Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit for Storm Water Associated with Land Disturbing Construction Activity, Permit No. WI-S067831-7: Fact Sheet – October 2026

The landowner of a construction site where one acre or more of land will be disturbed must apply for and obtain coverage under the WPDES General Permit for Storm Water Associated with Land Disturbing Construction Activity (Permit No. WI-S067831-7) from the Wisconsin Department of Natural Resources (department). This general permit regulates the discharges of pollutants to waters of the state as provided in s. 283.33, Wis. Stats., and subch. III of ch. NR 216, Wis. Adm. Code.

The department is reissuing the WPDES General Permit for Storm Water Associated with Land Disturbing Construction Activity ("general permit"). This state-wide general permit authorizes storm water discharges to waters of the state from construction sites. The general permit requires the permittee to implement best management practices to control storm water runoff in accordance with site-specific erosion control and storm water management plans to reduce sediment and other pollutants from entering waters of the state. Waters of the state include surface waters, groundwater, and wetlands.

This factsheet highlights and summarizes the most significant changes from the previous version of the general permit. This factsheet does not describe all conditions of the general permits as many of them are self-explanatory.

The Department's Authority to Issue WPDES Permits

The Federal Water Pollution Control Act of 1972 (Public Law 92-500), also called the Clean Water Act, requires that all point sources discharging pollutants to waters of the U.S. obtain a wastewater discharge permit. These permits specify the conditions under which wastewater can be discharged so that water quality standards for receiving waters are met. In 1974, the United States Environmental Protection Agency (USEPA) delegated the authority for issuing these permits in the State of Wisconsin to the department. The department exercises its permitting authority through the WPDES permit program authorized under ch. 283, Wisc. Stats.

The department 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 department issues individual WPDES permits when the interaction between pollutant discharges and water quality is complex. These permits require scrutiny and must be tailored to the specific conditions of the facility with the discharge. The department 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 that category. The WPDES General Permit for Storm Water Associated with Land Disturbing Construction Activity is a general permit.

The Department's Regulation of Storm Water Associated with Land Disturbing Construction Activity

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. No person may legally discharge to waters of the state without a WPDES permit issued under this authority.

In 1987, Congress amended the Clean Water Act, authorizing a national program of comprehensive storm water pollution control for municipal separate storm sewer systems, 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 municipal separate storm sewer systems, storm water discharges associated with industrial activity, and storm water discharges associated with land disturbing construction activity. These rules set the framework for the department to issue this general permit for the discharge of storm water associated with land disturbing construction activity.

Under ss. NR 216.43 and 216.44, Wis. Adm. Code, the landowner of a construction site where land disturbing construction activities will disturb one acre or more of land is required to obtain general permit coverage by submitting a completed Notice of Intent (NOI) to the department. The NOI shall be submitted to the department at least 14 working days prior to the commencement of any land disturbing construction activities on forms available from the department and shall include the appropriate application fee.

General Permit Requirements

Chapter NR 216, Wis. Adm. Code, defines the conditions under which storm water associated with land disturbing construction activity may be discharged so that waters of the state will be protected. The general permit contains the requirements as established in subch. III of ch. NR 216, Wis. Adm. Code.

The reissued general permit will be used by the department to authorize and regulate storm water discharges from both new and currently permitted eligible construction sites. Unless notified by the department to the contrary, the effective date of coverage under the general permit is 14 working days after an applicant's complete NOI has been received by the department. General permit coverage continues until submittal of a Notice of Termination for a project and terminates upon written confirmation by the department. The maximum period of general permit coverage for any project is limited to 3 years per NOI submission. Therefore, general permit coverage terminates unless another NOI for the original project, including the application fee, is submitted to retain coverage under the general permit or a reissued version of the general permit.

The general permit will not be used to provide permit coverage to a storm water discharge within Indian Country. Permit coverage is required from the USEPA for construction site storm water discharges within Indian County. Information on such permitting is available at: https://www.epa.gov/npdes/stormwater-discharges-construction-activities.

