

# WPDES MS4 General Permit No. WI-S050181-1: What it means for affected municipalities

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# Topics for Today

- Purpose of today's presentation
- Why urban storm water is a concern and history of the storm water program
- How municipalities are identified for permitting
- Overview of the general permit
- Application process
- Additional outreach and resources
- Questions

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Top news

Those interested in discovering (or rediscovering) Wisconsin's outdoors are reminded of discounted prices for first-time license buyers - be sure to fill out your first deer certificate!  
New DNR grant program set to encourage simple lake/shore projects to boost healthy lakes

Features | Weekly News | News releases | Outdoor Report | All news



Watch the Deer Hunt Wisconsin 2014 show with Dan Small! [Check for show times and learn more](#) about the Deer Hunt rule changes, how you can get involved in deer management and get a forecast for the upcoming season.

Keyword: storm water

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# Storm water runoff permits

- Construction
- Industrial
- Municipal**



## Storm water permits, forms, and other information



Urban storm water runoff contains pollutants from roads, parking lots, construction sites, industrial storage yards and lawns. The Storm Water Program regulates storm water discharges from construction sites, industrial facilities and municipalities. These web pages provide program news, permit forms, permit data and technical assistance.

### Learn more



- ! [Work in storm water](#)
- + [Booklets](#)
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- ! [Construction standards](#)
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- + [MS4 modeling guidance](#)
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### Guidance & resources



- ! [Applications](#)
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### Construction permits



- ! [Permit overview](#)
- + [Permits control and storm water management sites](#)
- + [Permit forms](#)
- ! [Permit data](#)
- + [Practices and information](#)

### Industrial permits



- ! [Permit overview](#)
- + [Permit forms](#)
- + [Permit data](#)
- + [No Resource certification](#)
- ! [Appendix in MS 218](#)

### Municipal permits



- ! [Permit overview](#)
- + [Municipal permittees](#)
- + [Presentations and fact sheets](#)
- + [Where good is it wrong?](#)

## MS4 General Permits

Important information concerning the DNR's MS4 General Permits

- + [Read important information concerning the DNR's MS4 General Permits](#)



### Grant programs

- + [Tribal Stormwater](#)
- + [Water Quality Source & Storm Water Management](#)

### Contact information

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[Tom Bertolacci](#)  
Storm Water Program Coordinator

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Last revised: Friday May 09 2014



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## Municipal storm water permits

### Important information concerning the DNR's MS4 General Permits

Effective May 1, 2014, the DNR has issued WPOES MS4 general permits WI-S050075-2 and WI-S050181-1.

- [WPOES General Permit WI-S050075-2.aspx](#)
- [WPOES General Permit WI-S050181-1.aspx](#)
- [List of municipalities covered under WPOES General Permit WI-S050075-2.aspx](#)
- [List of municipalities notified to apply for coverage under WPOES General Permit WI-S050181-1.aspx](#)
- [NQL application Form 3400-181.aspx](#)

#### Webinar announcement

Date/Time	Thursday, November 20, 2014, 1:30 p.m. - 3:30 p.m.
Title	WPOES MS4 General Permit No. WI-S050181-1: What it means for affected municipalities
Description	<p>In May 2014 the Wisconsin Department of Natural Resources issued <a href="#">Municipal Storm Sewer System (MS4) General Permit No. WI-S050181-1 (DDEI)</a>. This MS4 General Permit will be used by the Department to cover municipalities that the department believes require coverage under the MS4 General Permit based on Chapter NR 215, Wis. Adm. Code, and the results of the 2010 decennial U.S. census that identifies municipalities that lie within designated urbanized areas or that have a population of 10,000 or more people. This webinar will provide an overview of the MS4 permit program, the application process, and the MS4 General Permit requirements. Time for questions will be provided.</p> <p>This webinar is intended for the municipalities notified to apply for coverage under MS4 General Permit No. WI-S050181-1. However, the webinar is open to all who are interested. <a href="#">View a list of the notified municipalities (DDEI)</a>.</p>
Registration	<p>The webinar is free of charge and representatives of the notified municipalities are highly encouraged to participate.</p> <p>• <a href="#">Register (text DDEI)</a></p>

Informational webinar, October 8, 2014

WPOES MS4 General Permit No. WI-S050075-2: What Covered Municipalities Need to Know

- [Download a recording of the webinar presentation \(wvo\)](#).
- [View only the webinar slides \(wvo\)](#).

