



**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**GENERAL PERMIT TO DISCHARGE UNDER THE  
WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WPDES Permit No. WI-S067831-3**

In compliance with the provisions of ch. 283, Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code, landowners engaged in land disturbing construction activities including clearing, grading and excavating activities are permitted to discharge

**CONSTRUCTION SITE STORM WATER RUNOFF**

to waters of the state in accordance with the conditions set forth in this permit.

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 (NOI) has been received by the Department of Natural Resources.

Permit coverage for any project terminates upon submittal of a Notice of Termination. For NOIs submitted to the Department of Natural Resources, **the maximum period of permit coverage for any project is limited to 3 years per Notice of Intent.** Therefore, permit coverage terminates unless another NOI including application fee is submitted to retain coverage under this permit or a reissued version of this permit.

State of Wisconsin Department of Natural Resources  
For the Secretary

By 

Russ Rasmussen, Director  
Bureau of Watershed Management  
Division of Water

  
Date Permit Signed/Issued

**EXPIRATION DATE: September 30, 2011**

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## **1. APPLICABILITY CRITERIA**

### **1.1 Eligibility**

**1.1.1** Subject to the provisions of sections 1.1.3, 1.1.4 and 1.2.1 through 1.2.4:

**1.1.1.1** 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 permit coverage is terminated in accordance with section 2.9 or automatically terminates under section 2.10. Industrial, commercial, residential, and governmental construction activities eligible for coverage by this permit are those that involve clearing and grubbing, grading, excavation and other land disturbing activities of one acre or more. This permit also 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.

**1.1.1.2** The Department may require the landowner of any storm water discharge associated with land disturbing construction activity to apply for and obtain a storm water discharge permit if the storm water discharge is contributing to the violation of a water quality standard or contributing significant pollution to waters of the state.

**1.1.2** This permit authorizes storm water discharges from land disturbing construction activities that may become mixed with other storm or wastewater discharges. Other storm or wastewater discharges are not authorized under this permit and may require coverage under another general or individual WPDES permit.

**1.1.3** Storm water discharges associated with industrial activity that are subject to an industrial storm water WPDES permit or which are issued an individual WPDES construction site storm water discharge permit are not authorized by this permit. For example, non-metallic mining is an industrial activity that includes land disturbance as a normal part of its operation and such land disturbance is regulated under the industrial storm water permit. If an industrial facility underwent construction or expanded its operations and land disturbance is not a normal part of its operations, then coverage under this permit would be applicable.

**1.1.4** This general permit does not apply to construction sites otherwise eligible for this permit where the Wisconsin Department of Natural Resources (the Department) 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 Department may require individual permit coverage for storm water discharge from a construction site otherwise eligible for this permit if any of the following occur:

**1.1.4.1** 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.

**1.1.4.2** The storm water discharge from a construction site is not in compliance with the terms and conditions of this general permit or subch. III of ch. NR 216, Wis. Adm. Code.

**1.1.4.3** A change occurs in the availability of demonstrated technology or BMPs for the control or abatement of pollutants from the storm water discharge.

**1.1.4.4** 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.

## **1.2 Exclusions**

The following are not eligible for coverage under this permit:

**1.2.1** Storm water discharges from Indian activities within Indian Country.

Note: Permit coverage is required from the United States Environmental Protection Agency for construction site storm water discharges within Indian County and information on such permitting is available at: <http://cfpub1.epa.gov/npdes/stormwater/cgp.cfm>.

**1.2.2** Land disturbing construction activity and associated storm water discharges that affect wetlands, unless the Department determines that the land disturbing construction activity and associated storm water discharges comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

**1.2.3** 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 comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.

**1.2.4** 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.

## **1.3 Authorization**

**1.3.1** A landowner planning a land disturbing construction activity of one acre or more must submit a completed Notice of Intent (NOI) to the Department or to an authorized local program in accordance with the requirements of section 2.1 of this permit to be authorized to discharge storm water under this permit. The Department will maintain a list of "authorized local programs" on its Internet site via: <http://dnr.wi.gov/runoff/stormwater.htm> or this information can be obtained by contacting the Department storm water program at (608) 267-7694.

**1.3.2** Only a landowner or person who becomes a qualified landowner, and who submits an NOI in compliance with section 2. of this permit is authorized to discharge storm water from a land disturbing construction activity of one acre or more under the terms and conditions of this permit, except as provided in sections 1.3.3 and 1.3.4.

**1.3.3** Owners of construction sites with land disturbing construction activity of one acre or more for public buildings and buildings that are places of employment that may have storm water discharges regulated by the Wisconsin Department of Commerce pursuant to s. 101.1205, Wis. Stats., in a manner which the Department of Natural Resources determines is equivalent to the requirements in subch. III of ch. NR 216, Wis. Adm. Code, are deemed to hold coverage under this permit upon filing an NOI with the Wisconsin Department of Commerce or a municipality

certified by the Wisconsin Department of Commerce as their agent to accept NOIs, and shall comply with this permit.

**1.3.4** Owners of construction sites with land disturbing construction activity of one acre or more for one- and two-family dwellings that may have storm water discharges regulated by the Wisconsin Department of Commerce pursuant to s. 101.653, Wis. Stats., in a manner which the Department of Natural Resources determines is equivalent to the requirements in subch. III of ch. NR 216, Wis. Adm. Code, are deemed to hold coverage under this permit upon filing an NOI with a municipality or a registered UDC inspection agency administering and enforcing regulations pursuant to s. 101.653, Wis. Stats., and shall comply with this permit.

