STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM WPDES PERMIT NO. WI-S050075-2

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 initially covered under a previous version of a municipal separate storm sewer system 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 Pam 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

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1. APPLICABILITY CRITERIA

1.1 Permitted Area

This permit covers all areas under the ownership, control or jurisdiction of the permittee that contribute to discharges from a municipal separate storm sewer system (MS4) that receives runoff from any of the following:

1.1.1 An urbanized area, adjacent developing areas and areas whose runoff is connected or will connect to a municipal separate storm sewer regulated under subch. I of NR 216, Wis. Adm. Code; or

1.1.2 An area associated with a municipal population of 10,000 or more and a population density of 1,000 or more per square mile, adjacent developing areas and areas whose runoff is connected or will connect to an MS4 regulated under subch. I of NR 216, Wis. Adm. Code; or

1.1.3 An area that drains to an MS4 that is designated for permit coverage pursuant to s. NR 216.02(2) or 216.025, Wis. Adm. Code.

1.2 Authorized Discharges

This permit authorizes storm water point source discharges from the MS4 to waters of the state in the permitted area. This permit also authorizes the discharge of storm water co-mingled with flows contributed by process wastewater, non-process wastewater, and storm water associated with industrial activity, provided the discharges are regulated by other WPDES permits or are discharges which are not considered illicit discharges pursuant to Section 2.3.1.2 of this permit.

1.3 Water Quality Standards

1.3.1 This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105, NR 140, and NR 207 Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to the requirements in this permit.

1.3.2 This permit does not authorize discharges that the Department determines will cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standards. Where such determinations have been made, the Department may notify the municipality that an individual permit is necessary. However, the Department may authorize coverage under this permit where the storm water management programs required under this permit will include appropriate controls and implementation procedures designed to bring the storm water discharge into compliance with water quality standards.

1.4 Outstanding and Exceptional Resource Waters

1.4.1 The permittee shall determine whether any part of its MS4 discharges to an outstanding resource water (ORW) or exceptional resource water (ERW). ORWs and ERWs are listed in ss. NR 102.10 and 102.11, Wis. Adm. Code.

Note: An unofficial list of ORWs and ERWs may be found on the Department's Internet site at: http://dnr.wi.gov/topic/SurfaceWater/orwerw.html

1.4.2 The permittee may not establish a new MS4 discharge of pollutants to an ORW or an ERW unless the storm water management programs required under this permit are designed to ensure

that any new MS4 discharge of pollutants to an ORW or ERW will not exceed background levels within the ORW or ERW.

1.4.2.1 "New MS4 discharge of pollutants" or "new MS4 discharge of a pollutant" means an MS4 discharge that would first occur after the permittee's original start date of coverage under an MS4 permit to a surface water to which the MS4 did not previously discharge storm water, and does not include an increase in an MS4's discharge to a surface water to which the MS4 discharged on or before coverage under this permit.

1.4.2.2 "Original start date of coverage under an MS4 permit" means the permittee's Start Date of coverage under the first MS4 permit under which it received coverage.

1.4.3 If the permittee has an existing MS4 discharge to an ERW, it may increase the discharge of pollutants if the increased discharge would not result in a violation of water quality standards.

1.4.4 If the permittee has an existing MS4 discharge to an ORW, it may increase the discharge of pollutants provided all of the following are met:

1.4.4.1 The pollutant concentration within the receiving water and under the influence of the existing discharge would not increase as compared to the level that existed prior to coverage under this permit.

1.4.4.2 The increased discharge would not result in a violation of water quality standards.

1.5 Impaired Waterbodies and Total Maximum Daily Load Requirements

1.5.1 Within 90 days after the start date of permit coverage under this permit and by March 31 of each odd-numbered year thereafter, the permittee shall determine whether any part of its MS4 discharges to an impaired waterbody listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC §1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR §130.7(c)(1).

Note: Every two years, the Department updates and publishes a list of waters considered impaired under the Clean Water Act. The list is updated in even-numbered years. A list of Wisconsin impaired waterbodies may be found on the Department's Internet site at: http://dnr.wi.gov/topic/impairedwaters/

1.5.2 If the permittee's MS4 discharges to an impaired waterbody, the permittee shall include a written section in its storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of pollutant(s) of concern that contribute to the impairment of the waterbody. This section of the permittee's program shall specifically identify control measures and practices that will collectively be used to try to eliminate the MS4's discharge of pollutant(s) of concern that contribute to the impairment of the waterbody and explain why these control measures and practices were chosen as opposed to other alternatives.

1.5.3 After the effective date of this permit, the permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired waterbody or increase the discharge of a pollutant of concern to an impaired waterbody unless the new or increased discharge causes the receiving water to meet applicable water quality standards, or the Department and the USEPA have approved a total maximum daily load (TMDL) for the impaired waterbody. If there is an

approved TMDL for the receiving water, the permittee shall comply with Section 1.5.4 below. "New MS4 discharge of a pollutant" has the meaning specified under section 1.4.2.1 of this permit.

1.5.4 For the purposes of implementing an approved TMDL, a permittee shall comply with sections 1.5.4.3, 1.5.4.4, and 1.5.4.5 in accordance with the applicable compliance schedule of either section 1.5.4.1 or 1.5.4.2. An MS4 covered under this permit, which is not specifically identified as having a wasteload allocation in a TMDL approved by the Department and the USEPA, shall comply with this section by using the same percent reduction for a pollutant of concern as the city or village in which it is physically located.

Note: Some approved TMDLs do not assign a wasteload allocation to certain permitted MS4s such as a county, WisDOT transportation facilities, or University of Wisconsin campus. These MS4s and their wasteload allocations were not separated out from the city or village in which they are physically located.