### Storm water runoff

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about storm water runoff

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with technical standards

### Municipal permits

- [Permit overview](#)
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#### Contact information

For information on this page, contact:

[Jim Beckwith](#)

Storm Water Program  
Coordinator

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# Purpose of today's presentation

- General Permit No. WI-S050181-1 issued May 1, 2014
- The general permit will be used by DNR to cover new municipal permittees based on the 2010 U.S. census
- Municipalities need to know how they are affected by the general permit

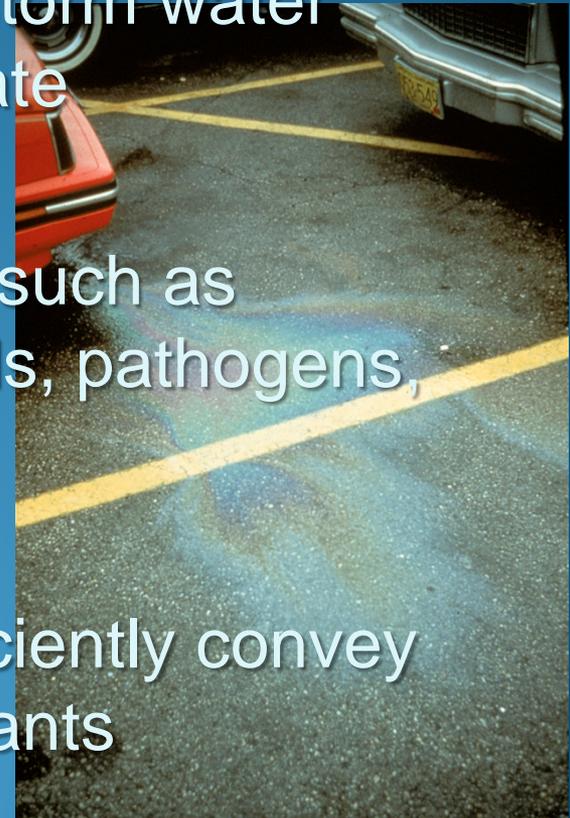
# Why urban storm water is a concern

- Urban areas have significant impervious areas

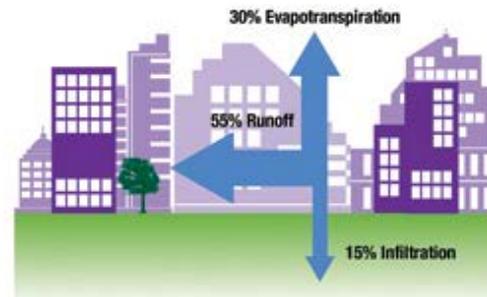
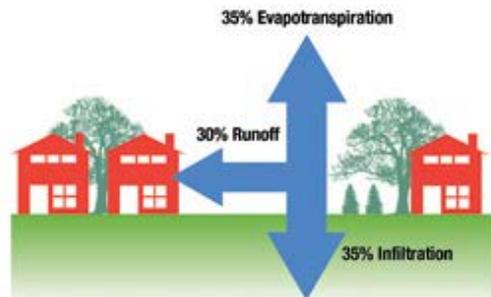
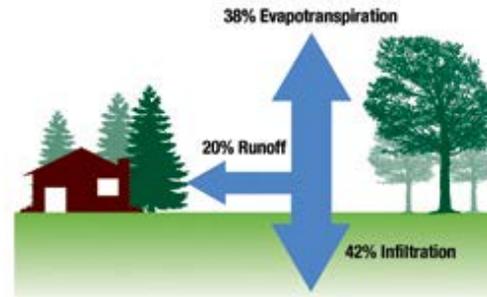
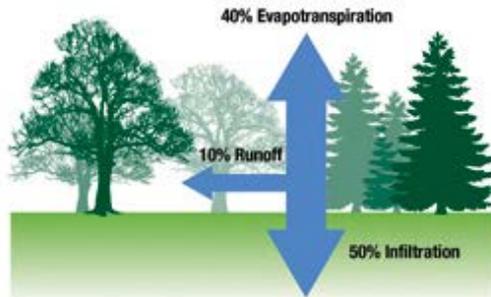


