES permit, then a signed copy of the NOI shall also be sent to the operator of the system.

(3) Upon request by the DNR the permittee shall provide a copy of the plan, and any additional data requested, within five working days to the DNR, to the operator of the storm sewer system which receives the discharge, and any local agency approving sediment and erosion plans, grading plans or storm water management plans. The additional information shall be submitted in accordance with s. NR 200.09, Wis. Adm. Code. Additional information may be requested by the DNR for resource waters that require additional protection such as outstanding or exceptional resource waters, or other sensitive water resources.

D. Conformance with Other Applicable Plans.

(1) The plan shall document other applicable county and local regulatory provisions, compliance with which meet the requirements of this permit. If these additional provisions are more stringent than those provisions appearing in this permit issued pursuant to ch. NR 216, Wis. Adm. Code, the plan shall include a description of how it will comply with these provisions.

(2) The plan shall ensure and demonstrate compliance with applicable state and local waste disposal, sanitary sewer or septic system regulations.

E. Department Actions.

(1) The DNR may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of ch. NR 216, Wis. Adm. Code, or a permit issued pursuant to NR 216, for reducing and preventing soil erosion. The notification shall identify those provisions which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements. Within the time frame identified by the DNR in its notice, the permittee shall

make the required changes to the plan, perform all actions required by the revised plan, and submit to the DNR a written certification that the requested changes have been made and implemented, and such other information as the DNR requires. Failure to comply shall terminate authorization to discharge pollutants under this permit.

(2) The DNR may require the landowner of any storm water discharge to apply for and obtain a storm water permit if the storm water discharge is determined to be a significant contributor of pollution.

(3) The DNR shall withdraw a construction site from coverage under this permit and issue an individual WPDES permit upon written request of the discharger. The WPDES general permit authorizing storm water discharges from construction sites remains in effect until the DNR acts on such a request and issues a specific individual WPDES permit. Storm water discharges from a construction site are not authorized until issuance of a specific WPDES permit.

(4) The DNR may deny coverage under a general WPDES permit and require submittal of an application for an individual WPDES storm water discharge permit based on a review of the completed NOI or other information.

(5) The DNR may require the landowner of any storm water discharge covered by a general WPDES permit issued pursuant to ch. NR 216, Wis. Adm. Code, to apply for and obtain an individual WPDES storm water discharge permit if any of the following occur:

(a) The storm water discharge is determined to be a significant source of pollution and more appropriately regulated by an individual WPDES storm water discharge permit;

(b) The storm water discharge is not in compliance with the terms and conditions of this permit, or of a general WPDES permit issued pursuant to NR 216;

(c) A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants from the storm water discharge; or

(d) Effluent limitations or standards are promulgated for a storm water discharge that is different than the conditions contained in NR 216.

(6) Any person may submit a written request to the DNR that it take action under Part IV.E.(5) above.

PART V. STANDARD REQUIREMENTS.

A. NR 205, Wis. Adm. Code. The requirements in ss. NR 205.07(1) and (3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these referenced requirements, except for s. NR 205.07(1)(n), which does not apply to facilities covered under General Permits. Selected s. NR 205.07 requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in this Standard Requirements section can be found in s. NR 205.07(1) or (3), Wis. Adm. Code.

B. Non-storm Water Discharges. All discharges authorized by this permit shall be composed entirely of storm water associated with land disturbing construction activity, as defined in ch. NR 216, Wis. Adm. Code, or storm water and/or groundwater from excavations and/or pit dewatering.

C. Work near Surface Waters and Wetlands. Any work performed in wetland areas or within areas subject to local floodplain and shoreland regulations must conform to all applicable county and/or local ordinances. All applicable state permits and/or contracts required by Chapters 30, 31, and 87, Stats. (or Wisconsin Administrative Code adopted under these laws, including ch. NR 103), and applicable federal permits must be obtained as necessary.

D. Work near Wells. Adequate separation distances from wells shall be maintained for storm water ponds, storm sewers, and infiltration structures as necessary in accordance with chs. NR 811 and 812.

E. Duty to Comply. Any act of noncompliance with this permit is a violation of this permit and is grounds for enforcement action or withdrawal of permit coverage under this permit and issuance of an individual permit. If the permittee files a request for an individual WPDES permit or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

F. Continuation of the Expired General Permit. The Department's goal is to reissue this general permit prior to its expiration date. However, if that does not occur, s. NR 205.08(9), Wis. Adm. Code, specifies that an application for reissuance of the permit will be considered to have been submitted for all of the dischargers in the class or category covered by this general permit. The class application for general permit reissuance allows the conditions and requirements of the expired permit to remain in effect until the permit is reissued or revoked.

G. Duty to halt or reduce activity. Upon failure or impairment of best management practices identified in the construction site erosion control and storm water management plan, the permittee shall, to the extent deemed necessary by the DNR to maintain compliance with this permit, modify or curtail operations until the best management practices are restored or an alternative method of erosion and storm water control is provided.

H. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in plans approved in accordance with the provisions cited in Part III, the permittee shall promptly submit such facts or information to the DNR or the appropriate plan review authority.

I. Permit actions. As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing this permit may be modified or revoked and reissued for cause.

J. Modifications to Permit Requirements. The DNR may, upon request of a permittee and/or upon finding of just cause, grant modifications to the compliance and reporting schedules or any requirements of this permit. If the Department took this step at its discretion, it would change this general permit following required public noticing and the change would apply to all dischargers covered under this permit.

K. Continuation of Coverage under this General Permit. Coverage under this general permit shall remain in effect until the NOI and plans approved in accordance with the provisions cited in Parts II and III have expired. Renewal of expired plans shall be in accordance with the procedures established in the provisions cited in Part III above. Such renewal shall constitute continuing coverage under this permit.

L. Duty to Minimize. The permittee shall take all reasonable steps to minimize or prevent any adverse impacts on the waters of the state resulting from non-compliance with this permit.

M. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with this permit and the construction site erosion control and storm water management plan. Proper operation and maintenance includes effective performance, adequate funding,

adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of this permit.

N. Duty to Provide Information. The permittee shall furnish to the DNR within a reasonable time, any information that the DNR may request to determine whether cause exists for modifying, revoking, or reissuing this permit or to determine compliance with this permit. The permittee shall also furnish to the DNR, upon request, copies of records or reports required to be kept by the permittee.

O. Certification and Signature Requirements. The NOI for coverage under this permit, the notice of termination, and all reports or information submitted to the DNR as required by this permit shall be signed by the permittee as follows:

(1) for a corporation, by a responsible corporate officer including president, secretary, treasurer, vice president, manager, or a duly authorized representative having overall responsibility for the operation covered by this permit;

(2) for a unit of government, by a ranking elected official or other duly authorized representative;

(3) for a limited liability company, by a manager; or

(4) for a partnership, by a general partner; and for a sole proprietorship, by the proprietor.

P. Liabilities under Other Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA, any applicable State law, or regulation under authority preserved by section 510 of the CWA.

Q. Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege. This permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

R. Severability. The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid the remainder of this permit shall not be affected thereby.

S. Transfers. Coverage under this permit is not transferable to any person except after notice to the DNR in accordance with Part I.E. above.

T. Inspection and Entry. Upon the presentation of credentials, the permittee shall allow an authorized representative of the DNR to:

(1) enter upon the permittee's premises where a regulated permittee or activity is located or conducted, or when records are required under the conditions of this permit;

(2) have access to and copy, at reasonable times, any records required under the conditions of this permit;

(3) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit;

(4) to sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters in storm water at any location.

U. Toxic Pollutants. In accordance with s. NR 102.12 Wis. Adm. Code, this permit requires that new and increased discharges as defined in ch. NR 207, Wis. Adm. Code, of persistent, bioaccumulating toxic substances to the Great Lakes waters or their tributaries, be limited to the maximum extent practicable when such discharges result from the contamination of storm water by contact with raw materials, products, by-products or wastes used by the permittee.

V. Spill Reporting. The permittee shall immediately notify the Department in accordance with ch. NR 706 (formerly NR 158), Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state, unless the spill or release of pollutants has been immediately reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code.

W. Submitting Records. Unless otherwise specified, any reports submitted to the DNR in accordance with Part V of this permit shall be submitted to the DNR office identified in the attached cover letter.

X. Notification of Noncompliance. Reports of noncompliance with requirements contained in any compliance schedule of this permit shall be submitted to the DNR in writing within 14 days of the permittee becoming aware of the noncompliance. Any report of noncompliance shall include: a description of the noncompliance; its cause; the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and the effect of the noncompliance on the permittees ability to meet remaining schedules.

Y. Enforcement. Any violation of s. 283.33, Wis. Stats., ch. NR 216, Wis. Adm. Code, or this permit is enforceable under s. 283.89, Wis. Stats.

LAND DISTURBING CONSTRUCTION ACTIVITIES INCLUDING CLEARING, GRADING, AND EXCAVATING ACTIVITIES WHICH WILL RESULT IN THE DISTURBANCE OF FIVE OR MORE ACRES PERMIT TO DISCHARGE STORM WATER

Facts Sheet
WPDES Permit No. WI-S067831-2
August 2001

SUMMARY

Landowners of construction sites that will disturb five or more acres of land must apply for and obtain a construction site storm water discharge permit. This permit requires landowners of regulated construction sites to develop and implement a construction site erosion control and storm water management plan, and conduct visual inspections to assure the plan is effective. The plan must be prepared in accordance to the design criteria, standards and specifications outlined in the Wisconsin Construction Site Best Management Practices Handbook (WDNR Pub. WR-222 November 1993 Revision). This briefing memo provides information regarding the construction site storm water discharge permit.

