

Wisconsin Pollutant Discharge Elimination System General Permit for Municipal Separate Storm Sewer System (MS4), Permit No. WI-S050181-2: Fact Sheet – August 2026

Purpose

The Wisconsin Department of Natural Resources (Department) is proposing to issue Wisconsin Pollutant Discharge Elimination System (WPDES) general permit No. WI-S050181-2 for existing (transfer from IP) and new storm water discharges to waters of the state from municipal separate storm sewer systems (MS4s) that are regulated under subch. I of NR 216, Wis. Adm. Code. This proposed general permit is intended to cover MS4s that the Department determines require coverage under an MS4 general permit pursuant to subch. I of NR 216, Wis. Adm. Code, but that are not currently covered under a general MS4 storm water permit. It would apply to municipalities who have reached a population of 10,000 or more in the latest decennial census and those requesting coverage be changed from an individual permit to a general permit. The proposed general permit requires an MS4 permittee to develop, implement, and maintain storm water management programs to reduce the discharge of pollutants from the MS4 to waters of the state.

The Department's Authority to Issue WPDES Permits

Under the Federal Clean Water Act (CWA), the United States Environmental Protection Agency (USEPA) issued final regulations in December 1999 that required National Pollutant Discharge Elimination System (NPDES) permits for storm water discharges associated with small MS4s under 40 CFR Part 122.

The Department is the delegated authority to issue state permits comparable to NPDES permits in Wisconsin. These permits are issued under the WPDES permit program as authorized by ch. 283, Wis. Stats. The Department has promulgated ch. NR 216, Wis. Adm. Code, *Storm Water Discharge Permits*, which under subchapter I specifies the applicability and permit requirements for MS4 permittees. Also, the Department has promulgated ch. NR 151, Wis. Adm. Code, *Runoff Management*, which contains the applicable performance standards for storm water permittees, including MS4s.

Under ch. 283, Wis. Stats., the Department may issue two types of WPDES permits: 1) individual permits and 2) general permits. Individual permits are tailored to include site-specific requirements that are applicable to an individual discharger. A general permit is written to cover a broad class of similar dischargers where environmental protection can be achieved through a set of general provisions that apply to all dischargers in a particular category. The proposed permit is a general permit.

In addition to issuing WPDES General Permit No. WI-S050181-2, the Department is also in the process of reissuing WPDES General Permit No. WI-S050075-4, which was first issued in 2006 and covers 174 MS4s. However, new MS4s not currently permitted that the Department determines require coverage under an MS4 general permit will be covered under WPDES general permit No. WI-S050181-2. Additionally, the permit will cover four permittees who are currently covered under individual permits who requested to be covered under the general permit.

The Department's Regulation of Storm Water from the MS4

In Wisconsin, WPDES permits are issued by the Department with federal oversight from the USEPA. The Department is responsible for the issuance, reissuance, modification, and enforcement of all WPDES permits issued for discharges into the waters of the state, except discharges occurring in Indian Country which are regulated directly by the USEPA.

In 1987, Congress amended the CWA, authorizing a national program of comprehensive storm water pollution control for MS4s, certain industries, and construction sites. In 1993, ch. 147, Wis. Stats., (now ch. 283, Wis. Stats.) was amended to include storm water as a "point source" discharge and to require that the Department promulgate administrative rules for permitting the discharge of storm water. As a result, the Department created ch. NR 216, Wis. Adm. Code, for permitting storm water discharges from certain municipalities that own or operate MS4s, storm water discharges associated with industrial activity, and storm water discharges associated with land disturbing construction activity.

In November 2016, the USEPA promulgated the MS4 General Permit Remand Rule (40 CFR Part 122). The USEPA amended its regulations governing how small MS4s obtain coverage under NPDES general permits. The final MS4 General Permit Remand Rule establishes two alternative approaches an NPDES permitting authority can use to issue and administer small MS4 general permits that address a partial remand of the USEPA's Phase II storm water regulations by the U.S. Court of Appeals for the Ninth Circuit. Both approaches ensure that the permitting authority establishes the necessary "clear, specific, and measurable goals" for the MS4 to "reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act." Referred to as the "MS4 permit standard," both approaches ensure that the public participation requirements of the CWA are met. The Department is applying the Comprehensive General Permit approach to issue the MS4 general permit and cover the MS4s under the revised MS4 general permit concurrently. Under the Comprehensive General Permit option, all requirements are contained within the general permit. For more information on the MS4 General Permit Remand Rule, use a standard internet search engine and type in "EPA Remand Rule."