- Impervious areas are connected by storm water drainage systems to waters of the state
- Urban land uses generate pollutants such as sediment, nutrients, metals, chemicals, pathogens, oxygen demanding materials

- The same drainage systems that efficiently convey storm water also convey these pollutants



## EFFECTS OF IMPERVIOUSNESS ON RUNOFF AND INFILTRATION



Source: Arnold and Gibbons (1996) Impervious Surface Coverage.

# History of the storm water program

- Federal Acts and Regulations

- 1972 Clean Water Act

- 1987 Amendment to Clean Water Act

- 1990 Phase I - EPA Storm Water Regulations

- 1999 Phase II - EPA Storm Water Regulations



## History of the storm water program (cont.)

- Certain storm water discharges are “point sources” require a permit under Federal Clean Water Act. Storm water discharge permitting delegated to Wisconsin.
- Wisconsin law under s. 283.33 stats. authorizes DNR to promulgate rules for storm water discharges. Section 281.16(2) stats. authorizes DNR to promulgate rules for non-agricultural performance standards.
- Storm water permits administered under NR 216 and performance standards of NR 151 implemented through permit program.

# What is an MS4?

“Municipal Separate Storm Sewer System” or “MS4” means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the criteria on the next slide:

# What is an MS4? (cont.)

- Owned or operated by a municipality
- Designed or used for collecting or conveying storm water
- Not a combined sewer
- Not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment



# Point Source Discharges

- Point source discharges require a permit under the Federal CWA and Wisconsin state law
- Permits implemented through the Wisconsin Pollutant Discharge Elimination System (WPDES) program
- Point source includes a discernible, confined and discrete conveyance of storm water
- Storm water discharges from an MS4 is a point source

# MS4 Permitting in Wisconsin To-Date

- “Phase I”: Municipalities >100,000 population
  - Milwaukee and Madison covered by individual permits since mid-1990s
- “Phase II”: Small MS4s
  - 74 covered by individual permits
  - 142 covered by General Permit No. WI-S050075-2
- Implementation of General Permit No. WI-S050181-1 is a continuation of permitting small MS4s

# NR 216, Wis. Adm. Code - *Storm Water Discharge Permits*

- Subchapter I - Municipal Storm Water Discharge Permits
- Subchapter II - Industrial Storm Water Discharge Permits
- Subchapter III - Construction Site Storm Water Discharge Permits



# Subchapter I of NR 216

- Addresses storm water quality concerns associated with urban runoff
- Prevent the discharge of pollutants from MS4s to waters of the state
- Identifies municipalities requiring coverage under an MS4 permit
- Specifies permit requirements

**NR 216**

# Chapter NR 151

- **Subchapter I — General Provisions**
- **Subchapter II — Agricultural Performance Standards and Prohibitions**
- **Subchapter III — Non-Agricultural Performance Standards**
- **Subchapter IV — Transportation Facility Performance Standards**
- **Subchapter V — Technical Standards Development Process for Non-Agricultural Performance Standards**

**NR 151**

# Subchapter III of NR 151

- Construction site performance standards
- Post-construction performance standards
  - TSS, peak discharge, infiltration, protective areas
- Developed urban area performance standard for municipalities

# MS4 Permit Applicability

- Based on the latest U.S. Bureau of the Census decennial census (2010):
  - MS4s located in “Urbanized Areas”
  - MS4s outside of Urbanized Areas with population  $\geq$  10,000
- Exemption for certain MS4s that meet criteria in NR 216
- DNR has authority to designate other MS4s

# “Urbanized Area”

“Urbanized area” means a place and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people, as determined by the U.S. bureau of the census based on the latest decennial federal census.



