RECEIVED NOV 15 2006

**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

WISCONSIN
DEPT. OF NATURAL RESOURCES

**Jim Doyle, Governor**
**Scott Hassett, Secretary**
**Lloyd L. Eagan, Regional Director**

**South Central Regional Headquarters**
**3911 Fish Hatchery Road**
**Fitchburg, WI 53711-5397**
**Telephone (608) 275-3266**
**FAX (608) 275-3338**
**TDD (608) 275-3231**

November 13, 2006

Rosalind Gausman
Town of Dunn
4156 County Road B
McFarland, WI 53558

FIN: 30923

**Subject:** Authorization of Permit Coverage under WPDES Municipal Separate Storm Sewer System General Permit No. WI-S050075-1

Dear Ms. Gausman:

The Department of Natural Resources has reviewed the Notice of Intent (NOI) application that you submitted for the Town of Dunn and has determined the discharge from your Municipal Separate Storm Sewer System (MS4) will be authorized and regulated under Wisconsin Pollutant Discharge Elimination System (WPDES) MS4 General Permit No. WI-S050075-1, *Municipal Separate Storm Sewer System,* in accordance with ch. 283, Wis. Stats., and subch. I of ch. NR 216, Wis. Adm. Code. You must comply with the terms and conditions of the enclosed permit in order to lawfully discharge storm water from your MS4 to waters of the state.

It is important that you read and understand the terms and conditions of this permit because it is enforceable under both state and federal law. Your MS4's **Start Date** of permit coverage is **November 13, 2006**. The schedule for meeting many of the requirements under this permit is based on this **Start Date**. A Compliance Schedule Summary is given on page 18 of the enclosed permit listing when reports must be submitted to the Department.

**Note**: The Town of Dunn's NOI application indicates that its residents are subject to the Dane County information and education efforts. There are nearly 20 municipalities that are members of the Dane County storm water educational program workgroup which is called the Madison Area Municipal Storm Water Program (MAMSWaP). Either membership or appropriate sponsorship of MAMSWaP's educational efforts is needed to receive credit for the educational efforts that MAMSWaP conducts. **The Department recommends that the Town of Dunn contact Marsha Hartwig (MAMSWaP education coordinator) at (608)224-3746 to discuss the Town's ability to become a member and/or sponsor of this program.**

Unless otherwise notified, all information that you submit to the Department in fulfillment of your permit requirements should be mailed to the following address:

Attn: Stormwater Program
DNR South Central Region
3911 Fish Hatchery Road
Fitchburg, WI 53711

The Department will assess an annual fee for holding coverage under this permit, in accordance with s. NR 216.08, Wis. Adm. Code. At the end of May each year, you will receive separate instructions from the Department about this fee and how it should be paid.

The Department's municipal storm water program Internet site is:
**http://www.dnr.state.wi.us/org/water/wm/nps/stormwater/muni.htm**
This site contains additional information about the Department's storm water program.

If you do not understand any portion of this permit or have questions about the requirements that it imposes upon your MS4, please do not hesitate to contact me at (608) 273-5612.

Sincerely,

Eric S. Rortvedt, P.E.
Water Resources Engineer
South Central Region

Enclosure: WPDES MS4 General Permit No. WI-S050075-1

Cc: Jim Bertolacini – WT/2
Marcia Hartwig – Dane Co. (MAMSWaP)

Notice of Appeal Rights

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to ss. 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. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 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. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. 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 30 day period for filing a petition for judicial review.

WISCONSIN
DEPT. OF NATURAL RESOURCES

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

## GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM WPDES PERMIT NO. WI-S050075-1

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.

The **Start Date** of coverage under this permit shall be included in the Department letter sent to the municipality authorizing coverage under this general 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. NR 216.08, Wis. Adm. Code.

State of Wisconsin Department of Natural Resources
For the Secretary

By Russell A. Rasmussen
Russell A. Rasmussen, Director
Bureau of Watershed Management
Division of Water