Note: Pursuant to s. 30.2022, Wis. Stats., storm water discharges from transportation construction projects directed and supervised by the Wisconsin Department of Transportation (WisDOT) are exempt from coverage under a Department storm water permit, which is issued pursuant to s. 283.33, Wis. Stats., if the projects are in compliance with ch. Trans 401, Wis. Adm. Code, and the WisDOT – Department liaison cooperative agreement.

**1.3.5** Storm water discharges from land disturbing construction sites that are regulated, reviewed and approved by other Department programs and meet the requirements of subch. III of ch. NR 216, Wis. Adm. Code, shall be deemed to be covered by this permit and shall comply with the conditions of this permit.

Note: Construction sites covered under section 1.3.4 may include, but are not limited to, new landfill developments, expansions of existing approved landfills, sewer extensions, and wastewater treatment plants.

## **1.4 Water Quality Standards**

**1.4.1** This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105 and NR 140, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to general narrative-type storm water discharge limitations and implementation of the erosion control and storm water management plans.

**1.4.2** This permit does not authorize storm water discharges that the Department, prior to authorization of coverage under this permit, determines will cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standard. Where such determinations have been made prior to authorization, the Department may notify the applicant that an individual permit application is necessary. However, the Department may authorize coverage under this permit where the erosion control and storm water management plans required under this permit will include appropriate controls and implementation procedures designed to bring the storm water discharge into compliance with water quality standards.

## **1.5 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 one acre or more of land at the site. However, storm water discharges from land disturbing construction activity associated with the normal operation of an industrial facility does not require coverage under this permit when it is regulated under an industrial storm water permit pursuant to subch. II of NR 216, Wis. Adm. Code.

## **1.6 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 this permit to the landowner who will control the permitted activities. The transfer shall occur upon written notification, signed by both the current permittee and the proposed permittee and sent via certified or registered mail to the Department. Unless the Department notifies the permittee to the contrary, the Department will recognize this permit coverage transfer upon receipt of written notification. The Department may require additional information to be filed prior to granting the transfer of permit coverage. The Department may, if appropriate, require an application for an individual WPDES storm water discharge permit.

Note: Transfer of permit coverage may not occur where the original landowner still owns a portion of the construction site that requires permit coverage. Where multiple landowners are required to have construction site permit coverage, each must file an NOI with the Department. Multiple landowners may utilize the same erosion control and storm water management plans if the plans address the specific needs of the construction site that they own.

## **1.7 Public Access to Information including Notices of Intent**

Construction site NOIs that are submitted to the Department are entered into the Department's database and are then automatically listed on the Department's Internet site at:

<http://www.dnr.wi.gov/runoff/stormwater/permits/>

Notices of Intent and any associated information submitted to the Department for a construction site regulated under this permit are maintained at Department regional offices. The appropriate Department regional storm water staff person may be contacted to obtain access to such information. Department storm water program contacts are listed on the Department Internet site at: <http://dnr.wi.gov/runoff/stormwater/contact.htm>. Alternatively, you may contact the storm water program at (608) 267-7694 for assistance in determining the appropriate regional storm water contact.

## **2. NOTICE OF INTENT AND TERMINATION REQUIREMENTS**

### **2.1 Deadlines for Notification**

**2.1.1** Except as provided in section 2.1.1.1., persons required to obtain coverage under this permit for storm water discharge from a construction site shall submit a completed NOI to the Department or to an authorized local program, via certified or registered mail, in accordance with the requirements of subch. III of ch. NR 216, Wis. Adm. Code. The Department must receive the completed NOI in accordance with the requirements of this section at least 14 working days prior to commencing any land disturbing construction activities unless the Department gives prior authorization. The Department may withhold permit coverage beyond 14 working days in order to request additional information or to review project compliance with erosion control, storm water management, wetland protection, endangered and threatened resources or historic property requirements. A NOI shall be submitted on forms supplied by the Department.

**2.1.1.1** For public buildings and buildings that are places of employment regulated by the Wisconsin Department of Commerce pursuant to s. 101.1205, Wis. Stats., and for one- and two-family dwellings regulated by the Wisconsin Department of Commerce pursuant to s. 101.653, Wis. Stats., the Department of Commerce's NOI form and an application for a Wisconsin Uniform Building Permit, respectively, shall be used in lieu of the Department's NOI.

Note: Contact the Wisconsin Department of Commerce or see its rules for information on how to obtain, complete and submit these forms, and for information on applicable Wisconsin Department of Commerce fees.

**2.1.2** The Department's NOI forms may be obtained through the Department storm water Internet site at: <http://dnr.wi.gov/runoff/stormwater.htm>, Department regional offices or by writing to the Wisconsin DNR, Storm Water Program – WT/2, Box 7921, Madison, Wisconsin 53707-7921.

**2.1.3** An application fee shall be paid to the Department in accordance with s. NR 216.43(2), Wis. Adm. Code. However, application fees are not paid to the Department for applications filed with the Wisconsin Department of Commerce or for projects that are authorized by an authorized local program in accordance with s. NR 216.415, Wis. Adm. Code.