# Wisconsin Urbanized Areas (18)

Appleton

Duluth, MN – WI

Fond du Lac

Janesville

La Crosse

Milwaukee

Oshkosh

Sheboygan

Wausau

**West Bend**

Beloit

Eau Claire

Green Bay

Kenosha

Madison

**Minneapolis-St. Paul, MN – WI**

Racine

Round Lake Beach-McHenry-

Grayslake, IL – WI

Based on the latest U.S. Bureau of the Census decennial census (2010)

# Accessing Urbanized Area Information

- USEPA Urbanized Area Maps for NPDES MS4 Phase II Storm Water Permits

[water.epa.gov/polwaste/npdes/stormwater/Urbanized-Area-Maps-for-NPDES-MS4-Phase-II-Stormwater-Permits.cfm](http://water.epa.gov/polwaste/npdes/stormwater/Urbanized-Area-Maps-for-NPDES-MS4-Phase-II-Stormwater-Permits.cfm)

- U.S. Census 2010 Census Urban Area Reference Maps

<http://www.census.gov/geo/maps-data/maps/2010ua.html>

The urbanized area and urban cluster are both outlined in green on the reference maps, so it's difficult to distinguish them, however the urbanized areas are labeled in regular font and the urban clusters are slightly italicized. EPA's small MS4 program applies in the urbanized areas.

# Municipalities with Pop. $\geq$ 10,000

Cities of:

Burlington

Elkhorn

Hudson

Platteville

Portage

Nineteen other municipalities with populations  $\geq$  10,000 are already covered under an MS4 permit

Based on the latest U.S. Bureau of the Census decennial census (2010)

# Wisconsin Implementation Overview

- DNR implements the storm water program in Wisconsin
  - MS4 program implemented via Subch. I of NR 216, Wis. Adm. Code
  - 76 individual permittees, including Madison and Milwaukee
  - General Permit No. WI-S050075-2 covers 142 existing general permittees
  - General Permit No. WI-S050181-1 will be used to cover new MS4 general permittees; 33 notified to apply

# MS4 General Permit

- Under s. 283.33, Stats.:
  - Owner or operator of MS4 meeting criteria must obtain a permit and apply for coverage
  - DNR required to promulgate rules for administration of s. 283.33 (Ch. NR 216)
  - DNR authorized to issue MS4 permits, either individual or general
- DNR using general permit approach for new MS4s
  - Most appropriate for most municipalities
  - More efficient to administer

# Overview of General Permit No. WI-S050181-1

- Similar to other general permit, but recognizes need to phase in requirements.
  - Section 1 – Applicability Criteria
  - Section 2 – Permit Conditions
  - Section 3 – Compliance Schedule
  - Section 4 – Standard Conditions
  - Section 5 – Definitions Used in this Permit

MS4 General Permit No. WI-S050181-1

Page 1 of 32  
WPDES Permit No. WI-S050181-1



**STATE OF WISCONSIN**  
**DEPARTMENT OF NATURAL RESOURCES**

**GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN  
POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WPDES PERMIT NO. WI-S0050181-1**

In compliance with the provisions of ch. 283 Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code, owners and operators of municipal separate storm sewer systems are permitted to discharge storm water from all portions of the

**MUNICIPAL SEPARATE STORM SEWER SYSTEM**

owned or operated by the municipality to waters of the state in accordance with the conditions set forth in this permit.

With written authorization by the Department, this permit will be used to cover a municipal separate storm sewer system for the first time after the effective date of this permit. The **Start Date** of coverage under this permit is the date of the Department letter sent to the municipality authorizing coverage under this permit. The Department is required to charge an annual permit fee to owners and operators authorized to discharge under this permit in accordance with s. 283.33(9), Wis. Stats., and s. NR 216.08, Wis. Adm. Code.

