

Water Use Permit No. 3 – Temporary Construction Dewatering

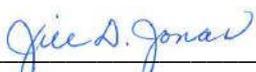


State of Wisconsin Department of Natural Resources  
Water Use General Permit No. 3 – Temporary Construction Dewatering

Pursuant to section 281.346(4s), Wis. Stats., persons who withdraw water from the Great Lakes basin for the purpose of temporary construction dewatering that meet the applicability criteria listed in this general permit and who receive a Notice of Coverage may withdraw water in amounts averaging 100,000 gallons per day or more in any 30-day period but less than 1,000,000 gallons per day for any 30 consecutive days in accordance with the requirements and conditions set forth in this permit.

A Notice of Coverage issued under this general permit will include a withdrawal amount. The department will maintain a database of the withdrawal amounts for all withdrawals covered under this general permit.

State of Wisconsin Department of Natural Resources  
For the Secretary

By:   
Jill Jonas, Director  
Bureau of Drinking Water and Groundwater

November 30, 2011  
Date of Signature

EFFECTIVE DATE: December 8, 2011

EXPIRATION DATE: December 8, 2036

## Water Use Permit No. 3 – Temporary Construction Dewatering

**1. Applicability Criteria**

This general permit applies to withdrawals from the waters of the state located in the Great Lakes basin that meet all of the following:

- (1) The water withdrawal is for the purpose of temporary pit or trench dewatering including construction pits, sewer extension construction, pipe trenches, and other similar operations. For the purposes of this general permit, “temporary” means a duration of one year or less from the start of the withdrawal.
- (2) The person receiving Notice of Coverage under this general permit is the owner, as defined in s. NR 860.11(7), Wis. Adm. Code, of the construction site property.
- (3) The owner intends to withdraw a cumulative amount averaging 100,000 gallons per day or more in any 30-day period but that does not equal at least 1,000,000 gallons per day for any 30 consecutive days.
- (4) The owner has received all the necessary permits or approvals for the withdrawal under ss. 30.12, 30.18, 281.34, 281.41, Wis. Stats., or s. 281.17, 2001 Stats.

**2. Requiring an Individual Permit**

Pursuant to s. 281.346(4s)(dm), Wis. Stats., the department may require a person who is making or proposes to make a withdrawal that meets the applicability criteria of this general permit to obtain an individual permit if the withdrawal is located in a groundwater protection area, as defined in s. 281.34(1)(a), Wis. Stats., or a groundwater management area designated under s. 281.34(9), Wis. Stats.

**3. Granting of Coverage**

All persons meeting the applicability criteria of this permit must receive Notice of Coverage from the department to be covered under this general permit, prior to making the withdrawal.

**4. Permit Conditions**

Persons that receive Notice of Coverage under this general permit shall meet all of the following permit conditions pursuant to s. NR 860.15, Wis. Adm. Code:

- (1) The permittee shall comply with all conditions of the permit. Permit noncompliance is a violation of the permit and may be grounds for enforcement action, permit suspension or revocation, or denial of a redetermination or reissuance. If a permittee violates any terms of the permit, the permittee is subject to the penalties established in ch. 281, Wis. Stats.
- (2) The permittee shall measure and record the amounts of withdrawal monthly and annually, or upon termination of the notice of coverage, report to the department following the requirements in ss. NR 856.30 and 856.31, Wis. Adm. Code. Annual reporting is required each calendar year for all permittees.
- (3) The permit does not convey any property or water rights of any sort, or any exclusive privilege. The 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, rules, or regulations.

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- (4) The permittee shall allow an authorized representative of the department, upon presentation of credentials, to do all of the following:
  - (a) Enter, upon reasonable notice, the owner's premises where a regulated withdrawal is located or conducted, or where records are kept as required under the conditions of the permit.
  - (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit.
  - (c) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices or operations regulated or required under the permit.
- (5) The permittee shall by March 1 notify the department of changes made in the previous calendar year to the information submitted in the application that require amendment following the requirements in s. NR 860.16, Wis. Adm. Code.  
Note: Changes or modifications to the following items require an amendment: property boundaries; property ownership or public water supply ownership; the name, mailing address, telephone number, and email address of the owner and operator; the locations and sources of the withdrawals; the daily withdrawal capacity of the water supply system or individual source or sources; the uses made of the water; the places at which water is used; and the places at which any of the water is discharged.
- (6) The permittee must apply to the department to increase the amount of a withdrawal over the established withdrawal amount in the Notice of Coverage. The permittee must receive a modified withdrawal amount from the department prior to beginning the increased withdrawal.
- (7) The permittee must terminate notice of coverage within 20 days of the completion of the construction dewatering activities. The permittee must submit any outstanding reporting information as required by ss. NR 856.30 and 856.31, Wis. Adm. Code with the request to terminate the notice of coverage.
- (8) All other permits and approvals that you have received for the withdrawal(s) remain in effect. This notice of coverage does not replace or change any of the conditions or requirements of the other permits or approvals.
- (9) The department may modify the conditions of this permit as necessary, following established legal procedures.

## **5. Emergency Order**

Pursuant to s. 281.346(7m), Wis. Stats., the department may, without a prior hearing, order a permittee to immediately stop a withdrawal if the department determines that there is a danger of imminent harm to the public health, safety, or welfare, to the environment, or the water resources or related land resources of this state.

## **6. Notice of Coverage Expiration**

Notice of Coverage issued under this general permit shall expire within one year of the date of issuance or within 20 days of completion of the construction dewatering activities whichever is less.

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**7. Water Use Information – Public Records**

All information submitted to the department is a public record and is subject to Wisconsin's open records law under ss. 19.21 to 19.39, Wis. Stats. The location of water withdrawals is sensitive information that may impact domestic security. Open records requests for water withdrawal locational information will be subject to the requirements of s. NR 860.14, Wis. Adm. Code. Information provided to the department may be used by the department as it deems necessary.

**8. Notice of Coverage Suspension and Revocation**

After an opportunity for a hearing, the department may suspend or revoke coverage under this general permit for cause, including obtaining coverage under the permit by misrepresentation or failure to disclose material facts or substantially violating the terms of the permit.

**9. Water Withdrawal Registration and Water Use Fees**

- (1) Water Withdrawal Registration is required for persons who have at least one water supply system with the capacity to withdraw an average of 100,000 gallons per day (70 gallons per minute) (Wisconsin Statutes s. 281.346; NR 856 Wisconsin Administrative Code). The Notice of Coverage issued under this general permit fulfills this statutory requirement. You do not need to take any additional steps to register.
- (2) Persons with registered withdrawals must pay an annual water use fee of \$125 which covers all sources of withdrawal on one property. In addition, persons withdrawing over 50 million gallons of water in a calendar year must also pay a Great Lakes basin specific fee, which is based upon the amount of water withdrawn for the year. The department issues fee invoices in the spring of each year to persons with currently registered withdrawals. The fee invoice is based on the previous calendar year's withdrawals and payment is due by June 30<sup>th</sup> each year. (Wisconsin Statutes s. 281.346 (12); NR 850 Wisconsin Administrative Code)