BACKGROUND

Department of Natural Resources' Authority to Issue Permits

The Federal Water Pollution Control Act of 1972 (Public Law 92-500), also known as the Clean Water Act, requires that all point sources discharging pollutants to waters of the state be covered by a wastewater discharge permit. These permits specify the conditions under which wastewaters can be discharged so that water quality standards for receiving waters are met.

In November 1990, the United States Environmental Protection Agency (USEPA) issued final regulations that required National Pollutant Discharge Elimination System (NPDES) permits for storm water discharges associated with industrial activity. These regulations require permits for storm water discharges associated with eleven categories of industrial activities and municipal separate storm sewer systems. The federal regulation 40 CFR 122.26(b)(14)(x) identifies construction activity, including grading, clearing, and excavating, as one of the categories of facilities engaging in industrial activity. Planned construction activity for an area disturbing five or more acres which is ongoing as of October 1, 1992, and new construction activity started after October 1, 1992, are required to be covered by a permit to be in compliance with the federal Water Quality Act of 1987, which amends the Clean Water Act.

In 1976, the USEPA delegated the authority for issuing NPDES permits to the Wisconsin Department of Natural Resources (DNR). The DNR exercises its permitting authority through the Wisconsin Pollutant Discharge Elimination System (WPDES), authorized under Chapter 283, Wis. Stats. Wastewater permits issued by the state are also federal permits, and must have the approval of the USEPA.

The State of Wisconsin has the authority to issue two types of permits for the discharge of pollutants to waters of the state: 1) individual WPDES permits and 2) general WPDES permits. The DNR issues individual WPDES permits when the interaction between pollutant discharges and water quality is complex. These permits require careful scrutiny and must be tailored to the specific conditions of the discharge site. The DNR issues general WPDES permits to broad classes of dischargers where environmental protection can be achieved through a set of general provisions that apply to all dischargers in an industrial category. The state currently has approximately 20 general permits that cover discharges

from over 4000 industrial facilities. Most of these industrial facilities are permitted to authorize discharges of storm water.

DNR's Existing Efforts to Control Storm Water Discharges

The DNR has been using its regulatory authority in several program areas to control selected discharges of contaminated storm water. For example, the DNR requires some type of storm water controls through landfill, hazardous waste, and metallic mine licensing activities. The DNR also has the authority through federally promulgated effluent limitations to regulate storm water discharge quality for eight categories of industry (cement manufacturing, feedlots, petroleum refining, phosphate manufacturing, steam electric, coal mining, ore mining and dressing, and mineral mining and processing). Some of these effluent limitations are imposed through general permits, and some are imposed through individual permits. In addition, the DNR also has regulated, through other WPDES permits, the discharge of storm water contaminated with petroleum products.

The USEPA has finalized rules containing the NPDES General Storm Water Permit language. The rules were published in the Wednesday, September 9, 1992, Federal Register. Although the federal general storm water permit is not directly applicable to Wisconsin, provisions of the permit are being considered as Best Available Technology (BAT) and Best Conventional Technology (BCT) for storm water management. Since the Clean Water Act amendments require that storm water discharges meet BAT/BCT, the federal permit has important implications for states like Wisconsin which develop their own permits.

All dischargers submitting a completed DNR Notice of Intent (Form 3400-161) will be considered for coverage under the general construction site storm water discharge permit. (Industrial facility site storm water runoff will be covered under separate general permits). This general permit will be applicable to all eligible construction site storm water discharges, except initial discharges within Indian Country after September 30, 2001. This permit shall not be used to provide initial permit coverage to a storm water discharge within Indian Country after September 30, 2001. Contact the DNR Northeast Regional office at (920) 492-5800 or the DNR Central office at (608) 267-7694 for non-Indian discharges within Indian Country to determine if state permit coverage from the Department is required. Storm water discharges within Indian Country from non-tribal lands that have state coverage under this general storm water permit prior to September 30, 2001 may continue to be covered under this state general permit for purposes of state law.

WISCONSIN'S GENERAL CONSTRUCTION SITE STORM WATER EROSION CONTROL PERMIT

Purpose and Nature of the General Permit

The purpose of this permit is to define the conditions under which storm water associated with land disturbing construction site activity can be discharged so that waters of the state (including surface waters, groundwater, and wetlands) will be protected. This permit, in association with a separate permit that covers industrial facilities, is intended to meet the minimum permitting requirements for storm water associated with industrial activity as established by ch. NR 216, Wis. Adm. Code, and for states delegated by the USEPA in 40 CFR Part 122.