State of Wisconsin Department of Natural Resources  
For the Secretary

By Pamela A. Biersach  
Pamela A. Biersach, Director  
Bureau of Watershed Management  
Division of Water

April 29, 2014  
Date Permit Signed/Issued

**PERMIT EFFECTIVE DATE:** May 1, 2014      **EXPIRATION DATE:** April 30, 2019

# Applicability Criteria

- General provisions and requirements
- Permitted Area
- Water Quality Standards
- ORWs and ERWs
- Impaired waterbodies and TMDLs
  - Compliance schedule for meeting TMDL implementation provisions based on when TMDL approved



# Permit Conditions

## Six minimum control measures

- Public Education and Outreach
  - Develop and implement a public education and outreach program to increase the awareness of storm water pollution impacts on waters of the state to encourage changes in public behavior to reduce such impacts.
  -
- Public Involvement and Participation
  - Develop and implement a program to notify the public of activities required by this permit and to encourage input and participation from the public regarding these activities.
- Illicit Discharge Detection and Elimination
  - Develop, implement and enforce a program to detect and remove illicit connections and discharges to the MS4.

# Six minimum control measures (cont.)

- Construction Site Pollutant Control
  - Develop, implement and enforce a program to reduce the discharge of sediment and construction materials from construction sites.
- Post-Construction Storm Water Management
  - Develop, implement and enforce a program to require control of the quality of discharges from areas of new development and redevelopment, after construction is completed.
- Pollution Prevention
  - Develop and implement a pollution prevention program that establishes measurable goals for pollution prevention.

# Measurable Goals

Measurable goals are design objectives or goals that quantify the progress of program implementation and the performance of storm water management practices.

The programs developed to implement the six minimum control measures are to include measurable goals.

USEPA Measurable Goals Fact Sheet:

<http://water.epa.gov/polwaste/npdes/swbmp/upload/measurablegoals.pdf>

# 2013 Wisconsin Act 20

- All previous references in s. 281.33 (3) changed from “minimum” standards to “uniform statewide” standards
- DNR shall require a municipality to comply with uniform statewide standards for ordinances enacted by a municipality
- DNR is authorized to determine that the performance standards in NR 151 satisfy the requirement for the DNR to establish the uniform statewide standards
- Section 281.33(6): Municipalities have the authority to adopt ordinances with stricter provisions than the uniform statewide standards to control storm water quantity or control flooding, or to comply with federally approved TMDL requirements; or for existing development or redevelopment
- [Uniform statewide standards guidance](#)

# Storm Water Quality Management

- Develop and implement a municipal storm water management program
- The program shall achieve compliance with the developed urban area performance standard of NR 151.13(2)(b)1.
  - Within the area of existing development, implementation of storm water management practices to achieve a 20% reduction in TSS compared to no controls
  - Area of existing development: As of Oct. 1. 2004
  - Evaluate structural flood control facilities for feasibility of retrofitting to increase TSS removal
  - Assess compliance by conducting a pollutant-loading analysis using a model

- Storm Sewer System Map
  - Includes identification of waterways, drainage boundaries, outfalls, WPDES permit holders, location of structural storm water management facilities
- Annual report to DNR for each calendar year by March 31st of the following year\*
- Cooperation
  - Conditions under which a permittee may rely on another municipality or contract with another entity to satisfy a permit condition

# Compliance Schedule

TABLE 1. Compliance Schedule

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE	IMPLEMENTATION DATE	COMMENTS
Section 1.5.1	Discharges to an impaired waterbody	Within 90 days of start date and by March 31 of each odd-numbered year thereafter		All permittees
Section 1.5.4.3	Updated storm sewer system map and excluded areas	TMDL approved prior to the effective date of this permit: Within 24 months of the start date of permit coverage  TMDL approved after the effective date of this permit: Within 24 months of the approval date of the TMDL		Applies to a permittee that discharges to an impaired waterbody with an approved TMDL that assigns the permittee a wasteload allocation.
Section 1.5.4.4	Tabular summary	TMDL approved prior to the effective date of this permit: Within 48 months of the start date of permit coverage  TMDL approved after the effective date of this permit: Within 48 months of date of approval of TMDL		Applies to a permittee that discharges to an impaired waterbody with an approved TMDL that assigns the permittee a wasteload allocation.
Section 1.5.4.5	Written plan	TMDL approved prior to the effective date of this permit: Within 48 months of the start date of permit coverage  TMDL approved after the effective date of this permit: Within 48 months of date of approval of TMDL		Applies to a permittee not meeting all its wasteload allocations.

