

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

PUBLIC NOTICE OF INTENT TO REISSUE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) GENERAL PERMIT FOR TRANSPORTATION SEPARATE STORM SEWER SYSTEM, PERMIT NO. WI-S066800-2

Permittee: The WPDES general permit proposed for reissuance applies to the Wisconsin Department of Transportation (DOT).

Facility Where Discharge Occurs: Storm water discharges to waters of the state from the transportation separate storm sewer system (TS4) that is owned, operated, and maintained by the DOT, located throughout Wisconsin.

Receiving Water and Location: The WPDES general permit proposed for reissuance applies to storm water discharges to waters of the state throughout Wisconsin.

WEPA Compliance Determination under s. NR 150.35(2), Wis. Adm. Code: The Department has determined that the reissuance of the general permit is a prior compliance action under s. NR 150.20(3)(a)8., Wis. Adm. Code.

Summary of the Proposed TS4 General Permit: Under section 283.35, Wis. Stats., the DNR is authorized to issue general permits for groups of facilities or activities with similar discharge characteristics when no special circumstances warrant individual, site-specific permits. The proposed TS4 general permit is intended to eliminate significant environmental impacts of storm water discharges from the TS4 that is owned, operated, and maintained by the DOT and located within the boundaries of a municipality covered under a municipal separate storm sewer system (MS4) permit issued by the DNR pursuant to ss. NR 216.02 or 216.025, Wis. Adm. Code. The TS4 general permit program minimizes paperwork for the permittee as well as the DNR. However, pursuant to section 283.35(3), Wis. Stats., if the DNR determines it is necessary or appropriate to withhold or withdraw a part of the TS4 from coverage under the general permit, it may do so.

Under section 283.33, Wis. Stat., the DNR is authorized to regulate storm water discharges and issue storm water discharge permits. Under 2015 Wisconsin Act 307, chs. 30 and 283, Wis. Stat., were amended to remove the exemption from permitting storm water discharges associated with the TS4 that is owned, operated, and maintained by the DOT. Accordingly, the DOT storm water discharges to waters of the state from the TS4 that is owned, operated, and maintained by the DOT require coverage under a WPDES storm water discharge permit. The proposed TS4 general permit reissuance contains the requirements set forth under ch. NR 216, Wis. Adm. Code. Chapter NR 216 regulates how storm water associated with the TS4 can be discharged so that waters of the state will be protected. The TS4 general permit proposed for issuance is as follows:

WPDES General Permit for Transportation Separate Storm Sewer System (Permit No. WI-S066800-2) – The TS4 general permit is for storm water discharges from the TS4 to waters of the state. The TS4 general permit requires the DOT to reduce pollutants that discharge through its TS4 to waters of the state via the 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 transportation operations, and meeting the developed urban area performance standard under NR 151, Wis. Adm. Code. In addition, the TS4 general permit requires the development and updating of a storm sewer system map and an annual report to the DNR. Furthermore, the proposed TS4 general permit specifies the implementation requirements to begin complying with an approved Total Maximum Daily Load, where applicable.

The United States Environmental Protection Agency (USEPA) has reviewed the proposed transportation construction general permit prior to this public notice. The Department has tentatively decided that the WPDES

general permit described herein should be issued.

Permit Drafter: Brooke Robinson, Wisconsin DNR, 141 NW Barstow Street, Room 180, Waukesha, WI 53149; (262) 282-0029; Brooke.Robinson@wi.gov.

Public Comments: Persons wishing to comment on or object to the proposed transportation general permit may direct comments by email to DNRSWPERMITS@wisconsin.gov or in writing to Storm Water Program, c/o Brooke Robinson, Wisconsin DNR, 141 NW Barstow Street, Room 180, Waukesha, WI 53149. All comments or suggestions received no later than 30 days after the publication date of this public notice will be considered along with other information on file in making a final decision regarding the permit. Anyone providing comments in response to this public notice will receive a notification of the Department's final decision when the permit is issued. Where designated as a reviewable surface water discharge permit, the U.S. Environmental Protection Agency is allowed up to 90 days to submit comments or objections regarding this permit determination.

The Department may schedule a public informational hearing if requested by any person and shall schedule a public informational hearing if a petition requesting a hearing is received from 5 or more persons or if response to this notice indicates significant public interest pursuant to s. 283.49, Stats. Requests for a public informational hearing shall state the following: the name and address of the person(s) requesting the hearing; the interest in the proposed permit of the person(s) requesting the hearing; the reasons for the request; and the issues proposed to be considered at the hearing.

Access to Information: Information on file for this permit action, including the draft transportation construction general permit and fact sheet, may be inspected and copied at the permit drafter's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call the permit drafter for directions to the office location, if necessary. Information on this permit action may also be obtained by calling or e-mailing the permit drafter or by writing to the Department. Reasonable costs (usually 20 cents per page) will be charged for copies of information in the file other than the public notice, permit and fact sheet. Permit information is also available on the Department's website at <https://dnr.wisconsin.gov/topic/Wastewater/PublicNotices.html>. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

Publishing Newspaper: WI State Journal, P.O. Box 8056, Madison, WI 53708-8056

Date Notice Issued: November 10, 2023