1.5.4.1 If prior to the effective date of this permit the Department and the USEPA have approved a TMDL to which the permittee's MS4 discharges a pollutant of concern and the TMDL assigns MS4 wasteload allocations, the permittee shall submit the information requested in accordance with the following compliance schedule:

1.5.4.1.1 For section 1.5.4.3, with the annual report due March 31, 2016.

1.5.4.1.2 For section 1.5.4.4, with the annual report due March 31, 2018.

1.5.4.1.3 For section 1.5.4.5, with the annual report due March 31, 2018.

1.5.4.2 If after the effective date of this permit the Department and the USEPA have approved a TMDL to which the permittee's MS4 discharges a pollutant of concern and the TMDL assigns MS4 wasteload allocations, the permittee shall submit the information requested in accordance with the following compliance schedule:

1.5.4.2.1 For section 1.5.4.3, within 24 months of the approval date of the TMDL.

1.5.4.2.2 For section 1.5.4.4, within 48 months of the approval date of the TMDL.

1.5.4.2.3 For section 1.5.4.5, within 48 months of the approval date of the TMDL.

Note: Approved TMDLs are listed on the Department's Internet site at: http://dnr.wi.gov/topic/impairedwaters/.

1.5.4.3 In accordance with the applicable compliance schedule specified in section 1.5.4.1 or 1.5.4.2, the permittee shall submit all of the following:

1.5.4.3.1 An updated storm sewer system map that identifies:

1.5.4.3.1.1 The current municipal boundary. For a permittee that is not a city or village, identify the permitted area.

Note: The permitted area for towns, counties and non-traditional MS4s pertains to the area within an urbanized area or the area served by its storm sewer system, such as a university campus.

1.5.4.3.1.2 The TMDL reachshed boundaries within the municipal boundary, and the area of each TMDL reachshed in acres within the municipal boundary.

1.5.4.3.1.3 The MS4 drainage boundary associated with each TMDL reachshed, and the area in acres of the MS4 drainage boundary associated with each TMDL reachshed.

1.5.4.3.2 Identification of areas on a map and the acreage of those areas within the municipal boundary that the permittee believes should be excluded from its analysis to show compliance with the TMDL wasteload allocation. In addition, the permittee shall provide an explanation of why these areas should not be its responsibility.

Note: An example of an area within a municipal boundary that may not be subject to a TMDL wasteload allocation for the permittee is an area that does not drain through the permittee's MS4.

Note: The information requested in section 1.5.4.3 will be used by the Department to facilitate implementation of the TMDL.

1.5.4.4 In accordance with the applicable compliance schedule specified in section 1.5.4.1 or 1.5.4.2, the permittee shall submit a tabular summary that includes the following for each MS4 drainage boundary associated with each TMDL reachshed as identified under section 1.5.4.3.1.3 and for each pollutant of concern:

1.5.4.4.1 The permittee's percent reduction needed to comply with its TMDL wasteload allocation from the no-controls modeling condition. The no-controls modeling condition means taking no (zero) credit for storm water control measures that reduce the discharge of pollutants.

1.5.4.4.2 The modeled MS4 annual average pollutant load without any storm water control measures.

Note: This model run is comparable to the no-controls condition modeled for the developed urban area performance standard of s. NR 151.13, Wis. Adm. Code.

1.5.4.4.3 The modeled MS4 annual average pollutant load with existing storm water control measures.

1.5.4.4.4 The percent reduction in pollutant load achieved calculated from the no-controls condition determined under section 1.5.4.4.2 and the existing controls condition determined under section 1.5.4.4.3.

1.5.4.4.5 The existing storm water control measures including the type of measure, area treated in acres, the pollutant load reduction efficiency, and

confirmation of the permittee's authority for long-term maintenance of each practice.

1.5.4.5 If the tabular summary required under section 1.5.4.4 shows that the permittee is not achieving the applicable percent reductions needed to comply with its TMDL wasteload allocation for each TMDL reachshed, then in accordance with the applicable compliance schedule specified in section 1.5.4.1 or 1.5.4.2, the permittee shall submit a written plan to the Department that describes how the permittee will make progress toward achieving compliance. The plan shall include the following information:

1.5.4.5.1 Recommendations and options for storm water control measures that will be considered to reduce the discharge of each pollutant of concern.

1.5.4.5.2 A proposed schedule for implementation of the recommendations and options identified under section 1.5.4.5.1.

Note: The proposed schedule may extend beyond the expiration date of this permit.

1.5.4.5.3 A cost effectiveness analysis for implementation of the recommendations and options identified under section 1.5.4.5.1.

Note: The Department has developed the guidance document "TMDL Guidance for MS4 Permits: Planning, Implementation, and Modeling Guidance" and will make it available on the Department's Internet site to assist a permittee with complying with the requirements of sections 1.5.4.3 through 1.5.4.5. For many pollutants of concern, water quality trading may be an option considered by a permittee as part of its plan. For phosphorus reduction, a permittee may consider entering into an adaptive management agreement with a traditional point source discharger as described in s. NR 217.18, Wis. Adm. Code.

1.6 Wetlands
The permittee's MS4 discharge shall comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

1.7 Endangered and Threatened Resources
The permittee's MS4 discharge shall comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.

1.8 Historic Property
The permittee's MS4 discharge may not affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the MS4 discharge will not have an adverse effect on any historic property pursuant to s. 44.40(3), Wis. Stats.

1.9 General Storm Water Discharge Limitations
The permittee may not discharge the following substances from the MS4 in amounts that have an unreasonable effect on receiving water quality, human health, or aquatic life:

1.9.1 Solids that may settle to form putrescence or otherwise objectionable sludge deposits.

1.9.2 Oil, grease, and other floating material that form noticeable accumulations of debris, scum, foam, or sheen.

1.9.3 Color or odor that is unnatural and to such a degree as to create a nuisance.

1.9.4 Toxic substances in amounts harmful to aquatic life, wildlife, or humans.

1.9.5 Nutrients conducive to the excessive growth of aquatic plants and algae to the extent that such growth is detrimental to desirable forms of aquatic life, creates conditions that are unsightly, or is a nuisance.

1.9.6 Any other substances that may impair, or threaten to impair, beneficial uses of the receiving water.

1.10 Obtaining Permit Coverage

1.10.1 The owner or operator of an MS4 covered under a previous version of an MS4 permit before the effective date of this permit shall be covered by this permit pursuant to written authorization by the Department.

Note: The Department will notify in writing the owner or operator of an MS4 covered under a previous version of an MS4 permit that this permit has been reissued and that the MS4 is covered under it. However, the City of Madison and the City of Milwaukee are not eligible for coverage under this permit.