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE	IMPLEMENTATION DATE	COMMENTS
Section 2.1	Public Education and Outreach –Submit public education and outreach program	Within 18 months of start date	Within 24 months of start date	All permittees
Section 2.2	Public Involvement and Participation –Submit public involvement and participation program	Within 18 months of start date	Within 24 months of start date	All permittees
Section 2.3	1. Illicit Discharge Detection and Elimination – Section 2.3.1, submit illicit discharge ordinance	Within 24 months of start date	Within 30 months of start date	All permittees
	2. Illicit Discharge Detection and Elimination – Section 2.3.2, Complete initial field screening		Within 36 months of start date	All permittees
	3. Illicit Discharge Detection and Elimination – Section 2.3.3, submit on-going field screening	Within 36 months of start date	Within 48 months of start date	All permittees
	4. Illicit Discharge Detection and Elimination – Section 2.3.4, submit illicit discharge response procedures	Within 24 months of start date	Within 30 months of start date	All permittees
Section 2.4	1. Construction Site Pollutant Control – Section 2.4.1, submit construction site pollutant control ordinance	Within 18 months of start date	Within 24 months of start date	All permittees
	2. Construction Site Pollutant Control – Section 2.4.2, submit construction site inspection and enforcement procedures	Within 18 months of start date	Within 24 months of start date	All permittees

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE	IMPLEMENTATION DATE	COMMENTS
Section 2.5	1. Post-Construction Storm Water Management – Section 2.5.1, submit post-construction storm water management ordinance	Within 18 months of start date	Within 24 months of start date	All permittees
	2. Post-Construction Storm Water Management – Section 2.5.2, submit long-term maintenance procedures	Within 18 months of start date	Within 24 months of start date	All permittees
Section 2.6	Pollution Prevention – Submit pollution prevention program	Within 24 months of start date	Within 30 months of start date	All permittees
Section 2.7	1. Storm Water Quality Management – Section 2.7.2, submit evaluation of flood control structures	Within 24 months after start date		All permittees
	2. Storm Water Quality Management – Section 2.7.3, submit assessment of compliance	Within 24 months after start date		All permittees
Section 2.8	MS4 Map – Submit MS4 map	Within 24 months of start date		All permittees
Section 2.9	Annual Report – Submit annual report	By March 31 of each year*		All permittees
Section 2.12	Reapplication for Permit Coverage – Submit reapplication	180 days prior to permit expiration date		All permittees

\* Note: An annual report is not required after the initial calendar year of permit coverage. The first annual report sent to the Department shall report on the previous 2 calendar years of permit coverage.

# Annual Permit Fee

- Authorized under s. 283.33(9), Stats.
- Based on population under s. NR 216.08, Wis. Adm. Code
- For counties, the fee is \$500
- Fees billed by DNR after permit coverage starts

Population	Annual Fee
400,000 or greater	\$25,000
200,000 to 399,999	\$20,000
100,000 to 199,999	\$12,000
75,000 to 99,999	\$10,000
50,000 to 74,999	\$8,000
40,000 to 49,999	\$7,500
35,000 to 39,999	\$6,500
30,000 to 34,999	\$5,000
25,000 to 29,999	\$4,000
15,000 to 24,999	\$3,000
12,500 to 14,999	\$2,000
10,000 to 12,499	\$1,500
6,000 to 9,999	\$1,000
2,000 to 5,999	\$500
1,000 to 1,999	\$250
100 to 999	\$50
Less than 100	Zero

# Application process

- Submit a completed Notice of Intent (NOI) application ([Form 3400-191](#)) to the DNR
- Describe the programs or activities the municipality is doing or will do to comply with the requirements of the MS4 general permit (full program development not expected)
- Municipalities may request an exemption provided that information is submitted that supports the exemption criteria in s. NR 216.023, Wis. Adm. Code