Additionally, in December 2015, the USEPA promulgated the NPDES Electronic Reporting Rule (40 CFR Parts 9, 122, 123, 124, 127, 403, 501, and 503). This regulation requires the electronic reporting and sharing of NPDES program information. The USEPA identifies specific NPDES information, or data elements, that NPDES permitting authorities, such as the Department, are to electronically collect, manage, and share to the USEPA. Therefore, the Department uses applicable data elements to assist in writing "clear, specific, and measurable" permit language.

Applicability

Based on the most recent decennial U.S. census, the United States Environmental Protection Agency (USEPA) identifies municipalities nationally that lie within designated urbanized areas and municipalities with a population of 10,000 or more people. These municipalities are listed by the USEPA as potentially requiring coverage under an MS4 permit pursuant to the Clean Water Act. USEPA allows states with EPA-delegated permit programs, such as Wisconsin, to determine which of the municipalities identified by USEPA require an MS4 permit. The Department utilizes the criteria within subch. I of NR 216, Wis. Adm. Code, to determine which municipalities it will cover under Permit No. WI-S050181-1. Municipalities that may be affected by this proposed

general permit are listed in the table on page 4 of this fact sheet. **Please note that as of the date of the public notice for this proposed general permit (August 25, 2026), the Department has not made a final determination with regard to those municipalities that the Department will request apply for coverage under WPDES General Permit No. WI- S050181-2.**

This proposed general permit will apply to MS4s owned or operated by cities, villages, counties, and towns that are located within designated urbanized areas as determined by the 2010 U.S. decennial census; and to cities or villages with a population of 10,000 or more people. Municipalities that own or operate MS4s that the Department believes require coverage under the general permit pursuant to subch. I of NR 216, Wis. Adm. Code, will be notified individually in writing after this proposed general permit is issued. The letter of notification will explain the Department's reasoning for requesting a permit application from the municipality and the application process.

Overview of the General Permit

The proposed general permit includes the conditions required by s. NR 216.07, Wis. Adm. Code, which requires a regulated municipality to reduce pollutants that discharge through its MS4 to waters of the state via the development, implementation, and maintenance of programs for public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site pollutant control, post-construction pollutant control, pollution prevention at its municipal operations, and meeting the developed urban area performance standard under NR 151, Wis. Adm. Code. In addition, the general permit requires the development and updating of a storm sewer system map and an annual report to the Department. Furthermore, the proposed general permit specifies the implementation requirements to begin complying with an approved Total Maximum Daily Load (TMDL), if applicable.

This proposed general permit follows federal and state requirements and provides flexibility for a municipality to develop, implement, maintain, and evaluate its MS4 programs to help determine appropriate methods for meeting permit requirements. This proposed general permit allows a permittee to comply with the permit requirements either individually or in collective arrangement with other municipalities or organizations. Each permittee is responsible for meeting all the applicable requirements for its own MS4. However, permittees may find that collectively pooling their resources will be more efficient and cost-effective to comply with certain requirements.

This proposed general permit requires that information on proposed programs be submitted to the Department in accordance with a compliance schedule for review. The Department will have up to six months to review proposed programs before the programs are to be implemented.

Additionally, the proposed general permit requires the submittal of an annual report summarizing the permittee's efforts at meeting the permit requirements. This proposed general permit also requires compliance with the developed urban area performance standard in s. NR 151.13, Wis. Adm. Code, to meet to the maximum extent practicable a 20% reduction in the mass of total suspended solids discharged to surface waters from the MS4. Credit is given toward any existing TSS control that may already be in place. For the purposes of implementing an approved TMDL the proposed general permit specifies the timeframes, and analysis and planning requirements for the permittee to begin implementation efforts to comply with the TMDL, if applicable.

Additional Information

The proposed general permit, fact sheet, and other MS4 related information are available from the Department's website as indicated below. Web links to pertinent state statutes and administrative codes are also provided.