1.10.2 Coverage under this permit does not become effective until the Department sends the owner or operator a letter expressly authorizing coverage under this permit.

1.11 Transfers
Coverage under this permit is not transferable to another municipality without the express written approval of the Department. If the permittee's MS4 is annexed into another municipality, the permittee shall immediately notify the Department by letter of the change. If the permittee ceases to own or operate any MS4 regulated under this permit, the Department may terminate its coverage under this permit.

1.12 Exclusions
The following are excluded from coverage and are not authorized under this permit:

1.12.1 Combined Sewer and Sanitary Sewer Systems
Discharges of water from a sanitary sewer or a combined sewer system conveying both sanitary and storm water. These discharges are regulated under s. 283.31, Wis. Stats, and require an individual permit.

1.12.2 Agricultural Facilities and Practices
Discharges from agricultural facilities and agricultural practices. "Agricultural facility" means a structure associated with an agricultural practice. "Agricultural practice" means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

1.12.3 Other Excluded Discharges
Storm water discharges from industrial operations or land disturbing construction activities that require separate coverage under a WPDES permit pursuant to subchs. II or III of ch. NR 216, Wis. Adm. Code. For example, while storm water from industrial or construction activity may discharge to an MS4, this permit does not satisfy the need to obtain any other permits for those discharges. This exclusion does not apply to the permittee's responsibility to regulate construction sites within its jurisdiction in accordance with sections 2.4 and 2.5 of this permit.

1.12.4 Indian Country
Storm water discharges within Indian Country. The federal Clean Water Act requires that owners and operators of storm water discharges within Indian Country in Wisconsin to obtain permit coverage directly from the United States Environmental Protection Agency.

1.12.5 Non-MS4 Discharge
Storm water discharges that do not enter an MS4.

2. PERMIT CONDITIONS

The permittee shall maintain compliance with the measurable goals for the programs developed under sections 2.1 through 2.6. The following permit conditions apply to the permittee, unless the Department issues a written determination that a condition is not appropriate under the circumstances.

2.1 Public Education and Outreach
The permittee shall maintain its public education and outreach program to increase the awareness of storm water pollution impacts on waters of the state and to encourage changes in public behavior to reduce such impacts. The program shall have measurable goals and, at a minimum, include the following elements:

2.1.1 Promote detection and elimination of illicit discharges and water quality impacts associated with such discharges from municipal separate storm sewer systems.

2.1.2 Inform and educate the public about the proper management of materials that may cause storm water pollution from sources including automobiles, pet waste, household hazardous waste and household practices.

2.1.3 Promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides.

2.1.4 Promote the management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways.

2.1.5 Promote infiltration of residential storm water runoff from rooftop downspouts, driveways and sidewalks.

2.1.6 Inform and where appropriate educate those responsible for the design, installation, and maintenance of construction site erosion control practices and storm water management facilities on how to design, install and maintain the practices.

2.1.7 Identify businesses and activities that may pose a storm water contamination concern, and where appropriate, educate specific audiences on methods of storm water pollution prevention.

2.1.8 Promote environmentally sensitive land development designs by developers and designers, including green infrastructure and low impact development.

Note: Additional information on green infrastructure and low impact development may be found on the USEPA's Internet site at:
http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm
http://water.epa.gov/polwaste/green/index.cfm

2.2 Public Involvement and Participation
The permittee shall maintain its program to notify the public of activities required by this permit and to encourage input and participation from the public regarding these activities. This program shall have measurable goals for public involvement and participation and comply with applicable state and local public notice requirements.

2.3 Illicit Discharge Detection and Elimination
The permittee shall continue to implement and enforce its program to detect and remove illicit connections and discharges to the MS4. The program shall have measurable goals and include all of the following:

2.3.1 An ordinance or other regulatory mechanism to prevent and eliminate illicit discharges and connections to the MS4. At a minimum, the ordinance or other regulatory mechanism shall:

2.3.1.1 Prohibit illicit discharges and the discharge, spilling or dumping of non-storm water substances or materials into waters of the state or the MS4.

2.3.1.2 Identify non-storm water discharges or flows that are not considered illicit discharges. Categories of non-storm water discharges that are not considered illicit discharges include water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, fire-fighting and discharges authorized under a WPDES permit. However, the occurrence of a discharge listed above may be considered an illicit discharge on a case-by-case basis if the permittee or the Department identifies it as a significant source of a pollutant to waters of the state.

2.3.1.3 Establish inspection and enforcement authority.

Note: Chapter NR 815, Wis. Adm. Code, regulates injection wells including storm water injection wells. Construction or use of a well to dispose of storm water directly into groundwater is prohibited under s. NR 815.11(5), Wis. Adm. Code.

2.3.2 On-going dry weather field screening of outfalls during the term of the permit. Field screening shall be conducted at selected outfalls on an annual basis. Consideration shall be given to hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or buildings in the area, history of the area and land use types when selecting outfalls for annual field screening. However, field screening shall be conducted at all major outfalls at least once during the term of the permit. At a minimum, field screening shall be documented and include:

2.3.2.1 Visual Observation - A narrative description of visual observations including color, odor, turbidity, oil sheen or surface scum, flow rate and any other relevant observations regarding the potential presence of non-storm water discharges or illicit dumping.

2.3.2.2 Field Analysis - If flow is observed, a field analysis shall be conducted to determine the presence of illicit non-storm water discharges or illicit dumping. The field analysis shall include sampling for pH, total chlorine, total copper, total phenol and detergents, unless the permittee elects instead to use detergent, ammonia, potassium and fluoride as the indicator parameters. Other alternative indicator parameters may be authorized by the Department in writing.

2.3.2.2.1 Field screening points shall, where possible, be located downstream of any source of suspected illicit activity.

2.3.2.2.2 Field screening points shall be located where practicable at the farthest manhole or other accessible location downstream in the system. Safety of personnel and accessibility of the location shall be considered in making this determination.