# NOI Timeline

- On Oct. 28, 2014, DNR mailed NOIs to 33 notified municipalities
- MS4 prepares and submits NOI within 90 days of notification, by January 26, 2015
- DNR reviews of NOI, posts NOIs on DNR website
- Coverage under general permit becomes effective when Department sends letter to MS4 expressly authorizing coverage

# Additional outreach and resources

- Additional Resources

- DNR Municipal storm water permits webpage
  - <http://dnr.wi.gov/topic/stormwater/municipal/>
- UW-Extension Runoff Info webpage (urban)
  - <http://runoffinfo.uwex.edu/urban/education.html>
- USEPA MS4 webpage
  - <http://water.epa.gov/polwaste/npdes/stormwater/Municipal-Separate-Storm-Sewer-System-MS4-Main-Page.cfm>

- Future Outreach

- Starting in early 2015, outreach will focus on specific sections of general permit according to compliance schedule priorities

- Storm water staff:

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

- Other MS4s

- Sign up for GovDelivery at [dnr.wi.gov](http://dnr.wi.gov)



- DNR Funding Programs

- UNPS & SW Grants
- Small Loans

<http://dnr.wi.gov/Aid/documents/EIF/small.html>

# UNPS & SW Grants

## Construction & Planning Grants

New Grant Year begins January 15<sup>th</sup> of each calendar year

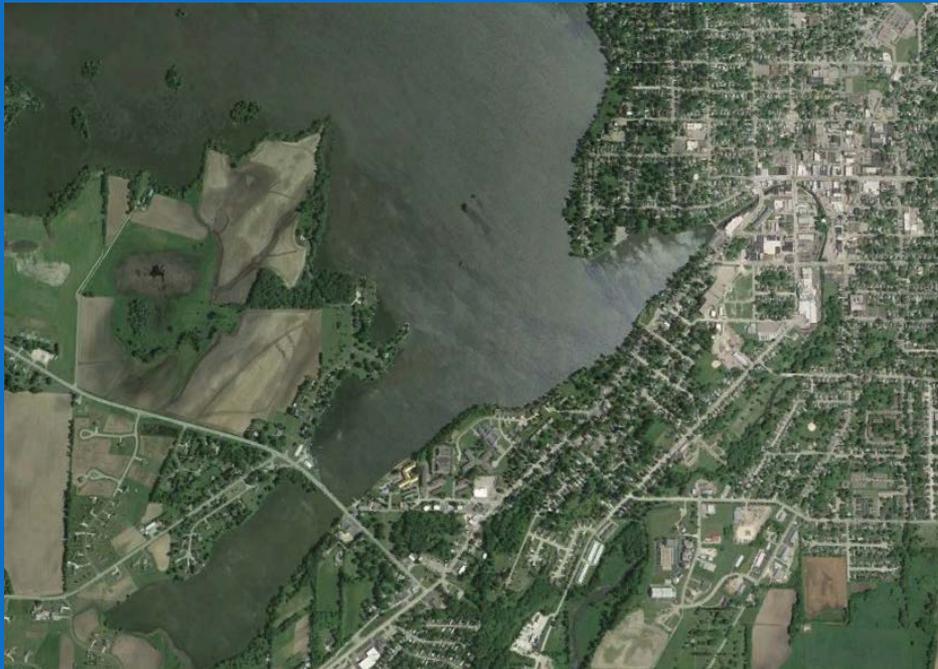
The new grant application forms and instructions are posted on DNR's web page on January 15<sup>th</sup> at:

<http://dnr.wi.gov/Aid/UrbanNonpoint.html>

or search “nonpoint grant” at [dnr.wi.gov](http://dnr.wi.gov)