In summary, the general permit requires landowners of regulated construction sites to:

- Develop and implement erosion control and post-construction storm water management plans in accordance with subch. III of ch. NR 216, Wis. Adm. Code, and the applicable performance standards of ch. NR 151, Wis. Adm. Code.
- Electronically submit a complete NOI, to the department at least 14 working days prior to the commencement of land disturbing construction activities.
- Conduct inspections of implemented erosion and sediment best management practices at least weekly and after a rainfall event of 0.5 inches or greater, and repair or replace erosion and sediment best management practices as necessary.
- For any permanent storm water management structures, develop a long-term storm water maintenance agreement.
- Electronically submit a complete Notice of Termination to the department after the construction site has undergone final stabilization.

Summary of Key Changes from the Previous Version of the General Permit

This reissued general permit, Permit No. WI-S067831-7, will replace the previous version of the general permit, Permit No. WI-S067831-6. Key changes to the general permit include the following (numbering system used below corresponds with the sections in the re-issued general permit. Where references to the previous permit sections are made, they will be denoted in [brackets]):

General Updates:

1. Sections have been rearranged to improve consistency with other permits and locate like subjects together.
    a. Administrative requirements, from submittal of the notice of intent through termination of permit coverage are now consolidated into Section 1.

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b. Water quality standards are now in their own section.

1 Application, Renewal, and Termination

1.1 Initial Permit Coverage: Allowances for temporary or permanent waivers from electronic submittal under s. NR 216.006, Wis. Adm. Code, were added.

1.2 Submittals: This section was updated to comply with the antidegradation rule updates that took effect on July 1, 2026. An applicant or permittee must identify if a discharge is a new or increased discharge for the purposes of implementing antidegradation requirements under ch. NR 102 and s. NR 216.008, Wis. Adm. Code, and must identify the specific receiving water. New or increased discharges must demonstrate in the erosion control and storm water management plans that the discharge will meet the applicable conditions of a receiving waterbody in Section 3, and must certify that the conditions of the permit designed to meet the state's water quality requirements, including antidegradation requirements, have been met.

1.3 Industrial WPDES Applicability. Section 1.3 was added to clarify that land disturbing construction activities that require both storm water construction permit coverage and an industrial storm water permit coverage necessitate concurrent submittal of additional information for existing industrial operations, or submittal of concurrent Notice of Intent(s) (NOIs). These changes were necessary to address sites where the industrial operations, source areas, and potential pollutant sources impact compliance with the infiltration performance standards under s. NR 151.124, Wis. Adm. Code. This section also contains requirements for regional treatment facilities constructed for future development where it is anticipated that buildout may contain industrial facilities subject to subch. II, NR 216, Wis. Adm. Code, in the future.

1.4 Application Fee: New language has been added to include an assessment of double the application fee per s. NR 216.43 (4), Wis. Adm. Code, for NOIs submitted after land disturbance has commenced.

1.7 Authorized Local Program: References to ch. NR 216, Wis. Adm. Code, were updated.

1.17 Permit Coverage Renewal and Automatic Termination: Contains language from [Section 2.8] with additional language regarding projects where renewal is due to a change in schedule. In those cases, an updated schedule and estimate of sediment discharge from the site is needed with the renewal request.

2 APPLICABILITY CRITERIA

2.1 Authorized Discharges: Note 4 associated with Section 2.1.2.3 was added to provide an additional example of a dewatering activity which may not be eligible to discharge under the permit.

2.2 Unauthorized Discharges: A condition has been added to clarify that discharges of hazardous substances subject to spill reporting under ch. NR 706, Wis. Adm. Code, are unauthorized under this permit. The note under Section 2.2.3 was added to clarify that the concrete products operations general permit is applicable where concrete washout will occur to groundwater or surface water. If a project follows EPA guidance on concrete washout and will not have a groundwater or surface water discharge coverage is not required: https://www.epa.gov/sites/default/files/2020-02/documents/concretewashout.pdf

2.3 Bioaccumulative Chemicals of Concern: A condition was added that prohibits establishing a new or increased discharge of bioaccumulative chemicals of concern to Great Lakes Waters in accordance with s. NR 102.12, Wis. Adm. Code.