Note: The Department's MS4 Illicit Discharge Detection and Elimination guidance document includes several recommendations and criteria regarding selection of outfalls for field screening, screening frequency, indicator parameter selection, indicator parameter action levels and documentation. The Illicit Discharge Detection and Elimination guidance is available on the Department's Internet site at: http://dnr.wi.gov/topic/stormwater/municipal/overview.html

2.3.3 Procedures for responding to known or suspected illicit discharges. At a minimum, procedures shall be established for:

2.3.3.1 As soon as possible, investigating portions of the MS4 that, based on the results of field screening or other information, indicate a reasonable potential for containing illicit discharges or other sources of non-storm water discharges.

2.3.3.2 Responding to spills that discharge into and/or from the MS4 including tracking and locating the source of the spill if unknown.

2.3.3.3 Preventing and containing spills that may discharge into or are already within the MS4.

2.3.3.4 Notifying the Department immediately in accordance with ch. NR 706, Wis. Adm. Code, in the event that the permittee identifies a spill or release of a hazardous substance, which has resulted or may result in the discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour toll free spill hotline at 1-800-943-0003. The permittee shall cooperate with the Department in efforts to investigate and prevent such discharges from polluting waters of the state.

2.3.3.5 Detecting and eliminating cross-connections and leakage from sanitary conveyance systems into the MS4.

2.3.3.6 Providing the Department with advance notice of the time and location of dye testing within an MS4. Department notification prior to dye testing is required due to the

likelihood that dye observed in waterways will be reported to the Department as an illicit discharge or spill.

2.3.4 The permittee shall take appropriate action to remove illicit discharges from its MS4 system as soon as possible. If it will take more than 30 days to remove an illicit connection, the Department shall be contacted to discuss an appropriate action and/or timeframe for removal.

2.3.5 In the case of interconnected MS4s, the permittee shall notify the appropriate municipality within one working day of either of the following:

2.3.5.1 An illicit discharge that originates from the permittee's permitted area that discharges directly to a municipal separate storm sewer or property under the jurisdiction of another municipality.

2.3.5.2 An illicit discharge that has been tracked upstream to the interconnection point with or outfall from another municipality.

2.3.6 The name, title and phone number of the individual(s) responsible for responding to reports of illicit discharges and spills shall be included in the illicit discharge response procedure.

2.4 Construction Site Pollutant Control

The permittee shall continue to implement and enforce its program to reduce the discharge of sediment and construction materials from construction sites. The program shall have measurable goals and include:

2.4.1 An ordinance or other regulatory mechanism to require erosion and sediment control at construction sites and establish sanctions to ensure compliance. At a minimum, the ordinance or other regulatory mechanism shall establish or include:

2.4.1.1 Applicability and jurisdiction.

2.4.1.1.1 Pursuant to the authority provided to the permittee under Wisconsin statutes, it shall apply to all construction sites with one acre or more of land disturbance, and to sites of less than one acre if they are part of a larger common plan of development or sale under the jurisdiction of the permittee.

2.4.1.2 Requirements for design and implementation of erosion and sediment control practices consistent with the criteria of those approved by the Department.

Note: Department approved erosion and sediment control practices may be found on the Department's Internet site at:
http://dnr.wi.gov/topic/stormwater/standards/const_standards.html

2.4.1.3 Construction site performance standards equivalent to those in ss. NR 151.11(6m) and 151.23(4m), Wis. Adm. Code. If the current ordinance does not contain construction site performance standards equivalent to those in ss. NR 151.11(6m) and 151.23(4m), Wis. Adm. Code, the permittee shall create or amend the ordinance to meet this requirement within 24 months of the date of notification of coverage under this permit.

Note: The construction site performance standards in Chapter NR 151, Wis. Adm. Code, were amended January 1, 2011.

2.4.1.4 Erosion and sediment control plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.46, Wis. Adm. Code.

2.4.1.5 Inspection and enforcement authority.

2.4.1.6 Requirements for construction site operators to manage waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site so as to reduce adverse impacts to waters of the state.

2.4.2 Procedures for construction site inspection and enforcement of erosion and sediment control measures. At a minimum, the procedures shall establish:

2.4.2.1 Municipal departments or staff responsible for construction site inspections and enforcement.

2.4.2.2 Construction site inspection frequency.

2.4.2.3 Construction site inspection documentation.

2.4.2.4 Enforcement mechanisms that will be used to obtain compliance.

2.4.3 Procedures for receipt and consideration of information submitted by the public.

2.4.4 Procedures for construction site plan review which incorporate consideration of potential water quality impacts.

2.4.5 Procedures for the administration of the construction site pollutant control program including the process for obtaining local approval, managing and responding to complaints, and tracking regulated construction sites.

Note: A town may demonstrate to the Department that an adequate county ordinance that meets the requirements of this permit is administered and enforced within its town and then the town could be excused from having to adopt its own ordinance.

2.5 Post-Construction Storm Water Management
The permittee shall continue to implement and enforce its program to require control of the quality of discharges from areas of new development and redevelopment, after construction is completed. The program shall have measurable goals and include:

2.5.1 An ordinance or other regulatory mechanism to regulate post-construction storm water discharges from new development and redevelopment. At a minimum, the ordinance or other regulatory mechanism shall establish or include:

2.5.1.1 Applicability and jurisdiction that shall apply to construction sites with one acre or more of land disturbance, and sites of less than one acre if they are part of a larger common plan of development or sale under the jurisdiction of the permittee.

2.5.1.2 Requirements for design and implementation of post-construction storm water management control practices consistent with the criteria of those approved by the Department.

Note: Department approved post-construction storm water management control practices may be found on the Department's Internet site at:
http://dnr.wi.gov/topic/stormwater/standards/postconst_standards.html

2.5.1.3 For new development and infill, post-construction performance standards equivalent to those in ss. NR 151.122 through 151.126 and 151.242 through 151.246, Wis. Adm. Code. If the current ordinance does not contain post-construction performance standards for new development and infill equivalent to those in ss. NR 151.122 through 151.126 and 151.242 through 151.246, Wis. Adm. Code, the permittee shall create or amend the ordinance to meet this requirement within 24 months of the date of notification of coverage under this permit. Post-construction performance standards for new development and infill may be more restrictive than those required in this section 2.5.1.3 if necessary to comply with federally approved TMDL requirements.