**2.1.4** The NOI form shall be signed in accordance with section 5.15 of this permit.

## **2.2 Application Retention**

A copy of the NOI or other documentation that storm water discharges from the site are covered under a construction site storm water discharge permit shall be kept with the erosion control and storm water management plans on the construction site and with the landowner. Where appropriate, other indicators such as notification under rules of the Department of Commerce may be used in lieu of the Department's NOI.

## **2.3 Permit Certificate**

The permittee shall post the permit certificate in a conspicuous place on the construction site. The permit certification (DNR Publication # WT-813) is available on the Department Internet site: <http://dnr.wi.gov/runoff/stormwater.htm>. An authorized local program under s. NR 216.415, Wis. Adm. Code, may make its own permit certificate or equivalent notice for posting.

## **2.4 Failure to Notify**

Persons who fail to notify the Department, the Department of Commerce, or an appropriate agent for the Department of Commerce, as appropriate, 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 one acre or more, are in violation of ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and the federal Clean Water Act. Failure to obtain permit coverage may result in forfeitures of up to \$10,000 per day, pursuant to s. 283.91(2), Stats.

## **2.5 Incomplete Notice of Intent**

Within 14 working days after the date the Department receives the NOI, the Department 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.

## **2.6 Date Coverage Effective**

Unless notified by the Department to the contrary, applicants who submit a NOI in accordance with the provisions of subch. III 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 Department receives the NOI. The Department may require the landowner to submit erosion control and storm water management plans for review. The Department 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.

### **2.7 Where to Submit**

The NOI will instruct the applicant on the appropriate Department office to which a completed NOI shall be submitted.

### **2.8 Use of Information**

All information contained in the NOI other than that specified as confidential by the Department shall be available to the public for inspection and copying. All confidential information, so identified by the applicant, shall be submitted separately. 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.

### **2.9 Notice of Termination**

Landowners of construction sites regulated by the Department shall comply with this section 2.9. Owners of construction sites for public buildings and buildings that are places of employment and for one- and two-family dwellings regulated by the Department of Commerce shall obtain, prepare and submit Notice of termination forms as required by Commerce's rules.

**2.9.1** Within 45 days after a construction site has undergone final stabilization, temporary erosion control best management practices (BMPs) have been removed 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 Department.

**2.9.2** The notice of termination shall be submitted on forms available from the Department. Data submitted in the notice of termination forms shall be used as a basis for terminating coverage under this permit.

**2.9.3** Notice of termination forms may be obtained through the Department storm water Internet site at: <http://dnr.wi.gov/runoff/stormwater.htm>, Department regional offices or by writing to the Wisconsin DNR, Storm Water Program – WT/2, Box 7921, Madison, Wisconsin 53707-7921.

**2.9.4** The notice of termination shall be mailed to the appropriate regional Department office or to the following address:

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

**2.9.5** Notice of termination forms shall be signed in accordance with section 5.15 of this permit.

**2.9.6** Termination of coverage under this permit shall be effective upon the Department's written confirmation of permit termination to the permittee.

### **2.10 Automatic Termination**

The maximum period of permit coverage for any project is limited to 3 years per Notice of Intent. Therefore, permit coverage terminates 3 years after coverage commences, unless another Notice of Intent including application fee is submitted to retain coverage under this permit or a reissued version of this permit.

## **3. EROSION CONTROL AND STORM WATER MANAGEMENT PLANS**

### **3.1 Erosion Control Plan Requirements**

Landowners of construction sites regulated by the Department shall comply with this section 3.1. Owners of construction sites for public buildings and buildings that are places of employment and for one- and two-family dwellings regulated by the Department of Commerce shall comply with erosion control plan requirements specified by Commerce's rules.

Note: The requirements of sections 4.2 to 4.4 of this permit apply to erosion control and storm water management plans for all construction sites regulated under this permit.

**3.1.1** The permittee shall develop a site-specific construction site erosion control plan for each construction site regulated under subch. III of ch. NR 216, Wis. Adm. Code. The permittee or their representative, shall implement and maintain as required by this permit and subch. III of NR 216, Wis. Adm. Code, all BMPs specified in the construction site erosion control plan from the start of land disturbing construction activities until final stabilization of the construction site.

**3.1.2** The construction site erosion control plan shall meet the applicable performance standards in either s. NR 151.11, Wis. Adm. Code, for construction sites that are not transportation facilities or s. NR 151.23 for transportation facility construction sites that require:

**3.1.2.1** Best management practices that, by design, achieve, to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls, until the construction site has undergone final stabilization. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this section 3.1.2.1. Credit toward meeting the sediment reduction shall be allowed for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

**3.1.2.2** Notwithstanding section 3.1.2.1 above, if BMPs cannot be designed and implemented to reduce the sediment load by 80%, on an average annual basis, the construction site erosion control plan shall include a written and site-specific explanation of why the 80% reduction goal is not attainable. The sediment load shall then be reduced to the maximum extent practicable.

Note: Department-approved erosion and sediment control technical standards can be obtained through the through the Department storm water Internet site at:

<http://dnr.wi.gov/runoff/stormwater.htm>, or contact the Department storm water program in the Bureau of Watershed Management at (608) 267-7694 to get information on how to obtain the erosion and sediment control standards.

**3.1.3** The erosion control plan shall be completed prior to the submittal of a NOI for coverage under this permit and shall be amended in accordance with section 3.3.