This permit will be issued by the DNR, and subsequently used to cover eligible construction site stormwater discharges. Unless notified by the DNR to the contrary, persons who submit a completed Notice of Intent (NOI) to the DNR are authorized to discharge storm water associated with land disturbing construction activity under the terms and conditions of this permit 14 working days after the

date the DNR receives the NOI. In summary, this permit requires the permittee to perform the following activities at regulated sites:

1. Develop construction site erosion control and storm water management plans designed to *prevent* storm water from becoming contaminated,

2. Implement construction site erosion control and storm water management plans, and

3. Conduct visual site inspections to assure plans are effective.

Several technical support documents are available to assist permittees. The DNR has developed a document entitled Wisconsin Construction Site Best Management Practice Handbook (WDNR Pub. WR-222 Nov. 1993 Revision). This document is meant to provide guidance in selecting best management practices for controlling storm water pollutants from regulated sites. In addition, the USEPA has developed a document for construction activities entitled "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices." (EPA 832-R-92-005 November 1993 Revision). This document provides detailed guidance on the development of construction site erosion control and storm water management plans and identification of appropriate best management practices for construction activity. It provides technical assistance and support for all requirements established under the NPDES permits for storm water point source discharges.

GENERAL PERMIT STRUCTURE

This general permit for construction activity is organized as follows:

Part I:	Applicability Criteria
Part II:	Notice of Intent and Termination Requirements
Part III:	Construction Site Erosion Control and Storm Water Management Plan
Part IV:	Effluent Limitations, Monitoring and Records Requirements
Part V:	General Permit Conditions

CHANGES FROM PREVIOUS PERMIT REISSUANCE

The applicability of this permit in Part I.B. was changed as follows:

1. After September 30, 2001, this permit may not authorize the discharge of storm water discharges within Indian Country.
2. Storm water discharges must be in conformance with wetland water quality standards within ch. NR 103, Wis. Adm. Code.
3. Storm water discharges must be in conformance with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats. and ch. NR 27, Wis. Adm. Code.
4. Storm water discharges that may affect any historic property will need to comply with the historic property requirements pursuant to s. 44.40 (3), Wis. Stats.

The substantive content of specific sections of the permit is discussed below.

PART I. APPLICABILITY CRITERIA

A. Eligibility. The applicability criteria, as found in ch. NR 216, Wis. Adm. Code, has been clarified to specify which storm water discharges may be authorized under this general permit. The landowner of any disturbing construction activity, including clearing, grading and excavation, that results in the

disturbance of five or more acres of total land area, including areas that are part of a larger common plan of development or sale, is required to obtain a WPDES construction site storm water discharge permit. The 5-acre demarcation refers to amount of land disturbed by construction activities. Pit/trench dewatering on these sites is also permitted under this general permit.

Due to a Memorandum of Agreement between the State of Wisconsin and the Oneida Tribe of Indians of Wisconsin, signed on May 8, 1998, this general permit will not apply to storm water discharges from construction sites within the boundaries of the Oneida Indian Reservation that are seeking initial coverage under the permit after September 30, 2001. A specific permit shall be required within the boundaries of the Oneida Indian Reservation for initial coverage of storm water discharges from construction sites.

This permit states what types of storm water discharges are exempted and prohibited. Agriculture and silviculture activities are exempted. This permit also explicitly states that discharges not covered by this general permit may require authorization by another general permit or by a permit individually drafted for the discharge. Land disturbing construction sites violating conditions of this permit may be subject to enforcement action.

B. Authorization. A completed NOI must be submitted to the DNR in accordance with the requirements of Part II of this general permit for a site to be considered under this permit. The NOI is to be submitted by the landowner.

Through a Memorandum of Understanding with the Department of Commerce (COMM), construction site projects regulated by Comm 50 through 64 will not be required to obtain coverage under this permit. Most commercial building projects will be covered by this agreement. COMM will notify the DNR of projects covered under this exemption and this notification will constitute the notice of intent for these projects. This procedure should eliminate duplication of erosion and sediment control responsibilities between state agencies. The DNR has completed a similar agreement for Department of Transportation projects.

C. More than One Permit Can Apply. Each of DNR's general permits is specific to a *type* of wastewater discharge. Application of this construction site erosion control permit to a site that already has another general permit would be routine DNR procedure. When a site has more than one type of wastewater discharge, more than one permit is required to assure adequate environmental protection. If an industrial activity eligible for general permitting and a construction activity occur at a common site (for example, construction activity at a steam electric power station), compliance with the terms and conditions of two general permits is required (one for the construction activity and one for the industrial activity).

D. Transfers. This is a standard permit provision allowing transfer of the permit from the landowner to the person controlling the land disturbing construction activities. Such a transfer is allowable under existing state law.

PART II. NOTICE OF INTENT AND TERMINATION REQUIREMENTS

A. Deadlines for Notification. As stated in ch. NR 216, NOIs to be considered for coverage under this general permit must be received by the DNR 14 working days prior to the commencement of land disturbing construction activities that will result in the disturbance of five or more acres of land. The Department may withhold permit coverage beyond 14 working days in order to request additional information or to review project compliance with erosion control, wetland protection, endangered and threatened resources or historic property requirements. Use DNR Form 3400-161 unless directed otherwise by the DNR.