2.5.1.4 For redevelopment, post-construction performance standards equivalent to or more restrictive than those in ss. NR 151.122 through 151.126 and 151.242 through 151.246, Wis. Adm. Code. If the current ordinance does not contain post-construction performance standards for redevelopment that, at a minimum, are at least as restrictive as those in ss. NR 151.122 through 151.126 and 151.242 through 151.246, Wis. Adm. Code, the permittee shall create or amend the ordinance to meet this requirement within 24 months of the date of notification of coverage under this permit.

Note: The post- construction performance standards in Chapter NR 151, Wis. Adm. Code, were amended January 1, 2011.

2.5.1.5 Storm water plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.47, Wis. Adm. Code.

2.5.1.6 Long-term maintenance requirements for landowners and other persons responsible for long-term maintenance of post-construction storm water control measures, including requirements for routine inspection and maintenance of privately owned post-construction storm water control measures that discharge to the MS4 to maintain their pollutant removal operating efficiency.

2.5.1.7 Inspection and enforcement authority.

2.5.2 Procedures that will be used by the permittee to ensure the long-term maintenance of storm water management facilities.

2.5.3 Procedures for the administration of the post-construction storm water management program including the process for obtaining local approval, managing and responding to complaints, and tracking regulated post-construction sites.

Note: A town may demonstrate to the Department that an adequate county ordinance that meets the requirements of this permit is administered and enforced within its town and then the town could be excused from having to adopt its own ordinance.

2.6 Pollution Prevention
The permittee shall continue to implement its pollution prevention program. The program shall have measurable goals and include:

2.6.1 An inventory of municipally owned or operated structural storm water management facilities.

2.6.2 Routine inspection and maintenance of municipally owned or operated structural storm water management facilities to maintain their pollutant removal operating efficiency.

Note: Chapter NR 528, Wis. Adm. Code, *Management of Accumulated Sediment from Storm Water Management Structures*, establishes a process to regulate sediment removal and use to help storm water pond owners manage storm water pond sediment. Information on NR 528 and managing accumulated sediment from storm water ponds is available through the Department's Internet site at: http://dnr.wi.gov/topic/waste/nr528.html

2.6.3 Routine street sweeping and cleaning of catch basins with sumps where appropriate.

2.6.4 Proper disposal of street sweeping and catch basin cleaning waste.

2.6.5 If road salt or other deicers are applied by the permittee, no more shall be applied than necessary to maintain public safety. Information on deicing activities shall be submitted with the annual report required under section 2.9 of this permit beginning with the annual report due by March 31, 2016 and annually thereafter and include:

> **2.6.5.1** Contact information for the individual(s) with overall responsibility for winter roadway maintenance.
>
> **2.6.5.2** Description of the types of deicing products used.
>
> **2.6.5.3** The amount of deicing product used per month.
>
> **2.6.5.4** Description of the type of equipment used.
>
> **2.6.5.5** Snow disposal locations, if applicable.
>
> **Note:** Snow treatment and disposal guidance for municipalities is available through the Department's Internet site at: http://dnr.wi.gov/topic/stormwater/publications.html
>
> **2.6.5.6** Anti-icing, equipment calibration, and salt reduction strategies considered.
>
> **2.6.5.7** Other measurable data or information that the permittee used to evaluate its deicing activities.

Note: The Wisconsin Department of Transportation (WisDOT) "Highway Maintenance Manual", chapter 35, contains guidance on application of road salt and other deicers that can be used to determine whether not application is necessary and what application rate is appropriate for deicing and ice prevention. This information is held on a secured server and users must first register with the state of Wisconsin to obtain an ID and password. You can learn more about getting connected to this secured server at: http://www.dot.wisconsin.gov/business/extranet/. The WisDOT highway salt storage requirements are contained in ch. Trans 277, Wis. Adm. Code.

2.6.6 Proper management of leaves and grass clippings, which may include on-site beneficial reuse as opposed to collection.

2.6.7 Storm water pollution prevention planning for municipal garages, storage areas and other sources of storm water pollution from municipal facilities. Information on storm water pollution prevention activities for municipal garages, storage areas and other sources of storm water pollution from municipal facilities shall be submitted with the annual report required under section 2.9 of this permit beginning with the annual report due by March 31, 2016 and annually thereafter and include the information in sections 2.6.7.1 through 2.6.7.7. The Department may waive the requirements of this section on a case-by-case basis for a municipal facility provided the permittee certifies that the facility qualifies for a conditional no exposure exclusion pursuant to s. NR 216.21(3), Wis. Adm. Code and with the Department's written concurrence.

Note: The conditional no exposure exclusion provisions of s. NR 216.21(3), Wis. Adm. Code and the related certification request form (Form 3400-188) are intended for industrial facilities regulated under subch. II of NR 216. However, if a permittee believes that materials and activities at a municipal facility are not exposed to storm water, s. NR 216.21(3) provides an appropriate means for the permittee to evaluate the facility and request a waiver from the requirements of this section. The No Exposure Certification Form, Form 3400-1288, is available on the Department's Internet site at: http://dnr.wi.gov/topic/stormwater/industrial/forms.html

Information on storm water pollution prevention activities shall include:

2.6.7.1 Location of each facility and contact information for the individual(s) with overall responsibility for each facility.

2.6.7.2 A map of each facility, drawn to scale, and including the following features:

2.6.7.2.1 The locations of major activities and storage areas.

2.6.7.2.2 Identification of drainage patterns, potential sources of storm water contamination, and discharge points.

2.6.7.2.3 Identification of nearby receiving waters or wetlands.

2.6.7.2.4 Identification of connections to the permittees MS4.

2.6.7.3 A description of good housekeeping activities and any best management practices installed to reduce or eliminate storm water contamination.

2.6.7.4 Recommendations for improvements to current storm water management practices at the facility and a timeline for installation and/or implementation of these recommendations.

2.6.7.5 Information on inspections of the facility to identify and address potential sources of storm water contamination.