3 WATER QUALITY STANDARDS

This section consolidates language [Sections 4.2.1, 4.3.1, and 4.4.2] into a single section to reduce repetition and identify specific requirements applicable to each type of receiving water to meet antidegradation requirements under ch. NR 102 and s. NR 216.008, Wis. Adm. Code.

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Prior versions of the storm water permit included requirements to prevent a lowering of water quality for specific receiving water categories including impaired waters and waterbodies designated as Outstanding Resource Waters (ORWs) or Exceptional Water Resources (ERWs). Many of these requirements remain the same with slight modifications for readability.

The department has added or modified conditions for the following specific receiving water categories to comply with the antidegradation policy and meet state water quality standards under s. 281.16, Wis. Stats.:

- Cold Water Communities and thermal impacts (Section 3.3).
- ORWs or ERWs (Section 3.4)

Additional details on the specific requirements are contained in the permit and supporting information is contained in this fact sheet.

3.2 General Storm Water Limitations: This section contains narrative storm water discharge limitations in accordance with s. NR 102.04, Wis. Adm. Code.

3.3 Cold Water Communities: To prevent thermal impacts to cold water communities, Section 3.3 was added. A note containing considerations was added to illustrate potential options for applicants to meet this requirement.

3.4 Outstanding and Exceptional Resource Waters: Text from preceding permit [Section 4.2] has been updated to reflect s. NR 216.008, Wis. Adm. Code, regarding antidegradation implementation for storm water permits. This section applies to both new or increased discharges to ORW and ERW receiving waters. Antidegradation conditions apply to discharges during construction and post-construction sites.

Under the state's antidegradation policies, ORW and ERW waterbodies are afforded the highest level of protection. Under the general permit, any new or increased discharge to an ORW or ERW must achieve a discharge less than or equal to the existing background pollutant levels discharged to prevent a lowering of water quality. Existing background pollutant levels can be evaluated through water quality monitoring or predictive modeling, with modeling generally being more cost-effective and less time-consuming.

Predictive modeling compares the projected pollutant discharge prior to the start of construction (referred to as the baseline load) based on the applicable development conditions defined under s. NR 151.002, Wis. Adm. Code, to the average annual load from the construction site during development and the post-construction condition.

To demonstrate that water quality will not be degraded and that the state's antidegradation policy is met, project plans must comply with ch. NR 151, Wis. Adm. Code performance standards, and either demonstrate that pollutant loads during both construction and post-construction phases remain at or below existing upstream background levels by staying at or below the baseline load, meet a set of prescriptive best management practices (BMPs), or both.

The department completed an analysis of the baseline loading conditions for Total Phosphorous (TP) and Sediment (TSS) found in Appendix A Table 1. (a detailed explanation of the analysis and inputs are contained in that section of the fact sheet). These parameters were chosen as they represent surrogates for other pollutants, including metals.

The baseline loads in Appendix A Table 1 represent edge-of-field pollutant loads: the amount of TSS or TP that leaves the immediate boundary of the site but has not yet been delivered to a downstream waterbody or watershed pourpoint. The edge-of-field load is spatially consistent with the model output from SnapPlus, WinSLAMM, and RUSLE2, and is generally higher than a delivered load since it does not account for fate and transport mechanisms.

Applicants or permittees who choose to calculate the baseline load for TSS and TP using Appendix A must use

the following methods to ensure the baseline load condition is accurately represented:

- Non-urban Land Uses (undeveloped areas): Apply the baseline loading rates provided in Table 1 of Appendix A for forest, pasture/hay, grassland, shrubland, and row crop agriculture. Where higher-resolution information is available, the SnapPlus model may be used to calculate TSS, and total phosphorus loads for row crop agriculture, pasture/hay, and grassland. For agricultural land use under a crop rotation, the land use (row cop or pasture/hay) with the lowest pollutant load must be used.