B. Application Retention. This section requires that a discharger submit information to the DNR (as a NOI to seek coverage under this permit) so that the DNR can determine whether or not coverage under this general permit is appropriate. These notification requirements are authorized by ch. NR 216, Wis. Adm. Code, and 40 CFR Part 122.28, and the information requested meets minimum federal requirements for NOIs.

C. Failure to Notify. Persons who fail to notify the DNR of their intent to be covered under this permit by not filing a completed NOI are in violation of ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and the federal Clean Water Act, and may be subject to enforcement action.

D. Incomplete Notice of Intent. This section specifies that the DNR must notify the applicant of any deficiencies in the NOI or request a new NOI no later than 14 working days after the date the DNR receives the NOI.

E. Date Coverage Effective. Unless notified by the DNR to the contrary, applicants who submit a completed application in accordance with the provisions of this permit are authorized to discharge storm water from construction sites under the terms and conditions of this permit 14 working days after the date the application is received by the DNR. Applicants who have completed and submitted a NOI to the DNR and have not received a reply from the DNR 14 working days after the DNR received the NOI are also authorized to discharge storm water from construction sites under the terms and conditions of the general permit.

F. Where to Submit. NOIs shall be mailed to the appropriate DNR regional office or to the following address: Wisconsin DNR, Storm Water Program – WT/2, P.O. Box 7921, Madison, WI 53707-7921.

G. Use of Information. Confidential information must be identified and placed in separate documents. All other information in the NOI will be available to the public for inspection and copying.

H. Notice of Termination. When a construction site has undergone final stabilization and all land disturbing activities requiring coverage under the general permit have ceased, the permittee shall submit to the DNR, within 45 days, a signed Notice of Termination (DNR Form 3400-162). Final stabilization is defined as occurring when all soil disturbing activities are completed and uniform perennial vegetative cover with a density of at least 70 percent for the unpaved areas and areas not covered by permanent structures has been established or equivalent stabilization measures have been employed. Termination of coverage under this permit is effective upon the permittee's receipt of written confirmation from the DNR.

PART III. Construction Site Erosion Control and Storm Water Management Plans

A. Erosion Control Plan Requirements. This section discusses what to include in the construction site erosion control plan that is to be developed and implemented for each site covered by this permit. The construction site erosion control plan shall address pollution caused by soil erosion and sedimentation during construction, and up to final stabilization of the site. Each plan shall include a description of appropriate controls and measures performed at the site to prevent pollutants reaching waters of the state. The plan shall clearly describe appropriate control measures for each major activity identified in the NOI and the schedule during the construction process that the measures will be implemented. The construction site erosion control plan shall be prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the Wisconsin Construction Site Best Management Practice Handbook (WDNR Pub. WR-222, November, 1993 Revision). The plan shall be completed prior to the submittal of the NOI and shall be updated as appropriate.

The Wisconsin Construction Site Best Management Practice Handbook contains limitations on suitable conditions for the application of best management practices. Tributary area limitations on the use of practices for trapping sediment in channelized flow conflict with the practices suggested in the January 7, 1987 version of the State Model Construction Site Erosion Control Ordinance. Where this occurs, the specifications contained in the Wisconsin Construction Site Best Management Practice Handbook shall take precedence over erosion and other pollutant control requirements contained in the State Model Construction Site Erosion Control Ordinance.

When permanent infiltration systems are used, appropriate on-site testing shall be conducted to determine if seasonal high water is within 5 feet of the bottom of the proposed practice. If permanent infiltration structures are to be used and there is a municipal well within 400 feet or a non-public well within 100 feet, the groundwater flow must be identified in accordance with the provisions specified in either Chs. NR 110 or 214, Wis. Adm. Code. [Note: Chs. NR 811 and 812 require minimum separation distances for infiltration systems, storm sewer systems and storm water ponds relative to ground water wells.]

Maintenance shall be in accordance with established guidelines. Where measures are not in accordance with guidelines, a description of the procedures to maintain in good and effective operating conditions, vegetation, erosion and sediment control measures, and other protective measures, shall be identified in the site plan.

B. Storm Water Management Plan Requirements. Pollution caused by storm water discharges from the site after construction is completed, including, but not limited to, rooftops, parking lots, roadways, and the maintenance of grassed areas shall be addressed by a storm water management plan. This portion of the permit discusses what management practices should be installed during the construction process to control peak flow, pollutants, and runoff volume that will occur after construction operations have been completed. Storm water management practices shall be in accordance with applicable state and local regulations. To the extent feasible, the plan shall consider efforts to increase on-site infiltration through conveyance, depression storage, and reduction of impervious area consistent with state or local development standards.