2.6.7.6 Employee training on storm water pollution prevention at the facility.

2.6.7.7 Spills prevention and response procedures.

2.6.8 Application of turf and garden fertilizers on municipally controlled properties, with pervious surfaces over 5 acres each, in accordance with a site-specific nutrient application schedule based on appropriate soil tests.

2.6.9 Consideration of environmentally sensitive land development designs for municipal projects, including green infrastructure and low impact development.

Note: Additional information on green infrastructure and low impact development may be found on the USEPA's Internet site at:
http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm
http://water.epa.gov/polwaste/green/index.cfm

2.6.10 Education of appropriate municipal and other personnel involved in implementing this program.

2.6.11 Measures to reduce municipal sources of storm water contamination within source water protection areas.

Note: Wisconsin's source water assessment program information may be found on the Department's Internet site at: http://dnr.wi.gov/topic/drinkingwater/sourcewaterprotection.html

2.7 Storm Water Quality Management
The permittee shall continue to implement its municipal storm water quality management program. This program shall maintain compliance with the developed urban area performance standards of s. NR 151.13(2)(b)1., Wis. Adm. Code, for those areas of the municipality that were not subject to the post-construction performance standards of ss. NR 151.12 or 151.24, or ss. NR 151.122 through 151.126 or ss. 151.242 through 151.246, Wis. Adm. Code. The program shall include:

2.7.1 To the maximum extent practicable, implementation and maintenance of storm water management practices necessary to meet the more restrictive total suspended solids reduction of either of the following:

2.7.1.1 The permittee shall maintain source area controls, structural storm water management facilities, and non-structural storm water best management practices that the permittee implemented on or before July 1, 2011 to achieve a reduction of 20% or more of total suspended solids carried by storm water runoff from existing development to waters of the state.

2.7.1.2 A 20% reduction in the annual average mass of total suspended solids discharging from the MS4 to surface waters of the state as compared to implementing no storm water management controls. Source area controls, structural storm water management practices, and non-structural control practices implemented to achieve the 20% reduction in total suspended solids shall be maintained.

Note: The total suspended solids reduction requirement applies to storm water runoff from areas of urban land use and is not applicable to agricultural or rural land uses and associated roads. Additional MS4 modeling guidance for modeling the total suspended solids control is available on the Department's Internet site at:
http://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html. The permittee may elect to meet the applicable total suspended solids standard above on a watershed or regional basis by working with other permittee(s) to provide regional treatment that collectively meets the standard.

2.8 Storm Sewer System Map
The permittee shall continue to maintain its MS4 map. The municipal storm sewer system map shall include:

2.8.1 Identification of waters of the state, name and classification of receiving water(s), identification of whether the receiving water is an ORW, ERW or listed as an impaired water under s. 303(d) of the Clean Water Act, storm water drainage basin boundaries for each MS4 outfall and municipal separate storm sewer conveyance systems.

2.8.2 Identification of any known wetlands, endangered or threatened resources, and historical property, as defined in sections 1.6 through 1.8 of this permit, which might be affected.

2.8.3 Identification of all known MS4 outfalls discharging to waters of the state and other MS4s. Major outfalls shall be uniquely identified.

2.8.4 Location of any known discharge to the MS4 that has been issued WPDES permit coverage by the Department. A list of WPDES permit holders in the permittee's area may be obtained from the Department.

2.8.5 Location of municipally owned or operated structural storm water management facilities including detention basins, infiltration basins, and manufactured treatment devices. If the permittee will be taking total suspended solids credit for pollutant removal from privately-owned facilities, they must be identified.

2.8.6 Identification of publicly owned parks, recreational areas and other open lands.

2.8.7 Location of municipal garages, storage areas and other public works facilities.

2.8.8 Identification of streets.

2.9 Annual Report
The permittee shall submit an annual report for each calendar year to the Department by **March 31st of the following year**. The permittee shall invite the municipal governing body, interest groups and the general public to review and comment on the annual report. The annual report shall include:

2.9.1 The status of implementing the permit requirements, status of meeting measurable program goals and compliance with permit schedules.

2.9.2 A fiscal analysis which includes the annual expenditures and budget for the reporting year, and the budget for the next year.

2.9.3 A summary of the number and nature of inspections and enforcement actions conducted to ensure compliance with the required ordinances.

2.9.4 Identification of any known water quality improvements or degradation in the receiving water to which the permittee's MS4 discharges. Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water.

2.9.5 An evaluation of program compliance, the appropriateness of identified best management practices, and progress towards achieving identified measurable goals. Any program changes made as a result of this evaluation shall be identified and described in the annual report. For any

identified deficiencies towards achieving the requirements under section 2 of this permit or lack of progress towards meeting a measureable goal, the permittee shall initiate program changes to improve their effectiveness.

2.9.6 If applicable, notice that the permittee is relying on another municipality to satisfy any of the permit requirements and a description of the arrangement where a permit requirement is being met in this manner.

2.9.7 A duly authorized representative of the permittee shall sign and certify the annual report and include a statement or resolution that the permittee's governing body or delegated representatives have reviewed or been apprised of the content of the annual report. A signed copy of the annual report and other required reports shall be submitted to the appropriate Department regional storm water contact or to the Wisconsin DNR, Storm Water Program – WT/3, P.O. Box 7921, Madison, WI 53707-7921.

2.10 Cooperation

The permittee may, by written agreement, implement this permit with another municipality or contract with another entity to perform one or more of the conditions of this permit. For example, if a county is implementing and enforcing an adequate storm water ordinance(s) within a town, the town would then not have to adopt its own ordinance. However, the permittee is ultimately responsible for compliance with the conditions of this permit. The permittee may rely on another municipality or contract with another entity to satisfy a condition of this permit if all of the following are met:

2.10.1 The other municipality or entity implements the required control measure or permit requirement.

2.10.2 A particular control measure, or component thereof, is at least as stringent as the corresponding permit requirement.

2.10.3 The other municipality or entity agrees to implement a control measure or permit requirement on the permittee's behalf.

2.11 Compliance Schedule for New and Updated Permit Requirements

The permittee shall meet the compliance schedule for the new and updated permit requirements listed in Table 1 below.

Note: Table 1 does not list all the requirements of this permit.