January 19, 2006
Date Permit Signed/Issued

**PERMIT EFFECTIVE DATE: Jan. 19, 2006** **EXPIRATION DATE: Dec. 31, 2010**

## TABLE OF CONTENTS

| | | | PAGE |
|---|---|---|---|
| 1. | APPLICABILITY CRITERIA | | |
| | 1.1 | Permitted area | 3 |
| | 1.2 | Authorized Discharges | 3 |
| | 1.3 | Water Quality Standards | 3 |
| | 1.4 | Outstanding and Exceptional Resource Waters | 3 |
| | 1.5 | Impaired Water Bodies and Total Maximum Daily Load Requirements | 4 |
| | 1.6 | Wetlands | 5 |
| | 1.7 | Endangered and Threatened Resources | 5 |
| | 1.8 | Historic Property | 5 |
| | 1.9 | General Storm Water Discharge Limitations | 5 |
| | 1.10 | Obtaining Permit Coverage | 5 |
| | 1.11 | Public Access to Information including Notice of Intents | 6 |
| | 1.12 | Public Comment and Request for Public Hearing on Notices of Intent | 6 |
| | 1.13 | Transfers | 6 |
| | 1.14 | Exclusions | 6 |
| 2. | PERMIT CONDITIONS | | |
| | 2.1 | Public Education and Outreach | 7 |
| | 2.2 | Public Involvement and Participation | 8 |
| | 2.3 | Illicit Discharge Detection and Elimination | 8 |
| | 2.4 | Construction Site Pollutant Control | 10 |
| | 2.5 | Post-Construction Storm Water Management | 11 |
| | 2.6 | Pollution Prevention | 12 |
| | 2.7 | Storm Water Quality Management | 13 |
| | 2.8 | Storm Sewer System Map | 14 |
| | 2.9 | Annual Report | 14 |
| | 2.10 | Cooperation | 15 |
| 3. | COMPLIANCE SCHEDULE | | 15 |
| 4. | STANDARD CONDITIONS | | 19 |
| 5. | DEFINITIONS | | 22 |

# 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" or "MS4" that receives runoff from any of the following:

**1.1.1** An "urbanized area", adjacent developing areas and areas whose runoff will connect to a municipal separate storm sewer regulated under subch. I of NR 216; 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 will connect to a MS4 regulated under subch. I of NR 216; or

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

Note: "MS4" and "urbanized area" are defined in section 5 of this permit.

## 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.

## 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 and NR 140, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to general narrative-type storm water discharge limitations and implementation of storm water management programs and practices.

**1.3.2** This permit does not authorize water discharges that the Department, prior to authorization of coverage under this permit, 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 prior to authorization, the Department may notify the municipality that an individual permit application 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. An unofficial list of ORWs and ERWs may be found on the Department's Internet site at: http://dnr.wi.gov/org/water/wm/wqs/.

**1.4.2** The permittee may not establish a new MS4 discharge of pollutants to an outstanding resource water (ORW) or an exceptional resource water (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" means an MS4 discharge that would first occur after the permittee's start date of coverage under this 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.

**1.4.3** 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 Water Bodies and Total Maximum Daily Load Requirements

**1.5.1** The permittee shall determine whether any part of its MS4 discharges to an impaired water body 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). Impaired waters are those that are not meeting applicable water quality standards. A list of Wisconsin impaired water bodies may be found on the Department's Internet site at: http://dnr.wi.gov/org/water/wm/wqs/303d/303d.html.

**1.5.2** If the permittee's MS4 discharges to an impaired water body, 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 water body. 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 water body and explain why these control measures and practices were chosen as opposed to other alternatives. Pollutant(s) of concern means a pollutant that is causing impairment of a water body.

**1.5.3** After the permittee's start date of coverage under this permit, the permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharge causes the receiving water to meet applicable water quality standards, or the Department has approved a total maximum daily load (TMDL) for the impaired water body.

**1.5.4** The permittee shall determine whether its MS4 discharges to an impaired water body for which the Department has approved a TMDL. If so, the permittee shall assess whether the TMDL wasteload allocation for the MS4 is being met through the existing storm water management controls or whether additional control measures are necessary. The permittee's assessment of whether the TMDL wasteload allocation is being met shall focus on the adequacy of the permittee's storm water controls (implementation and maintenance). Approved TMDLs are listed on the Department Internet site at: http://dnr.wi.gov/org/water/wm/wqs/303d/index.html.

**1.5.5** The storm water management program developed under section 2 of this permit shall be revised as necessary to achieve and maintain compliance with any Department approved-TMDL wasteload allocation for an impaired water to which the MS4 discharges. The redesigned storm water management programs shall be implemented as soon as possible.