To assist with a storm water management plan the UW-Extension published The Wisconsin Storm Water Manual. Part 1 of this manual of this manual gives an overview of storm water planning, storm water legal issues, pollution prevention and best management practices. The second part of this manual, is an elaboration of the technical design guidelines for storm water management practices, including sections on hydrology; infiltration basins and trenches; wet detention basins; and artificial wetland storm water management. To order a copy of The Wisconsin Storm Water Manual (publication number G-3691-P) contact the University of Wisconsin Extension at (608) 262-3346 or toll free at (877) 947-7827. The cost of this manual is currently $15.00 plus shipping and handling and orders may be made via credit card.

For any permanent structures, provisions shall be made for long-term maintenance. Long-term maintenance provisions for storm water management structures should be made with the local municipality. If the local municipality agrees to take over long-term maintenance responsibilities, a copy of the agreement shall be attached to the notice of termination. If the local municipality will not make such an agreement, alternative provisions that will be made for long-term maintenance of storm water management structures shall be identified, and a copy of the document mechanism by which it shall be enacted attached to the notice of termination.

Storm water management practices to control impacts from runoff volume and pollutants may include, but are not limited to: infiltration systems, flow attenuation, constructed wetlands, temporary or permanent ponds, combinations of these practices, or other methods which do not cause significant

adverse impact on the receiving surface water or groundwater. The plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

C. Amendments.

For those projects for which there has been earlier DNR review, planned amendments to construction site erosion control and storm water management plans are to be developed and submitted to the DNR at least 5 days prior to the initiation of modifications.

PART IV. EFFLUENT LIMITATIONS, MONITORING AND RECORDS REQUIREMENTS

A. Effluent Limitations. No specific effluent limitations are established for storm water discharges associated with land disturbing construction activity. Monitoring data collected from construction sites indicates that uncontrolled runoff can be expected to contain some pollutants at concentrations that exceed groundwater enforcement standards (ES, as defined in ch. NR 140, Wis. Adm. Code), some that exceed groundwater preventative action limits (PALs, as defined in ch. NR 140, Wis. Adm. Code), and some that exceed various surface water quality criteria developed to protect aquatic life and public health. However, the conditions under which these discharges will lead to violations of receiving water standards are not adequately understood. Consequently pollutant specific effluent limitations have not been established in this issuance of the general permit. This option to issue storm water permits without effluent limitations is fully supported by the federal program.

B. Monitoring. Weekly inspections of implemented erosion and sediment controls are required. Additional inspections are required within 24 hours of a 0.5-inch or greater precipitation event. This information must be submitted to DNR upon request.

C. Records. DNR will notify a permittee if changes in the construction site erosion control or storm water management plan or plan amendments are needed. DNR may, if warranted, perform reviews of detailed plans and specifications for storm water treatment practices.

D. Conformance with other Applicable Plans. The plan shall document other applicable county and local regulatory provisions that meet the requirements of the permit. If these additional provisions are more stringent than those provisions appearing in a permit issued pursuant to this rule, the plan shall include a description of how it will comply with these provisions. The construction site erosion control or storm water management plan shall also ensure and demonstrate compliance with applicable state and local waste disposal, sanitary sewer or septic system regulations.

E. Department of Natural Resources Actions. The DNR may notify the permittee at any time that the construction site erosion control or storm water management plan does not meet one or more of the minimum requirements of this permit for reducing and preventing soil erosion. The notification shall identify those provisions which are not being met by the construction site erosion control or storm water management plan, and identify which provisions of the construction site erosion control or storm water management plan requires modifications in order to meet the minimum requirements.

Part V. GENERAL PERMIT CONDITIONS

This section includes requirements to comply with this general permit and the applicable State laws and regulations.

A. Non-Storm Water Discharges. This permit does not authorize the discharge of other wastewaters, such as cooling water, non-contact cooling water, process wastewater, or domestic sewage. Non-storm water discharges to storm sewer systems can result in significant contamination of surface or ground waters. This general storm water permit only authorizes the discharge of storm water associated with land disturbing construction activity. In order to discharge these other types of wastewaters, a facility must obtain additional coverage through another general or individual WPDES permit. These other permits will specify different conditions appropriate for the discharge so that surface and ground water quality is protected.

B. Work Near Surface Waters. Other permits or approvals may be required of the permittee. The permittee is responsible for obtaining the necessary approvals.

C. Duty to Comply. Any act of noncompliance with this permit is a violation of the permit and is grounds for enforcement action, for permit termination or modification, or denial of coverage under the permit. If the permittee files a request for an individual WPDES permit or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

D. Continuation of Expired General Permit. State and federal law limit the effective period of a permit to 5 years. However, this permit condition assures continued coverage for a discharger under a WPDES permit in the event that DNR is late in replacing this permit with a new or reissued permit.

E. Duty to Halt or Reduce Activity. In the event of a management practice failure, this condition requires the permittee to modify or curtail operations until best management practices are restored or an alternative practice is put in place to control erosion.

