

State of Wisconsin
Department of Natural Resources
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Notice of Final Determination to Issue the Tier 1 Industrial Storm Water Facility and Tier 2 Industrial Storm Water Facility General Permits, May 2021

The Tier 1 Storm Water Associated with Industrial Activity, WPDES General Permit No. WI-S067849-5: covers the category of facilities listed in s. NR 216.21(2)(a), Wis. Adm. Code, including a variety of "heavy" type industries and bulk storage facilities. The Tier 1 general permit applies to dischargers throughout Wisconsin meeting the criteria for coverage.

The Tier 2 Storm Water Associated with Industrial Activity, WPDES General Permit No. WI-S067857-5: covers the industrial activity listed in s. NR 216.21(2)(b), Wis. Adm. Code, including a variety of "light" industries, certain transportation facilities, mining operations, steam electric generating facilities, cement product manufacturers, and asphalt paving mix facilities. The Tier 2 general permit applies to dischargers throughout Wisconsin meeting the criteria for coverage.

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

Pursuant to ss. 203.12 and 205.08(10)(e), Wis. Adm. Code, the DNR has made a final determination to reissue the general permits. Both general permits are effective May 31, 2021. The general permits are effective for four years and will expire on June 2, 2025.

The final general permits, fact sheets, and response to comments are available on the DNR's webpage: <https://dnr.wisconsin.gov/topic/Stormwater/industrial>

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

APPEAL RIGHTS

Those desiring further adjudicative review of this final determination may request a public adjudicatory hearing, as provided by s. 283.63, Wis. Stats., and ch. 203, Wis. Adm. Code. A request shall be made by filing a verified petition for review with the DNR's secretary within 60 days of the effective date of the general permit (May 31, 2021).

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

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