- Urban Land Uses (developed): Calculate background pollutant loads using the WinSLAMM model accounting for all existing BMPs.

- Mixed Land Uses: For sites with a mixture of urban and nonurban land uses, compute a weighted average. Utilize WinSLAMM to calculate the existing urban land use loads, accounting for all existing BMPs, and use Table 1 of Appendix A or equivalent modeling for the non-urban portions of the site.

- Redevelopment Sites: For a redevelopment site with existing urban land use, the calculated baseline pollutant loading must account for existing BMPs. WinSLAMM can be used to calculate the existing baseline load for the urban land use accounting for all existing BMPs.

In lieu of the utilizing the pollutant loading rates found in Appendix A Table 1., those submitting applications for coverage under the construction site general permit may conduct their own analysis of TSS and TP loads using SPARROW, Snap-Plus, WinSLAMM, or equivalent methodology to quantify baseline pollutant loads provided the analysis accurately portrays the baseline load of the land use.

Construction Discharges to an ORW/ERW (Section 3.4.1, et seq.)
Based on the department's own analysis of construction sites during construction using Appendix A of Table 1, applicants and permittees may find compliance with TSS baseline loads difficult to achieve utilizing traditional erosion control BMPs over typical bare soil and stabilization schedules. The department also recognizes that existing modeling tools that predict delivered TP pollutant loading have difficulty accounting for application of erosion and sediment control BMPs.

As a result, the department has incorporated a prescriptive list of BMPs and requirements found under Section 3.4.1, et seq. These conditions limit the amount of time that exposed soil is left in an un-stabilized state, with faster stabilization requirements for areas discharging to ORW and ERW receiving waters.

The draft permit also considers temporary discharges. For a construction site that meets the criteria of a temporary discharge, the conditions of the permit require that the erosion control plan includes requirements to comply with the prescriptive compliance requirements of Section 3.4.1. This assures that the prescriptive compliance requirements will still be met should a change in schedule occur that would disqualify the discharge as being temporary.

Post-Construction Discharges to an ORW/ERW (Sections 3.4.2, et seq.)
To ensure there will be no lowering of water quality in a receiving ORW or ERW after construction is completed and final stabilization has occurred at a post-construction site, a permittee or applicant must demonstrate that the post-construction load with controls is at or below the baseline load prior to the pre-construction conditions.

Preconstruction condition means any new development, existing development, or redevelopment where land disturbing construction activity will occur. New development, existing development, and redevelopment are defined under s. NR 151.002, Wis. Adm. Code. (Section 3.4.5.2.1)

To prevent backsliding at a post-construction site, Section 3.4.3 requires that a redevelopment site where the redevelopment is replacing older development that was subject to post-construction performance standards of ch. NR 151, Wis. Adm. Code, in effect on or after October 1, 2004, shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or

meet the redevelopment standards of ss. NR 151.122 to 151.125, Wis. Adm. Code, whichever are more stringent.

Similarly, Section 3.4.4 prevents post-construction backsliding at transportation sites. For non-highway transportation facility redevelopment sites and highway reconstruction sites where the redevelopment or reconstruction will be replacing older development or highway that was subject to post-construction performance standards of ch. NR 151, Wis. Adm. Code, on or after October 1, 2004, the permittee or applicant shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or highway, or meet the redevelopment or highway reconstruction standards of ss. NR 151.242 to 151.249, Wis. Adm. Code, whichever are more stringent.

To account for post-construction exemptions, the department has incorporated these exemptions under Sections 3.4.3.1 to 3.4.2.3, except for reconditioning, reconstruction, resurfacing, or minor reconstruction projects that increase impervious surface associated with the post-construction site within the drainage area of an ERW or ORW, or that modify a post-construction BMP that would result in less pollutant removal efficiency. However, a post-construction project may modify a post-construction BMP provided the permittee demonstrate an equivalent level of pollutant removal efficiency will be achieved with the proposed post-construction BMP.