# Summary – UNPS & SW Cost-Share Rates & Grant Maximums

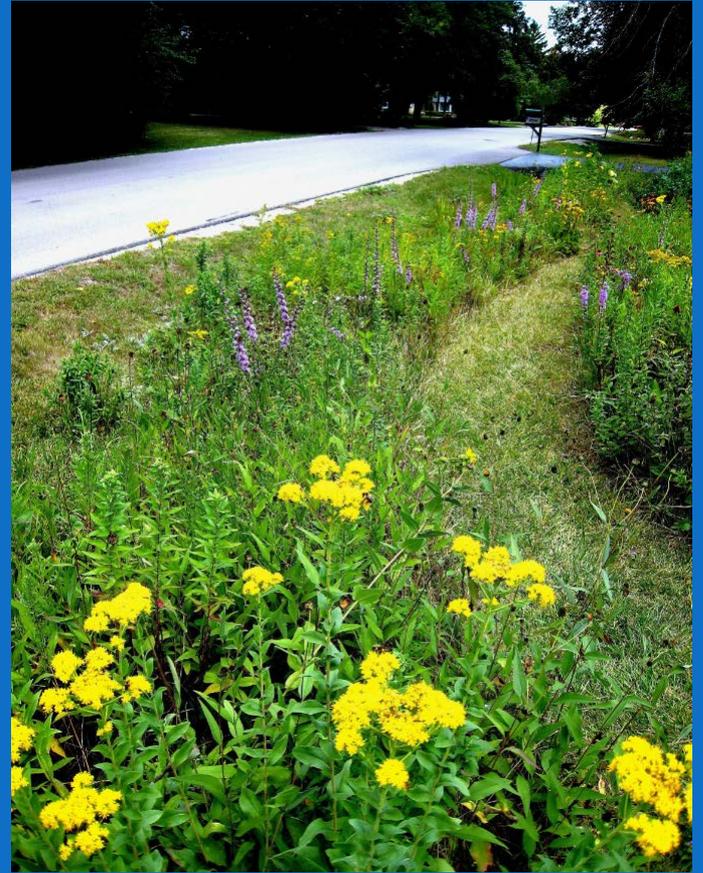
	Cost-Share Rate	Grant Maximum
<b>Construction</b>		
BMPs	50%	\$150,000
Property	50%	\$50,000
Total		\$200,000
<b>Planning</b>	70%	\$85,000

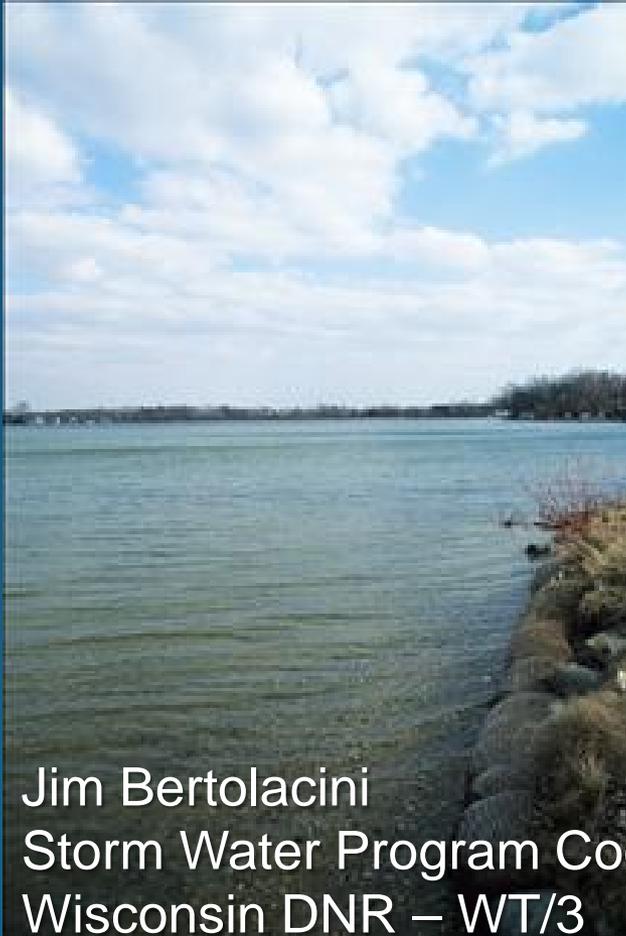












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More info?

Search “storm water” at [dnr.wi.gov](http://dnr.wi.gov)

# Questions?