DNR WPDES Permits on Public Notice Website:

<http://dnr.wi.gov/topic/Wastewater/PublicNotices.html>

DNR Storm Water Runoff Permits Website:

<http://dnr.wi.gov/topic/stormwater/>

DNR Municipal Storm Water Permits Website:

<http://dnr.wi.gov/topic/stormwater/municipal/>

DNR Storm Water Technical Standards, Models and BMPs Website:

<http://dnr.wi.gov/topic/stormwater/standards/>

Additional information and resources, including example written program procedures, can be found on the Department's MS4 Best Management Practices Menu:

<https://dnr.wisconsin.gov/topic/stormwater/ms4bmp>

Chapter 283, Wis. Stats.:

<https://docs.legis.wisconsin.gov/statutes/statutes/283.pdf>

Chapter NR 151, Wis. Adm. Code:

https://docs.legis.wisconsin.gov/code/admin_code/nr/100/151.pdf

Chapter NR 216, Wis. Adm. Code:

https://docs.legis.wisconsin.gov/code/admin_code/nr/200/216.pdf

Public Notice, Comment Period, and Public Informational Hearing

WPDES permits on public notice can be found on the Department's WPDES permits on public notice website: <https://dnr.wi.gov/topic/wastewater/publicnotices.html>. The public notice for the proposed general permit was issued on August 25, 2026, and the comment period will run until 5:00 p.m. on September 25, 2026.

The Department pursuant to Section 283.49, Wis. Stats., has scheduled the public informational hearing below to give interested persons an opportunity to make a statement with respect to the proposed reissuance of the Municipal Separate Storm Sewer permit. There will be a public informational hearing for each permit. They will be both virtual and in person to allow attendance from throughout the state. The hearings will be held on September 1, 2026 at 10am for WI-S050075-4 and 1pm for WI-S050181-2 to coincide with the timeframe specified for public notice of the general permits. You may register for the WI-S050075-4 hearing here:

https://us02web.zoom.us/meeting/register/IZ_McF9cRCaWC1PBLf1IPw and the WI-S050181-2

hearing here: https://us02web.zoom.us/meeting/register/_8OaPNjgSGu6etxQLj1cQA or attend in person at GEF II in Room G09, 101 S. Webster St., Madison, WI 53703.

The hearing officer will conduct the hearing in an orderly fashion and will use procedures specified in subch. II of ch. NR 203, Wis. Adm. Code, necessary to ensure broad public participation in the hearing. The hearing officer will open the hearing and make a concise statement of the scope and purpose of the hearing and shall state what procedures will be used during the course of the hearing. The hearing officer shall explain the method of notification of the final decision to reissue the general permits and the methods by which the decision may be reviewed in a public adjudicatory hearing.

The hearing officer may place limits on individual oral statements to ensure an opportunity for all persons present to make statements in a reasonable period of time and to prevent undue repetition. The hearing officer may also limit the number of representatives making oral statements on behalf of any person or group. Oral statements shall be directed through the hearing officer. Cross-examination shall not be allowed.

Please direct comments by e-mail to DNRSWPERMITS@wisconsin.gov or in writing to the Storm Water Program c/o Brooke Robinson, Wisconsin DNR, Waukesha Service Center, 141 NW Barstow St., Room 180, Waukesha, WI 53188. The deadline for submittal of public comments is by **5:00 p.m. on September 25, 2026**.

Response to Comments

The Department will issue a response to comments when the final MS4 general permit is issued, and both documents will be available to the public on the Department's municipal storm water website: <https://dnr.wi.gov/topic/stormwater/municipal/>. The response will specify which provision, if any, of the draft general permit that were changed and a reason for the change. It will briefly describe and respond to all significant comments made on the draft permit raised during the public comment period. Where multiple comments are made on the same permit condition the Department may collate and summarize these comments prior to response.

Permit Drafter

Brooke Robinson – Waukesha Service Center, Wisconsin DNR, 141 NW Barstow Street, Room 180, Waukesha, WI 53188, brooke.robinson@wisconsin.gov.

Municipalities that may be affected by this proposed general permit

The following MS4s will apply, be evaluated and, if appropriate, be granted coverage under WI-S050181-2.

DNR Region	County	MS4 Name	Reason for coverage
South Central	Dane	Oregon, Village	Population per 2020 Census: 11,179
Northern	Portage	Plover, Village	Population per 2020 Census: 13,519
West Central	Monroe	Sparta, City	Population per 2020 Census: 10,025
Southeast	Sheboygan	Wilson, Town	Transfer from IP (WI-S064068-02) to GP
Southeast	Sheboygan	Kohler, Village	Transfer from IP (WI-S064076-02) to GP
Southeast	Sheboygan	Sheboygan, Town	Transfer from IP (WI-S064050-02) to GP
Southeast	Sheboygan	Sheboygan Falls, City	Transfer from IP (WI-S049948-03) to GP