Permittees and applicants that have new or increased discharges to an ORW or ERW that may otherwise demonstrate the project achieves a post-construction performance to the maximum extent practicable, may only do so if the maximum extent practicable will not lower water quality in the receiving water. (Section 3.4.5.1)

In most circumstances, the department's review indicated that the existing post-construction performance standards of ss. NR 151.122-123, ss. NR 151.125-126, ss. NR 151.242-243, and ss. NR 151.245-249, Wis Adm. Code, are adequate to achieve a post-construction load with controls that is at or below the baseline load prior to the pre-construction conditions for TSS and TP. Where they are not, the department has incorporated conditions under Section 3.4.5.4 that an applicant may use to prevent a lowering of water quality.

5 EROSION CONTROL AND STORM WATER MANAGEMENT PLANS

5.1 Erosion Control Plan Requirements: New language has been added to incorporated specific receiving water requirements from Section 3 into the Erosion Control Plan under Sections 5.1.5, 5.1.6, and 5.1.7.16.

5.4 Storm Water Management Plans: New language has been added to incorporate specific receiving water requirements from Section 3 into the Storm Water Management Plans under Section 5.4.4.

6 MONITORING AND RECORDS

6.1 Inspections and Maintenance: A condition has been added that any photos taken to document completion of repair, replacement, or other maintenance identified during the inspection shall also be appended to the inspection report under Section 6.1.4.6.

7 GENERAL CONDITIONS

This section has been updated to re-order existing conditions and include applicable provisions from s. NR 205.07 (1) and (3), Wis. Adm. Code, rather than by reference.

8 DEFINITIONS

This section has been updated to add definitions for Bioaccumulative Chemical of Concern (BCC), Exceptional Resource Water (ERW), Impaired Water, Increased Discharge, New Discharge, Outfall, Outstanding Resource Water (ORW), Pollutant of Concern, Start Date, Temporary Stabilization, and Total Maximum Daily Load (TMDL).

APPENDIX A

Appendix A contains Table 1, which provides values on average annual loading rates for TSS and Total Phosphorus (TP) that prevent downstream water quality degradation when converting land use from

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preconstruction conditions to developed conditions. To calculate the TSS loss from a preconstruction condition, identify the Commission for Environmental Cooperation Level III Ecoregion, identify the predominate land cover(s), and associated soil types for the area being developed. Use the associated Average TP Discharge in pounds/acre/year or Average TSS Discharge in pounds/acre/year for the area to be developed. Weighted averages may be calculated that best reflect soil and land use within each Ecoregion.

The table was generated through a GIS analysis by summarizing TSS and TP loads from the United States Geological Survey (USGS) SPARROW model. The department chose the SPARROW model because it calculates loading rates based on regression equations linked to15 years of actual USGS streamflow and monitoring data from across the state. The department aggregated SPARROW output to account for land use, hydrologic soil group, and the Commission for Environmental Cooperation (CEC) Level III Ecoregion data, which considers parent material, slope, and land management aspects that influence TSS and TP loads. Level III Ecoregions were utilized to simplify the geographic regions for analysis, and the department further refined the analysis by integrating the Central Corn Plain Belt Ecoregion into the Southeastern Wisconsin Till Plains Ecoregion and the Western Corn Belt Plains Ecoregion into the Driftless Area Ecoregion. (Source: North American Terrestrial Ecoregions—Level III/ *https://www.epa.gov/eco-research/ecoregions-north-america*)

To account for the influence of Land Cover, the department utilized Wiscland 2.0 Level 1 *(Source:* https://dnr.wisconsin.gov/maps/WISCLAND) by summarizing TSS and TP loading based on forest, pasture/hay, grassland, shrubland, and row crop agriculture land uses. Open water and wetlands were excluded in the analysis since they could represent either a source or a sink of TSS and TP and could be classified as Waters of the State with applicable water quality standards.