TABLE 1. Compliance Schedule for New and Updated Permit Requirements

PERMIT SECTION	ACTIVITY	COMPLIANCE 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: March 31, 2016 TMDL approved after the effective date of this permit: Within 24 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 1.5.4.4	Tabular summary	TMDL approved prior to the effective date of this permit: March 31, 2018 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: March 31, 2018 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.
Section 2.4.1.3	Updated construction site pollutant control ordinance	Within 24 months of date of notification of coverage under this permit	All permittees.
Sections 2.5.1.3 and 2.5.1.4	Updated post-construction storm water management ordinance	Within 24 months of date of notification of coverage under this permit	All permittees.
Section 2.6.5	Information on deicing activities	With annual report due March 31, 2016 and annually thereafter	All permittees.
Section 2.6.7	Storm water pollution prevention planning for municipal facilities	With annual report due March 31, 2016 and annually thereafter	All permittees.
Section 2.9	Annual report	March 31 of each year reporting on previous calendar year	All permittees.

2.12 Amendments
The permittee shall amend a program required under this permit as soon as possible if the permittee becomes aware that it does not meet a requirement of this permit. The permittee shall amend its program if notified by the Department that a program or procedure is insufficient or ineffective in meeting a requirement of this permit. The Department notice to the permittee may include a deadline for amending and implementing the amendment.

2.13 Reapplication for Permit Coverage
To retain authorization to discharge after the expiration date of this permit, the permittee shall apply for reissuance of this permit in accordance with the requirements of s. NR 216.09, Wis. Adm. Code, at least 180 days prior to this permit's expiration date.

3. STANDARD CONDITIONS

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated by reference in this permit. The permittee shall be responsible for meeting these requirements, except for s. NR 205.07(1)(n), Wis. Adm. Code, which does not apply to facilities covered under general permits. Some of these requirements are outlined below. Requirements not specifically outlined below can be found in s. NR 205.07(1) and (3), Wis. Adm. Code.

3.1 Duty to Comply: The permittee shall comply with all conditions of the permit. Any act of noncompliance with this permit is a violation of this permit and is grounds for enforcement action or withdrawal of permit coverage under this permit and issuance of an individual permit. If the permittee files a request for an individual WPDES permit or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

3.2 Enforcement Action: The Department is authorized under s. 283.89 and 283.91, Wis. Stats., to utilize citations or referrals to the Wisconsin Department of Justice to enforce the conditions of this permit. Violation of a condition of this permit is subject to a fine of up to $10,000 per day of the violation.

3.3 Compliance Schedules: Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of the permit shall be submitted in writing within 14 days after the scheduled due date, except that progress reports shall be submitted in writing on or before each schedule date for each report. Any report of noncompliance shall include the cause of noncompliance, a description of remedial actions taken, and an estimate of the effect of the noncompliance on the permittee's ability to meet the remaining scheduled due dates.

3.4 Noncompliance

3.4.1 Upon becoming aware of any permit noncompliance that may endanger public health or the environment, the permittee shall report this information by a telephone call to the Department regional storm water specialist within 24 hours. A written report describing the noncompliance shall be submitted to the Department regional storm water specialist within 5 days after the permittee became aware of the noncompliance. The Department may waive the written report on a case-by-case basis based on the oral report received within 24 hours. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

3.4.2 Reports of any other noncompliance not covered under STANDARD CONDITIONS sections 3.3, 3.4.1, or 3.6. shall be submitted with the annual report. The reports shall contain all the information listed in STANDARD CONDITIONS section 3.4.1.

3.5 Duty to Mitigate: The permittee shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.

3.6 Spill Reporting: The permittee shall immediately notify the Department, in accordance with ch. NR 706, Wis. Adm. Code, in the event of a spill or accidental release of hazardous substances which has resulted or may result in a discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour spill hotline at 1-800-943-0003.

3.7 Proper Operation and Maintenance: The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the municipality to achieve compliance with the conditions of the permit and the storm water management plan. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of this permit.

3.8 Bypass: The permittee may temporarily bypass a storm water treatment facility if necessary for human safety or maintenance to assure efficient operation. A bypass shall comply with the general storm water discharge limitations in Section 1.9 of this permit. Notification of the Department is not required for these types of bypasses. Any other bypass is prohibited.

Note: A discharge from a storm water treatment facility that exceeds the operational design capacity of the facility is not considered a bypass.

3.9 Duty to Halt or Reduce Activity: Upon failure or impairment of storm water management practices identified in the storm water management program, the permittee shall, to the extent practicable and necessary to maintain permit compliance, modify or curtail operations until the storm water management practices are restored or an alternative method of storm water pollution control is provided.

3.10 Removed Substances: Solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of storm water shall be stored and disposed of in a manner to prevent any pollutant from the materials from entering the waters of the state, and to comply with all applicable federal, state, and local regulations.

3.11 Additional Monitoring: If a permittee monitors any pollutant more frequently than required by the permit, the results of that monitoring shall be reported to the Department in the annual report.

3.12 Inspection and Entry: The permittee shall allow authorized representatives of the Department, upon the presentation of credentials, to:

3.12.1 Enter upon the municipal premises where a regulated facility or activity is located or conducted, or where records are required to be maintained under the conditions of the permit;

3.12.2 Have access to and copy, at reasonable times, any records that are required under the conditions of the permit;

3.12.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and

3.12.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

3.13 Duty to Provide Information: The permittee shall furnish the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, terminating, suspending revoking or reissuing the permit or to determine compliance with the permit. The permittee shall give advance notice to the Department of any planned changes to the storm water management program which may result in noncompliance with permit requirements. The permittee shall also furnish the Department, upon request, copies of records required to be kept by the permittee.

3.14 Property Rights: The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or an invasion of personal rights, or any infringement of federal, state or local laws or regulations.

3.15 Other Information: Where the permittee becomes aware that it failed to submit any relevant facts in applying for permit coverage or submitted incorrect information in any plan or report sent to the Department, it shall promptly submit such facts or correct information to the Department.

3.16 Records Retention: The permittee shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the notice of intent for a period of at least 5 years from the date of the sample, measurement, report or application. The permittee shall retain records documenting implementation of the minimum control measures in sections 2.1 through 2.6 of this permit for a period of at least 5 years from the date the record was generated.