**3.1.4** The construction site erosion control plan shall include, at a minimum, the following items:

**3.1.4.1** Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a USGS 7.5-minute series topographical map.

**3.1.4.2** Description of the intended timing and sequence of major land disturbing construction activities for major portions of the construction site, such as grubbing, excavating, or grading.

**3.1.4.3** Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.

**3.1.4.4** Available data describing the surface soil as well as subsoils.

**3.1.4.5** Name of immediate named receiving water from the United States Geological Survey 7.5-minute series topographic maps, and whether the receiving water is an outstanding resource water (ORW), exceptional resource water (ERW) or an impaired water. An updated list of Wisconsin impaired water bodies are listed on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/303d/303d.html>. ORWs and ERWs are listed in ss. NR 102.10 and 102.11, Wis. Adm. Code. ORWs and ERWs are also listed on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/>.

**3.1.5** The construction site erosion control plan shall include a site map with the following items:

**3.1.5.1** Pre-existing topography and drainage patterns, roads and surface waters.

**3.1.5.2** Boundaries of the construction site.

**3.1.5.3** Drainage patterns and approximate slopes anticipated after major grading activities.

**3.1.5.4** Areas of soil disturbance.

**3.1.5.5** Location of major structural and non-structural controls identified in the construction site erosion control plan.

**3.1.5.6** Location of areas where stabilization practices will be employed.

**3.1.5.7** Areas that will be vegetated following land disturbing construction activities.

**3.1.5.8** Area and location of wetland acreage on the construction site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.

**3.1.5.9** Areas that will be used for infiltration of post-construction storm water runoff.

**3.1.5.10** An alphanumeric or equivalent coordinate system for the entire construction site.

**3.1.5.11** Additional items necessary to depict site-specific conditions.

**3.1.6** The construction site erosion control plan shall include a description of appropriate erosion and sediment control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The construction site erosion control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include the following minimum requirements:

**3.1.6.1** Description of the expected level of sediment control on the construction site that achieves compliance with s. NR 151.11 or 151.23, Wis. Adm. Code, where applicable.

**3.1.6.2** Description of interim and permanent stabilization practices, including a schedule for implementing the practices. The construction site erosion control plan shall ensure that existing vegetation is preserved where feasible and that disturbed portions of the construction site are stabilized as soon as practicable.

**3.1.6.3** Description of any structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the construction site.

**3.1.6.4** Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.

**3.1.6.5** Trapping of sediment in channelized flow.

**3.1.6.6** Staging land disturbing construction activities to limit exposed soil areas subject to erosion.

**3.1.6.7** Protection of downslope drainage inlets where they occur.

**3.1.6.8** Prevent tracking of sediment from the construction site onto roads and other paved surfaces.

**3.1.6.9** Prevent the discharge of sediment as part of site de-watering.

**3.1.6.10** Protect separate storm drain inlet structures from receiving sediment.

**3.1.6.11** Clean up of off-site sediment deposits.

**3.1.6.12** Stabilization of drainage ways.

**3.1.6.13** Installation of permanent stabilization practices as soon as possible after final grading.

**3.1.6.14** Description of erosion and sediment control practices put in place for the winter to prevent soil from leaving the construction site during periods of winter and spring thaw and rains.

- 3.1.6.15** Use and storage of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period to prevent their transport by runoff into waters of the state.
- 3.1.6.16** Minimization of dust to the maximum extent practicable.
- 3.1.6.17** Additional items necessary to address site-specific conditions.
- 3.1.7** Sediment control BMPs shall be constructed and placed in operation prior to runoff entering waters of the state.
- Note: While regional treatment facilities are appropriate for control of post-construction pollutants they should not be used for construction site sediment removal.
- 3.1.8** No solid materials, including building materials, may be discharged in violation of chs. 30 and 31, Wis. Stats., or 33 USC 1344 or a U.S. Army Corps of Engineers Section 404 permit issued under 33 USC 1344.
- 3.1.9** 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 of the watercourse are maintained and protected.
- 3.1.10** Runoff settling basins and pit/trench dewatering settling basins, if used, shall be constructed and operated in accordance with good engineering practices and design standards, and as follows:
- 3.1.10.1** Basins shall discharge to a vegetated or otherwise stabilized area protected from erosion. The principal spillway shall discharge at the bottom of the embankment.
- 3.1.10.2** When the accumulated sediment reaches one-half the height of the sediment control structure, or one-half the depth of the permanent pool, the sediment shall be removed. Materials removed from basins shall be properly disposed of in a manner that will not pollute waters of the state.
- 3.1.10.3** Consideration should be given to installing fences around construction site settling basins for human safety.
- 3.1.11** All maintenance shall be done in accordance with Department-approved technical standards. Where measures are not in accordance with Department-approved technical standards, a description of the procedures used to maintain effective operating conditions of vegetation, erosion and sediment control measures and other protective measures shall be identified in the erosion control plan. Department-approved storm water technical standards are available on the Department Internet site at: <http://dnr.wi.gov/runoff/stormwater/techstds.htm>. Alternatively, you may contact the Department storm water program at (608) 267-7694 to obtain information on how to order a copy of the storm water technical standards.
- 3.1.12** The construction site erosion control plan shall clearly identify the contractor(s) and subcontractor(s) that will install and maintain erosion and sediment control measures. This information may be added to the plan after the NOI has been submitted to Department. It shall be included in the plan prior to the commencement of land disturbing construction activities.