To account for soil drainage class, the department overlayed the Gridded Soil Survey Geographic (gSSURGO) Database (USDA Natural Resources Conservation Service) to link map units to the dominant Hydrologic Soil Group (HSG) attribute. (*(Source: https://www.nrcs.usda.gov/resources/data-and-reports/gridded-soil-survey-geographic-gssurgo-database))*. Because dual Hydrologic Soil Groups (A/D, B/D, C/D) can behave differently based on artificial drainage, they were reclassified into single categories based on the presence of agricultural activity. Dual-type soils intersecting row-crop agriculture (Wiscland Level 1, Class 2) were assigned to their drained classification (A, B, or C). Dual-type soils outside of row-crop footprints were assigned to their undrained classification (D).

All vector feature classes (NHDPlus catchments from SPARROW and Ecoregions) were rasterized to match the native 10-meter spatial domain of the gSSURGO dataset, sharing an identical coordinate reference system, cell size, and snap raster. A composite raster was generated combining ecoregion, land use, and the modified HSG into unique stratification zones. Average TSS and TP loading rates expressed in pounds/acre/year were calculated for each stratification zone (Table 1).

Those submitting applications for coverage under the construction site general permit may conduct their own baseline pollutant loading rate analysis using SPARROW, Snap-Plus, or other tools to quantify the pre-development condition. WinSLAMM may be used to quantify pre-construction conditions for impervious surfaces, such as driveways, that may already be present.

Antidegradation Determination

This permit complies with the ch. NR 102, Wis. Adm. Code antidegradation policy and the antidegradation implementation procedures of s. NR 216.008, Wis. Adm. Code. The permit identifies the specific requirements necessary to control and prevent erosion and sediment discharges during the period of construction and maintain water quality in receiving waters from post-construction discharges.

The requirements in the permit utilize performance standards that that were developed and designed to achieve water quality standards pursuant to s. 281.16, Wis. Stats. The performance standards developed under ch. NR 151, Wis Adm. Code, contain two parts; standards to control erosion and sedimentation during the period of construction, and where applicable, standards to address discharges after construction is complete.

Performance standards during construction include requirements to prevent and reduce the discharge of sediment based on specific activities that may be present on the site through:

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- The implementation of erosion and sediment control best management practices (BMPs)

- Implement BMPs that by design achieve 5 tons/acre/year, or where high-quality waters require more expeditious stabilization, prescriptive compliance measures

- Preventative measures, such as preservation of topsoil, minimization of soil compaction, and maintenance of natural buffers, and development of a spill prevention and response procedures.

Post-construction performance standards after construction have ceased are applicable for sites that do not meet exemption criteria. Post-construction standards require a permittee to mitigate the effects of impervious surfaces by reducing peak flows, promoting infiltration and reducing sediments from a no-controls scenario.

The department develops technical standards that detail BMPs that meet the performance standards under subch. V of ch. NR 151, Wis. Adm. Code. These technical standards incorporate available science, account for implementation for each practice, BMP effectiveness under specified conditions, and economics.

The additional requirements associated with discharges to high-quality waters limit the amount of time that exposed soil is left in an un-stabilized state with faster stabilization requirements, and provide a basis to ensure that background levels for common pollutants do not degrade water quality.

By meeting the permit requirements, the permittee will protect existing uses and the water quality necessary to protect those uses, as well as prevent a lowering of water quality in high-quality waters.

Additional Information

Further information on this general permit and the department's storm water permit program is available online at https://dnr.wisconsin.gov/topic/Stormwater/construction or by contacting the appropriate department regional office or the department's Central Office at https://dnr.wisconsin.gov/topic/Stormwater/contacts.html.

Other useful links:

- Construction site storm water permit forms: https://dnr.wisconsin.gov/topic/Stormwater/construction/forms.html

- Construction site erosion & sediment control technical standards: https://dnr.wisconsin.gov/topic/Stormwater/standards/const_standards.html

- Storm water post-construction technical standards: https://dnr.wisconsin.gov/topic/Stormwater/standards/postconst_standards.html

- Storm water publications/guidance: https://dnr.wisconsin.gov/topic/Stormwater/publications.html

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rules are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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