3.17 Permit Actions: Under s. 283.35, Wis. Stats., the Department may withdraw a permittee from coverage under this general permit and issue an individual permit for the municipality if: (a) The municipality is a significant contributor of pollution; (b) The municipality is not in compliance with the terms and conditions of the general permit; (c) A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants from the municipality; (d) Effluent limitations or standards are promulgated for a point source covered by the general permit after the issuance of that permit; or (e) A water quality management plan containing requirements applicable to the municipality is approved. In addition, as provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing this permit may be suspended, modified or revoked, in whole or in part, for cause. If the permittee files a request for a permit modification, termination, suspension, revocation and reissuance, or submits a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

3.18 Signatory Requirements: All applications, reports or information submitted to the Department shall be signed by a ranking elected official, or other person authorized by those responsible for the overall operation of the MS4 and storm water management program activities regulated by the permit. The representative shall certify that the information was gathered and prepared under his or her supervision and, based on report from the people directly under supervision that, to the best of his or her knowledge, the information is true, accurate, and complete.

3.19 Attainment of Water Quality Standards after Authorization: At any time after authorization, the Department may determine that the discharge of storm water from a permittee's MS4 may cause, have the reasonable potential to cause, or contribute to an excursion of any applicable water quality standard. If such determination is made, the Department may require the permittee to do one of the following:

3.19.1 Develop and implement an action plan to address the identified water quality concern to the satisfaction of the Department.

3.19.2 Submit valid and verifiable data and information that are representative of ambient conditions to demonstrate to the Department that the receiving water or groundwater is attaining the water quality standard.

3.19.3 Submit an application to the Department for an individual storm water discharge permit.

3.20 Continuation of the Expired General Permit: The Department's goal is to reissue this general permit prior to its expiration date. However, in accordance with s. NR 216.09, Wis. Adm. Code, a permittee shall reapply to the Department at least 180 days prior to the expiration date for continued coverage under this permit after its expiration. If the permit is not reissued by the time the existing permit expires, the existing permit remains in effect. To reapply for permit coverage, a permittee shall send a letter to the Department that includes proposed changes to the storm sewer system map, storm water management program and any other relevant change.

3.21 Need to Halt or Reduce Activity not a Defense: It is not a defense for a permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

4. DEFINITIONS USED IN THIS PERMIT

Definitions for some of the terms found in this permit are as follows:

4.1 Department means the Wisconsin Department of Natural Resources.

4.2 Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

4.3 Hazardous substance means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department.

4.4 Illicit Connection means any man-made conveyance connecting an illicit discharge to a municipal separate storm sewer system.

4.5 Illicit Discharge means any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges. However, the occurrence of a discharge listed above may be considered an illicit discharge on a case-by-

case basis if the permittee or the Department identifies it as a significant source of a pollutant to waters of the state.

4.6 Impaired water means a waterbody impaired in whole or in part and listed by the Department pursuant to 33 USC 1313(d)(1)(A) and 40 CFR 130.7, for not meeting a water quality standard, including a water quality standard for a specific substance or the waterbody's designated use.

4.7 Infiltration means the entry and movement of precipitation or runoff into or through soil.

4.8 Jurisdiction means the area where the permittee has authority to enforce its ordinance(s) or otherwise has authority to exercise control over a particular activity of concern.

4.9 Land Disturbing Construction Activity means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover that may result in storm water runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

4.10 Maximum Extent Practicable has the meaning given it in s. NR 151.002(25), Wis. Adm. Code.

4.11 Major Outfall means a municipal separate storm sewer outfall that meets one of the following criteria:

> **4.11.1** A single pipe with an inside diameter of 36 inches or more, or from an equivalent conveyance (cross sectional area of 1,018 square inches) which is associated with a drainage area of more than 50 acres.
>
> **4.11.2** A municipal separate storm sewer system that receives storm water runoff from lands zoned for industrial activity that is associated with a drainage area of more than 2 acres or from other lands with 2 or more acres of industrial activity, but not land zoned for industrial activity that does not have any industrial activity present

4.12 Municipality means any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, storm water or other wastes.

4.13 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 of the following criteria:

> **4.13.1** Owned or operated by a municipality.
>
> **4.13.2** Designed or used for collecting or conveying storm water.
>
> **4.13.3** Which is not a combined sewer conveying both sanitary and storm water.
>
> **4.13.4** Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

4.14 Outfall means the point at which storm water is discharged to waters of the state or to a storm sewer (e.g., leaves one municipality and enters another).

4.15 Permittee means a person who has applied for and received WPDES permit coverage for storm water discharge. For the purposes of this permit, permittee is the owner or operator of a municipal separate storm sewer system authorized to discharge storm water into waters of the state.

4.16 Permitted Area means the areas of land under the jurisdiction of the permittee that drains into a municipal separate storm sewer system, which is regulated under a permit issued pursuant to subch. I of NR 216, Wis. Adm. Code.

4.17 Pollutant(s) of concern means a pollutant that is causing impairment of a waterbody.

4.18 Reach means a specific stream segment, lake or reservoir as identified in a TMDL.

4.19 Reachshed means the drainage area contributing runoff to a given reach.

4.20 Redevelopment means areas where development is replacing older development.

4.21 Riparian Landowners are the owners of lands bordering lakes and rivers.

4.22 Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

4.23 Start Date is the initial date of permit coverage, which is specified in the Department letter authorizing coverage under this permit.

4.24 Storm Water Management Practice means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

4.25 Storm Water Pollution Prevention Planning refers to the development of a site-specific plan that describes the measures and controls that will be used to prevent and/or minimize pollution of storm water.

4.26 Structural Storm Water Management Facilities are engineered and constructed systems that are designed to provide storm water quality control such as wet detention ponds, constructed wetlands, infiltration basins and grassed swales.

4.27 Total maximum daily load or **TMDL** means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

4.28 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.

4.29 Waters of the State has the meaning given it in s. 283.01(20), Wis. Stats.

4.30 WPDES Permit means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to ch. 283, Wis. Stats.