### **3.2 Storm Water Management Plan Requirements**

**3.2.1** Pollution caused by storm water discharges from the site after construction is completed, including rooftops, parking lots, roadways and the maintenance of grassed areas shall be addressed by a storm water management plan. A storm water management plan shall be developed prior to submitting a NOI to the Department, the Department of Commerce, or to an appropriate agent of the Department of Commerce.

Note: The requirements of sections 4.2 to 4.4 of this permit apply to erosion control and storm water management plans for all construction sites regulated under this permit.

**3.2.2** The storm water management plan shall meet the applicable performance standards in either s. NR 151.12, Wis. Adm. Code, for construction sites that are not transportation facilities or s. NR 151.24 for transportation facility construction sites. These performance standards include requirements for total suspended solids, peak flow, infiltration, protective areas and fueling and vehicle maintenance areas.

**3.2.3** The storm water management plan shall include a description of the BMPs that will be installed during the construction process to control total suspended solids and peak flow, enhance infiltration, maintain or restore protective areas and to reduce petroleum in runoff that will occur after construction operations have been completed. Storm water BMPs shall be in accordance with applicable state and local regulations.

**3.2.4** When permanent infiltration systems are used, appropriate on-site testing shall be conducted to determine if seasonal high groundwater elevation or top of bedrock is within 5 feet of the bottom of the proposed infiltration system.

**3.2.5** Storm water BMPs shall be adequately separated from wells to prevent contamination of drinking water, and the following minimum separation distances shall be met:

**3.2.5.1** Storm water infiltration systems and ponds shall be located at least 400 feet from a well serving a community water system unless the Department concurs that a lesser separation distance would provide adequate protection of a well from contamination.

**3.2.5.2** Storm water BMPs shall be located with a minimum separation distance from any well serving a non-community or private water system as listed within s. NR 812.08, Wis. Adm. Code.

Note: Chapter NR 815, Wis. Adm. Code, regulates injection wells including storm water injection wells. Construction or use of a well to dispose of storm water directly into groundwater is prohibited under s. NR 815.11(5), Wis. Adm. Code.

**3.2.6** For any permanent structures, provisions shall be made for long-term maintenance with the municipality or other responsible party. For an NOI submitted to the Department, a copy of the signed long-term maintenance agreement shall be submitted to the Department with the NOI unless the Department agrees that it may be submitted by an alternative date prior to termination of permit coverage. The Department may withhold permit coverage until the long-term maintenance agreement is submitted to the Department. For owners having submitted an NOI to Department of Commerce or its agent shall provide a copy of any long-term maintenance agreement to the Department upon request.

Note: The long-term maintenance agreement is an important requirement and the Department wants to ensure that appropriate steps are being taken to secure the agreement. For regional treatment structures, the Department encourages the landowner to obtain a municipal agreement for long-term maintenance of regional treatment structures. Long-term storm water BMPs shall be maintained after permit termination in accordance with ss. NR 151.12 or 151.24 and 216.005, Wis. Adm. Code.

**3.2.7** BMPs to control impacts from storm water runoff include infiltration systems, wet detention ponds, constructed wetlands, grassed swales, vegetative protective areas, reduced imperviousness, beneficial reuse such as irrigation or toilet flushing, combinations of these practices, or other methods which do not cause significant adverse impact on the receiving surface water or groundwater. The storm water management plan shall include an explanation of the technical basis used to select the BMPs.

Note: Department-approved storm water management technical standards can be obtained through the through the Department storm water Internet site at: <http://dnr.wi.gov/runoff/stormwater.htm>, or contact the Department storm water program in the Bureau of Watershed Management at (608) 267-7694 to get information on how to obtain storm water management standards.

### **3.3 Amendments**

**3.3.1** The permittee shall amend the erosion control and storm water management plans if either of the following occurs:

**3.3.1.1** There is a change in design, construction, operation or maintenance at the construction site, which has the reasonable potential for the discharge of pollutants and which has not otherwise been addressed in the erosion control and storm water management plans.

**3.3.1.2** The actions required by the erosion control and storm water management plans fail to reduce the impacts of pollutants carried by construction site storm water runoff.

**3.3.2** For construction sites for which there has been earlier Department review of the erosion control and storm water management plans, if the permittee identifies changes needed in either plan, the permittee shall notify the Department at least 5 working days prior to making the changes in the plan.

**3.3.3** The Department may, upon request of a permittee or upon finding of just cause, modify the compliance and reporting schedules or any requirement of a storm water discharge permit.

## **4. EFFLUENT LIMITATIONS, MONITORING AND RECORDS**

### **4.1 Effluent Limitations**

This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105 and NR 140, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to general narrative-type storm water discharge limitations and implementation of storm water management programs and practices.

### **4.2 Outstanding and Exceptional Resource Waters**

**4.2.1** Before beginning land-disturbing construction activity, the permittee shall determine whether any part of its construction or post-construction site storm water will discharge to an outstanding resource water (ORW) or exceptional resource water (ERW). ORWs and ERWs are listed in ss. NR 102.10 and 102.11, Wis. Adm. Code. An unofficial list of ORWs and ERWs may be found on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/>.

**4.2.2** The permittee's storm water erosion control and storm water management plans required under this permit or rules of the Department of Commerce shall be designed to prevent the discharge of sediment and other pollutants to any ORW or ERW in excess of the background level within the water body.