F. Other Information. This condition requires the permittee to promptly notify the DNR when he or she becomes aware of a failure to submit any relevant facts or a submittal of incorrect information.

G-W. Miscellaneous Conditions. These conditions are authorized or required by existing state law.

Any individual wishing to comment on this general permit or wishing further information should contact the appropriate regional DNR office or:

Wisconsin DNR,
Storm Water Program – WT/2
P.O. Box 7921
Madison, WI 53707-7921

Telephone: (608) 267-7694

State of Wisconsin
Department of Natural Resources

Notice of Termination - Storm Water Discharges Associated With Land Disturbing Construction Activities General Permit

Form 3400-162 (R 6/01)

This Notice of Termination (NOT) form is authorized by s. 283.37, Wis. Stats. Submittal of a completed NOT to the Department is mandatory for any landowner of a construction site regulated under 40 CFR Part 122, Chapter 283, Wis. Stats, and Chapter NR 216, Wis. Adm. Code. Failure to submit a completed NOT to the Department after the construction site undergoes final stabilization may result in forfeitures up to $10,000 per day, pursuant to s. 283.91(2), Wis. Stats. Personally identifiable information on this NOT may be used for other water quality program purposes.

Submission of this NOT constitutes notice that the landowner identified in Section I no longer intends to be authorized by a general WPDES permit to discharge storm water associated with land disturbing construction activities from the construction site identified in Section III of this NOT.

All necessary information must be provided on this NOT. Failure to complete this NOT correctly may result in rejection of this NOT by the Department. Please read all instructions before completing.

Section I: Landowner Information

Name			Contact Person
Mailing Address			Title
City	State	ZIP Code	Telephone Number

Section II: Contractor Information

Name			Contact Person
Mailing Address			Title
City	State	ZIP Code	Telephone Number

Section III: Construction Site Information

Site Name

Location Description	DNR Site Number
☐ City of ☐ Township of, or ☐ Village of _____	County

Quarter-Quarter NW NE SW SE Quarter NW NE SW SE Section ___ ___ Township ___ ___ N Range ___ ___ ☐ E ☐ W

Is this site wholly contained on the above quarter quarter section? ☐ Yes ☐ No

Section IV: Certification

I certify under penalty of law that disturbed soils at the identified site have undergone final stabilization and temporary erosion and sediment control measures have been removed or that all storm water discharges associated with construction activity that are authorized by a general WPDES storm water discharge permit have otherwise been eliminated. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with construction activity by the general WPDES permit, and that discharging pollutants in storm water associated with construction activity to waters of Wisconsin is unlawful where the discharge is not authorized by a WPDES permit.

Important: The person signing below must be a representative of the landowner as defined in s. NR 216.55(4),Wis. Adm. Code. "Landowner" for purposes of this NOT is defined in s. NR 216.002(13), Wis. Adm. Code. Failure to have this NOT properly signed will result in its rejection.

Landowner Printed Name	Title	Telephone Number
Landowner Signature		Date Signed

Mail this completed NOT to the appropriate Department of Natural Resources office in the region where the construction site is located. See the instructions for regional office addresses.

Instructions

Please type or clearly print your answers to all questions. Please answer all questions. Incomplete NOT forms will be returned for completion.

Section I: Landowner Information

Please provide the legal name of the person, firm, public organization, or any other entity that owns the construction site described in Section III of this application and holds or qualifies for an applicable general or individual construction site storm water discharge permit. The mailing address and phone number given should be for the contact person.

Section II: Contractor Information

Please provide the legal name of the person, firm, or any other entity that acted as the major contractor in charge of operating the construction site described in Section III of this application. The mailing address and phone number given should be for the contact person.

Section III: Construction Site Information

Enter the construction site's official or legal name and complete address, including county, city, state and zip code. Be sure to include the quarter quarter, quarter, section, township and range (to the nearest quarter section) of the site. If the site is on more than one quarter, enter the quarter that best describes the location of the site. Use additional space if needed to describe the site location. The DNR Site Number can be found in the upper right corner of the original letter from the DNR conferring coverage under the general permit.

Section IV: Certification

State Statutes provide for severe penalties for submitting false information on this NOT form. State regulations require this NOT to be signed as follows:

1. For a corporation, by a responsible corporate officer including president, secretary, treasurer, vice president, manager, or a duly authorized representative having overall responsibility for the operation covered by this permit;
2. for a unit of government, by a ranking elected official, or other duly authorized representative;
3. for a partnership, by a general partner; and for a sole proprietorship, by the proprietor;
4. for a limited liability company, by a manager.

After signature provide the name of the individual signing the NOT and date of signature. If the form was prepared by a consultant or someone other than an employee of the site landowner, please provide the name and address.

If you need additional information about the NOT for construction activities, please contact the Department at (608) 267-7694.

