



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Cathy Stepp, Secretary  
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September 28, 2012

Jeffrey Hyslop, Mayor  
City of Eagle River  
PO Box 1269  
Eagle River, WI 54521

FIN 42410

Subject: Coverage under Wisconsin Pollution Discharge Elimination System (WPDES) Permit # WI-0049344-04 for Pit/Trench Dewatering  
Location: STH 70/STH 17, Oak Drive to Park Street, Eagle River, Vilas County  
Discharging to: Eagle River (via storm sewer), Upper Wisconsin Basin  
Project Name: Oak Drive Sewer and Water Extension

Dear Mayor Hyslop,

The Department has reviewed the Request for Coverage under the above general permit submitted on behalf of the City of Eagle River by Steven Koski of James Peterson Sons Inc. on 9-18-12, and has determined that the proposed Oak Drive Sewer and Water Extension project is eligible for coverage under the above general permit. A copy of the permit may be downloaded from the DNR website at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>.

According to your Request for Coverage, you are anticipating a discharge of 50 gallons per minute through "sock dewatering." The water will be discharged to the Eagle River via the storm sewer, at the location indicated on the site map submitted with the Request for Coverage.

- Term of Coverage:** A wastewater discharge from the dewatering project is authorized under this permit from the date of this letter until October 31, 2012, although you may contact me if an extension is needed due to currently unforeseen circumstances. Permit authorization is limited to this single dewatering project. A new request for coverage under this general wastewater permit must be submitted for review for any future dewatering at this location.
- Notification:** Notify me when the dewatering begins and again when it is completed. If the scope of the project is altered or conditions change from those described in the request for coverage under this permit, notify me immediately to determine if the project can continue under the general permit requirements.
- Contaminated Groundwater Considerations:** This permit does not authorize any discharges of treated or untreated contaminated groundwater. If any type of groundwater contamination is encountered or even suspected (particularly petroleum products or solvents) the project must be halted at once and I must be contacted on how to proceed. To protect our groundwater aquifers, dewatering wells may not be placed in, nor can seepage discharges occur in, areas of known or suspected soil contamination. Note: Review of the Remediation and Redevelopment Map for the project area indicated your discharge will be considered "uncontaminated."
- Sampling:** Parameters for surface water discharges (Outfall 1) are listed in section 4.1, Table 2, of the permit; however, **your sampling frequency shall be done according to the following schedule:**
  - Flow Monitoring:** The discharge flow, estimated in total gallons per day, shall be recorded on the enclosed Discharge Monitoring Report (DMR) form. The number of days and flow rate must be recorded on the DMR as discharge occurs.

- **Total Suspended Solids:** Sample one time per day on two different days during the first five days of discharge, and then monthly thereafter for the remainder of the project. Discharge shall not exceed a daily maximum of 40 mg/L.
- **Oil & Grease:** Sampling for oil and grease is waived for this project. However, any discharge to surface water that contains oil or grease as evidenced by an oil sheen or oil film on the surface of the water being discharged or within the settling area is prohibited by this permit. Dewatering activities shall be halted or reduced or alternative disposal methods shall be implemented immediately.

5. **Reporting:**

- A **Discharge Monitoring Report** (DMR) must be submitted to the office in Rhinelander within 60 days of completion of the project. This report is available at the website.
- Records required by this permit must be kept for the duration of the permit and made available for inspection by Department staff upon request.
- **Any exceedances of the permit limits shall be reported to me within 24 hours of the permittee becoming aware of the exceedance.**

Any high capacity dewatering well system must obtain approval from the Bureau of Drinking Water and Ground Water before initiating operation if the total discharge proposed from the system is greater than 70 gpm. Although your initial Request for Coverage indicated a discharge above this limit, your email of 9-24-12 indicated a discharge of 50 gpm. Also, any construction activity that disturbs over 1 acre requires a general permit for Storm Water Associated with Construction Site Activity, WPDES Permit No. WI-S067831. Your projects may require additional approvals from the U.S. Corps of Engineers, WDNR, and local zoning authorities.

Additional information regarding the Department's legal authority in this matter, and your rights of appeal are identified below. If you have any questions regarding the permit or your coverage under the permit you can contact me or Kris Foley (715-365-8902 or [Kristine.foley@wisconsin.gov](mailto:Kristine.foley@wisconsin.gov)).

Sincerely,

Steve Ohm  
Headwaters Basin Wastewater Engineer  
(715) 365-8939  
[Steven.Ohm@wisconsin.gov](mailto:Steven.Ohm@wisconsin.gov)

cc: NOR Permit file  
Jeff Brauer, General Permit Coordinator (via email)  
Alison Canniff, Stormwater (via email)  
Steven Koski, James Peterson Sons, Inc. (via email)

## LEGAL AUTHORITIES AND APPEAL RIGHTS

Section 283.35, Wisconsin Statutes, authorizes the Department to issue general permits for discharges from categories or classes of point sources. If a permittee believes coverage of a facility under a general WPDES permit is not appropriate, the permittee may apply for issuance of an individual WPDES permit pursuant to section 283.35(2) and may petition the Department for withdrawal of coverage under the general permit. The individual permit application should indicate which site specific factors would justify alternate WPDES limits for the operation. Issuance of such a site specific WPDES permit will provide for a 30 day public comment period, and potentially a public informational hearing and/or an adjudicatory hearing. The Department may withdraw a facility from coverage under a general permit if it is determined that a discharge is a significant contributor of pollutants to waters of Wisconsin, or in certain other cases set out in s. 283.35, Stats. In lieu of general permit withdrawal, the Department may refer any violation of this permit to the Department of Justice for enforcement under s. 283.89, Stats. In order to avoid any enforcement action, **please read the WPDES permit carefully and comply with the permit requirements.**

If you believe you have a right to challenge the Department decision to cover this facility with a WPDES general permit, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. Such a petition should identify pollutant(s) that are believed to be not appropriately regulated by the general permit for the specific site. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the time period for filing a petition for judicial review.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. A petition for judicial review must name the Department of Natural Resources as the respondent.