**4.2.2.1** If the permittee's construction or post-construction site storm water will discharge to an ORW or ERW, the permittee shall include a written section in both the erosion control and storm water management plans that discusses and identifies the management practices and control measures the permittee will implement to prevent the discharge of any pollutant(s) in excess of the background level within the water body. This section of the permittee's plans shall specifically identify control measures and practices that will collectively be used to prevent the discharge of pollutants in excess of the background level within the water body.

Note: Reducing or eliminating surface water discharges to an ORW or ERW by infiltrating runoff is a method to help prevent the discharge of pollutants to an ORW or ERW in excess of background levels. It is expected that post-construction storm water management practices will be designed to maintain or increase infiltration rates for the site as compared to pre-development infiltration rates for areas that discharge to any ORW or ERW. However, an exemption from infiltrating runoff applies to runoff from contaminated sources or into areas that are prone to groundwater contamination as identified within s. NR 151.12(5)(c)5., Wis. Adm. Code. Infiltration systems must be designed to comply with the groundwater quality standards contained in ch. NR 140, Wis. Adm. Code.

**4.2.3** Protective areas of no less than 75 feet shall be maintained adjacent to any ORW and ERW as required under s. NR 151.12 (5)(d) or 151.24 (6), Wis. Adm. Code.

### **4.3 Fish and Aquatic Life Waters**

**4.3.1** Before beginning land-disturbing construction activity, the permittee shall determine whether any part of its construction or post-construction site storm water will discharge to a fish and aquatic life water as defined in s. NR 102.13, Wis. Adm. Code.

Note: Most receiving waters of the state are classified as a fish and aquatic life water and this classification includes all surface waters of the state except ORW, ERW, Great Lakes system waters and variance water identified within ss. NR 104.05 to 104.10, Wis. Adm. Code.

**4.3.2** The permittee's storm water erosion control and storm water management plans required under this permit or rules of the Department of Commerce shall be designed to prevent the significant lowering of water quality of any fish and aquatic life water. Significant lowering of water quality is defined within ch. NR 207, Wis. Adm. Code.

#### **4.4 Impaired Water Bodies and Total Maximum Daily Load Requirements**

**4.4.1** Before beginning land-disturbing construction activity, the permittee shall determine whether any part of its construction or post-construction site storm water will discharge to an impaired water body listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC §1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR §130.7(c)(1). Impaired waters are those that are not meeting applicable water quality standards. A list of Wisconsin impaired water bodies may be found on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/303d/303d.html>.

**4.4.2** The permittee's storm water erosion control and storm water management plans required under this permit or rules of the Department of Commerce shall be designed to prevent the discharge of pollutant(s) of concern to an impaired water body unless the discharge causes the receiving water to meet applicable water quality standards, or the Department has approved a total maximum daily load (TMDL) for the impaired water body. "Pollutant(s) of concern" means a pollutant that is causing impairment of an impaired water body. Approved TMDLs are listed on the Department web site at: <http://dnr.wi.gov/org/water/wm/wqs/303d/>

**4.4.2.1** If the Department has approved a TMDL for the impaired water body, the permittee's erosion control and storm water management plans shall be designed to achieve and maintain compliance with any Department-approved TMDL wasteload allocation for the impaired water to which the construction or post-construction site discharges.

**4.4.3** If the permittee's construction or post-construction site storm water will discharge to an impaired water body, the permittee shall include a written section in both its erosion control and storm water management plans that discusses and identifies the management practices the permittee will implement to comply with section 4.4.2 or, if applicable, section 4.4.2.1.

#### **4.5 Inspections and Maintenance**

The permittee shall:

**4.5.1** Conduct the following construction site inspections:

**4.5.1.1** Weekly inspections of implemented erosion and sediment controls; and

**4.5.1.2** Inspections of erosion and sediment controls within 24 hours after a rainfall event of 0.5 inches or greater. A "rainfall event" may be considered to be the total amount of rainfall recorded in any continuous 24-hour period.

**4.5.2** Repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification indicating that repair or replacement is needed.

**4.5.3** Maintain, at the construction site or via an Internet site, weekly written reports of all inspections conducted by or for the permittee. If an Internet site method is used, the landowner shall provide the Internet address to the Department prior to its use. Weekly inspection reports shall include all of the following:

**4.5.3.1** The date, time and exact location of the inspection.

**4.5.3.2** The name of the individual who performed the inspection.

**4.5.3.3** An assessment of the condition of erosion and sediment controls.

**4.5.3.4** A description of any erosion and sediment control installation or maintenance performed in response to the inspection.

**4.5.3.5** A description of the present phase of construction at the site.

Note: The Department has developed a model inspection report that includes the above items and it is available through the Department's storm water Internet site at:  
<http://dnr.wi.gov/runoff/stormwater.htm>.

**4.5.4** The information maintained in accordance with section 4.4.3 shall, upon request of the Department, be submitted to the appropriate Department office as directed.

## **4.6 Records**

**4.6.1** The permittee shall retain records of all construction site inspections, 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:

**4.6.1.1** If there is a secure location, such as a construction site trailer, the erosion control and storm water management plans and amendments to the erosion control and storm water management plans shall be retained at the construction site until permit coverage is terminated.

**4.6.1.2** All reports required by subch. III of ch. NR 216, Wis. Adm. Code, or information submitted to obtain coverage under this permit, including the erosion control and storm water management plans, amendments, and background information used in their preparation, shall be kept by the permittee for a period of at least 3 years from the date of notice of termination.