Mailing

Unless otherwise directed, mail this completed NOT form to the DNR office listed by county as follows:

NORTHERN REGION COUNTIES

Ashland	Lincoln	DNR Service Center
Barron	Oneida	1401 Tower Ave.
Bayfield	Polk	Superior, WI 54880
Burnett	Price	
Douglas	Rusk	Phone: (715) 392-7988
Florence	Sawyer	
Forest	Taylor	
Iron	Vilas	
Langlade	Washburn	

NORTHEAST REGION COUNTIES

Brown	Marquette	DNR Northeast Region
Calumet	Menominee	P.O. Box 10448
Door	Oconto	Green Bay, WI 54307
Fond du Lac	Outagamie	
Green Lake	Shawano	Phone: (920) 492-5800
Kewaunee	Waupaca	
Manitowoc	Waushara	
Marinette	Winnebago	

WEST CENTRAL REGION COUNTIES

Adams	Marathon	DNR Service Center
Buffalo	Monroe	5301 Rib Mountain Rd.
Chippewa	Pepin	Wausau, WI 54401
Clark	Pierce	
Dunn	Portage	Phone: (715) 359-4522
Eau Claire	St. Croix	
Jackson	Trempealeau	
Juneau	Vernon	
La Crosse	Wood	

SOUTH CENTRAL REGION COUNTIES

Columbia	Iowa	DNR South Central Region
Crawford	Jefferson	3911 Fish Hatchery Rd.
Dane	LaFayette	Fitchburg, WI 53711
Dodge	Richland	
Grant	Rock	Phone: (608) 275-3266
Green	Sauk	

SOUTHEAST REGION COUNTIES

Kenosha	Sheboygan	DNR Service Center
Milwaukee	Walworth	9531 Rayne Rd., Suite 4
Ozaukee	Washington	Sturtevant, WI 53177
Racine	Waukesha	
		Phone: (262) 884-2300

State of Wisconsin
Department of Natural Resources
dnr.wi.gov

CONSTRUCTION SITE INSPECTION REPORT

Form 3400-187 (rev. 9/04)

Notice: Use of this specific form is voluntary, but the information contained on this form must be collected and kept by the permittee under s. NR 216.48(4), Wis. Adm. Code, for a construction site covered under the General WPDES Construction Site Storm Water Discharge Permit, Permit No. WI-0067831-2. This form is provided for the convenience of the permittee to meet the requirements of s. NR 216.48(4), Wis. Adm. Code. Multiple copies of this form may be made to compile the inspection report.

Inspections of implemented erosion and sediment control best management practices must be performed weekly and within 24 hours after a precipitation event 0.5 inches or greater which results in runoff.

Weekly written reports of all inspections conducted by or for the permittee must be maintained throughout the period of general permit coverage.

The information maintained in accordance with s. NR 216.48 (4) must be submitted to the Department upon request.

Name of Permittee:	
Construction Site Name (Project):	**Construction Site ID No.:**
Location:	**County:**
Contractor:	**Field Office Phone:**

Note: Weekly inspection reports, along with erosion control and stormwater management plans, are required to be maintained on site and made available upon request.

Date of inspection (mm/dd/yy): _____ **Time of inspection: Start:** _____ **a.m./p.m.** **End:** _____ **a.m./p.m.**	**Type of inspection:** ☐ **Weekly** ☐ **Precipitation Event** ☐ **Other (specify)** _____ **Name(s) of individual(s) performing inspection:**
Weather:	
Description of present phase of construction:	

Modifications Required	Yes	No	Not Applicable	**Comments/Recommendations** about the overall effectiveness of the erosion and sediment control measures. **Note**: For each item checked "Yes", complete the follow-up information on page 2.
Ditch Checks	☐	☐	☐	
Erosion Control Plan	☐	☐	☐	
Erosion Mat	☐	☐	☐	
Grading Practices	☐	☐	☐	
Inlet Protection	☐	☐	☐	
Mulch	☐	☐	☐	
Offsite Sediment	☐	☐	☐	
Permanent Seeding	☐	☐	☐	
Schedule / Phasing	☐	☐	☐	
Silt Fence	☐	☐	☐	
Silt Screen	☐	☐	☐	
Sod	☐	☐	☐	
Stabilized Outlet	☐	☐	☐	
Temp. Diversion Channel	☐	☐	☐	
Temp. Settling Basin	☐	☐	☐	
Temporary Seeding	☐	☐	☐	
Tracking Pads	☐	☐	☐	
Turbidity Barrier	☐	☐	☐	
Other (specify) _____	☐	☐	☐	

Name of Permittee:	
Construction Site Name (Project):	Construction Site ID No.:

Use the space below for detailed follow-up action items.

Exact place of erosion/sediment control inspected	Type of erosion/sediment control and its observed condition	Description of any necessary maintenance or repair to erosion/sediment control, including anticipated date of completion