**4.6.2** A landowner operating a construction site under approved municipal erosion and sediment plans, grading plans, or storm water management plans shall also submit signed copies of the NOI to the local agency approving the plans. If storm water from the construction site discharges to a municipal separate storm sewer system that is operating pursuant to a municipal storm water discharge permit issued pursuant to subch. I of ch. NR 216, Wis. Adm. Code, then a signed copy of the NOI shall also be sent to the operator of the system.

**4.6.3** Upon request by the Department the permittee shall provide a copy of the erosion control and storm water management plans, construction site inspections and any additional data requested, within 5 working days to the Department, to the operator of the municipal storm sewer system that receives the discharge, and any municipal agency approving erosion and sediment

plans, grading plans or storm water management plans. Additional information may be requested by the Department for resource waters that require additional protection such as outstanding or exceptional resource waters, or other sensitive water resources.

#### **4.7 Compliance with Other Applicable Regulations**

**4.7.1** The erosion control and storm water management plans shall document other applicable municipal regulatory provisions, compliance with which will also meet the requirements of this permit. If these municipal provisions are more stringent than those provisions appearing in this permit issued pursuant to subch. III of ch. NR 216, Wis. Adm. Code, the erosion control and storm water management plans shall also include a description of how compliance with the municipal provisions will be achieved.

**4.7.2** The erosion control and storm water management plans shall comply with applicable state plumbing regulations.

#### **4.8 Department Actions**

**4.8.1** The Department may notify the permittee at any time that the erosion control and storm water management plans do not meet one or more of the minimum requirements of subch. III of ch. NR 216, Wis. Adm. Code, or this permit, for reducing and preventing the discharge of pollutants. The notification shall identify those provisions that are not being met by the erosion control and storm water management plan, and identify which provisions of the plan require modification in order to meet the requirements. Within the time frame identified by the Department in its notification, the permittee shall make the required changes to the erosion control and storm water management plans, perform all actions required by the revised plans, and submit to the Department a written certification that the requested changes have been made and implemented, and such other information the Department requires. The Department may revoke coverage under this permit for failure to comply with this section or it may take action under s. 283.89, Wis. Stats., or both. The landowner of a construction site where the Department has revoked coverage under this permit may not discharge storm water to waters of the state from the construction site unless an individual WPDES permit for storm water discharge is issued to the landowner.

**4.8.2** The Department may require the landowner of any storm water discharge associated with land disturbing construction activity to apply for and obtain a storm water discharge permit if the storm water discharge is either contributing to the violation of a water quality standard or to significant pollution to waters of the state.

**4.8.3** The Department shall withdraw a construction site from coverage under this permit and issue an individual WPDES permit upon written request of the discharger. This permit authorizing storm water discharges from the construction site remains in effect until the Department acts on such a request and issues a specific individual WPDES permit.

**4.8.4** The Department may deny coverage under this 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 relevant information. The landowner of a construction site denied or revoked coverage under this permit may not discharge storm water to waters of the state from the construction site until an individual WPDES permit for storm water discharge is issued to the landowner.

**4.8.5** The Department may require the landowner of any storm water discharge covered by this permit, to apply for and obtain an individual WPDES storm water discharge permit if any of the following occur:

**4.8.5.1** 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.

**4.8.5.2** The storm water discharge is not in compliance with the terms and conditions of subch. III of ch. NR 216, Wis. Adm. Code, or of this permit.

**4.8.5.3** A change occurs in the availability of demonstrated technology or BMPs for the control or abatement of pollutants from the storm water discharge.

**4.8.5.4** Effluent limitations or standards are promulgated for a storm water discharge that is different than the conditions contained in subch. III of ch. NR 216, Wis. Adm. Code.

**4.8.6** Any person may submit a written request to the Department that it take action under section 4.7.5 above.

## **5. STANDARD CONDITIONS**

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated by reference in this permit. The permittee shall be responsible for meeting these requirements, except for s. NR 205.07(1)(n), which does not apply to facilities covered under general permits. Some of these requirements are outlined below in sections 5.1 through 5.24 of this permit. Requirements not specifically outlined below can be found in s. NR 205.07(1) and (3), Wis. Adm. Code.

**5.1 Spill Reporting:** The permittee shall immediately notify the Department in accordance with ch. NR 706, 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. The Department shall be notified via the 24-hour spill hotline (1-800-943-0003).

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

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

**5.4 Work near Wells:** Adequate separation distances from wells shall be maintained for storm water BMPs including ponds, storm sewers, and infiltration structures as necessary in accordance with chs. NR 811 and 812, Wis. Adm. Code.

**5.5 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.

**5.6 Enforcement Action:** The Department is authorized under s. 283.89 and 283.91, Wis. Stats., to utilize citations or referrals to the Department of Justice to enforce the conditions of this permit. Violation of a condition of this permit is subject to a fine of up to \$10,000 per day of the violation.

**5.7 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.

**5.8 Duty to halt or reduce activity:** Upon failure or impairment of BMPs identified in the erosion control and storm water management plan, the permittee shall, to the extent practical and necessary to maintain permit compliance, modify or curtail operations until the BMPs are restored or an alternative method of erosion and storm water control is provided.

**5.9 Other Information:** When the permittee becomes aware that he or she failed to submit any relevant facts in an application for permit coverage or included incorrect information in plans or reports submitted to the Department, the permittee shall promptly submit such facts or corrected information to the Department.

**5.10 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.

**5.11 Modifications to Permit Requirements:** The Department 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.

**5.12 Duty to Mitigate:** The permittee shall take all reasonable steps to minimize or prevent any adverse impacts on the waters of the state resulting from noncompliance with this permit.

**5.13 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 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.

**5.14 Duty to Provide Information.** The permittee shall furnish the Department, within a reasonable time, any information that the Department 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 Department, upon request, copies of records or reports required to be kept by the permittee.

**5.15 Certification and Signature Requirements:** The notice of intent for coverage under this permit, the notice of termination, and all reports or information submitted to the Department as required by this permit shall be signed by the permittee as follows:

**5.15.1** 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.

**5.15.2** For a unit of government, by a ranking elected official or other duly authorized representative.

**5.15.3** For a limited liability company, by a manager.

**5.15.4** For a partnership, by a general partner; and for a sole proprietorship, by the proprietor.

**5.16 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 federal Clean Water Act (CWA), any applicable federal, state or local law or regulation under authority preserved by section 510 of the CWA.

**5.17 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.

**5.18 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.

**5.19 Transfers:** Coverage under this permit is not transferable to any person except after notice to the Department in accordance with section 1.6 of this permit.

**5.20 Inspection and Entry:** The permittee shall allow authorized representatives of the Department, upon the presentation of credentials, to:

**5.20.1** Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are required to be maintained under the conditions of this permit.

**5.20.2** Have access to and copy, at reasonable times, any records required under the conditions of this permit.

**5.20.3** Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit.

**5.20.4** Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

**5.21 Submitting Records:** Unless otherwise specified, any reports submitted to the Department shall be submitted to the appropriate Department regional storm water contact or to Wisconsin DNR, Storm Water Program – WT/2, P.O. Box 7921, Madison, WI 53707-7921.

**5.22 Noncompliance:** Upon becoming aware of any permit noncompliance that may endanger public health or the environment, the permittee shall report this information by a telephone call to the Department regional storm water specialist within 24 hours. A written report describing the noncompliance shall be submitted to the Department regional storm water specialist within 5 days after the permittee became aware of the noncompliance. The Department may waive the written report on a case-by-case basis based on the oral report received within 24 hours. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

**5.23 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.

**5.24 Removed Substances:** Solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of storm water shall be stored and disposed of in a manner to prevent any pollutant from the materials from entering the waters of the state, and to comply with all applicable federal, state, and local regulations.

**5.25 Attainment of Water Quality Standards after Authorization:** At any time after authorization, the Department may determine that the discharge of storm water from a permittee's construction site may cause, have the reasonable potential to cause, or contribute to an excursion of any applicable water quality standard. If such determination is made, the Department may require the permittee to do one of the following:

**5.25.1** Develop and implement an action plan to adequately address the identified water quality concern.

**5.25.2** Submit an individual permit application.

## 6. DEFINITIONS

Definitions for some of the terms found in this permit are as follows:

**6.1 Authorized Local Program** means a municipality that has received approval from the Department pursuant to s. NR 216.415, Wis. Adm. Code, to administer the Department's construction site permit program within its jurisdiction.

**6.2 Best Management Practices or BMPs** means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

**6.3 Construction Site** means an area upon which one or more land disturbing construction activities occur that in total will disturb one acre or more of land, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan such that the total disturbed area is one acre or more.

**6.4 Department** means the State of Wisconsin Department of Natural Resources.

**6.5 Erosion** means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

**6.6 Final Stabilization** means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70% of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

**6.7 Infiltration** means the entry and movement of precipitation or runoff into or through soil.

**6.8 Infiltration System** means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

**6.9 Land Disturbing Construction Activity** means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover that may result in storm water runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes, but is not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

**6.10 Landowner or Owner** means any person holding fee title, an easement or other interest in property that allows the person to undertake land disturbing construction activity on the property.

**6.11 Maximum Extent Practicable** means a level of implementing BMPs in order to achieve a performance standard or other goal which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features.

**6.12 Municipality** means any city, town, village, county or any other public entity created pursuant to law.

- 6.13 Notice of Intent or NOI** means the Department form that must be completed and sent to the Department or to the Wisconsin Department of Commerce to obtain coverage under this permit.
- 6.14 Performance Standard** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- 6.15 Permittee** means a person who has applied for and received coverage for storm water discharge under this permit.
- 6.16 Sediment** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- 6.17 Significant contributor** means a person who discharges to waters of the state pollutants that contribute to or have the reasonable potential to contribute to an exceedence of a water quality standard.
- 6.18 Stabilize** means the process of making a site steadfast or firm, minimizing soil movement by the use of practices such as mulching and seeding, sodding, landscaping, paving, graveling or other appropriate measures.
- 6.19 Storm Water** means runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.
- 6.20 Storm Water Management Plan** means a comprehensive plan designed to reduce the discharge of pollutants from storm water, after the site has undergone final stabilization, following completion of the construction activity.
- 6.21 Waters of the State** include surface waters, groundwater and wetlands.
- 6.22 Working Day** means any day except Saturday and Sunday and holidays designated in s. 230.35 (4)(a), Wis. Stats.
- 6.23 WPDES Permit** means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to ch. 283, Wis. Stats.