**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 or aquatic life:

1. Solids that may settle to form putrescence or otherwise objectionable sludge deposits.
2. Oil, grease, and other floating material that form noticeable accumulations of debris, scum, foam, or sheen.
3. Color or odor that is unnatural and to such a degree as to create a nuisance.
4. Toxic substances in amounts harmful to aquatic life, wildlife, or humans.
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.
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** In order to obtain coverage under this permit, the owner or operator of an MS4 shall submit a complete Notice of Intent (NOI) to the Department. The Department will make an NOI form available on its Internet site or a copy may be obtained by contacting the storm water

program at (608) 267-7694. The NOI shall be mailed to Wisconsin DNR, Storm Water Program – WT/2, PO Box 7921, Madison, WI 53707-7921 or as otherwise directed by the Department.

**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 Public Access to Information including Notices of Intent

The Department will list on its storm water Internet site, for a period of at least 30 days, the NOIs that are received by the Department requesting coverage under this permit. This list will be accessible via: http://dnr.wi.gov/org/water/wm/nps/stormwater/muni.htm. Official Department records for individual municipalities are typically maintained in the office of the Department's regional storm water contact. To gain access to facility records, you should contact the appropriate regional contact, who is listed at: http://dnr.wi.gov/org/water/wm/nps/stormwater/contact. Or you may contact the Department's storm water program coordinator for assistance at (608) 267-7694.

### 1.12 Public Comment and Request for Public Hearing on Notices of Intent

All written comments received by the Department within 30 days of the NOI being initially listed on the Internet site will be considered along with the NOI and any other information on file to determine if coverage under this permit is appropriate. A public informational hearing may also be held if significant public interest is expressed. Requests for a public informational hearing must be filed within 30 days of the NOI being initially listed on the Department's Internet site, and must indicate the interest of the party filing the request and the reasons why a hearing is warranted. Comments and requests for public hearing must be mailed to: Wisconsin DNR, Storm Water Program – WT/2, P.O. Box 7921, Madison, WI 53707. The Department will evaluate comments and requests for public hearing to determine is there is sufficient interest to hold a public hearing prior to authorizing coverage under this permit.

### 1.13 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 such change. If the permittee ceases to own or operate any MS4 regulated under this permit, the Department may terminate its coverage under this permit.

### 1.14 Exclusions

The following are excluded from coverage (i.e. are not authorized) under this permit:

#### 1.14.1 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.

#### 1.14.2 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.

**1.14.3 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 from 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.

**1.14.4 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.

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

## 2. PERMIT CONDITIONS

The permittee shall establish written, measurable goals for achieving compliance with the programs developed under sections 2.1 through 2.6 in accordance with the compliance schedule contained in section 3 of this permit. The following permit conditions apply to the permittee, unless the Department issues a written determination that a condition is not appropriate under the circumstances. For example, where the permittee owns all of the land that drains to its MS4, it may be unnecessary to develop erosion control and storm water management ordinances since they are used to enforce against other landowners of construction and post-construction sites.

### 2.1 Public Education and Outreach

The permittee shall 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. The program shall establish 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.

**2.2 Public Involvement and Participation**
The permittee shall 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. This program shall include 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 develop, implement and enforce a program to detect and remove illicit connections and discharges to the MS4. The program shall include 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 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. 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 unless identified by the permittee as significant source of pollutants 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** Initial field screening at all major outfalls during dry weather periods. 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.

Note: Detergent, ammonia, potassium and fluoride indicator parameters provide a better screening tool to identify whether the flow is contaminated with sanitary or wastewater, and also whether the source is a tap water or a natural source of water. The Center for Watershed Protection (CWP) has illicit discharge identification and elimination guidance available at http://www.cwp.org/idde_verify.htm. The CWP guidance includes illicit discharge field sampling guidance developed by Robert Pitt from the University of Alabama on how best to detect illicit discharges including recommended indicator parameters and associated levels of detection.

**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.

**2.3.3** On-going dry weather field screening of outfalls during the term of the permit. Outfalls that will be evaluated on an on-going basis and the field screening frequency shall be identified. 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. A description of this on-going field screening program shall be submitted to the Department in accordance with section 3.3.4.

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

**2.3.4.1** 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.

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

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

**2.3.4.4** 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.

**2.3.4.5** To the maximum extent practicable, eliminating leakage from sanitary conveyance systems into the MS4.

**2.3.4.6** Providing the Department with advance notice of the time and location of dye testing within a MS4. (Because the dye may get reported to the Department as an illicit discharge or spill, the Department requires prior notification of dye testing.)

**2.3.5** 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.

**2.3.6** In the case of an illicit discharge that originates from the permittee's permitted area and that discharges directly to a municipal separate storm sewer or property under the jurisdiction of another municipality, the permittee shall notify the affected municipality within one working day.

**2.3.7** 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 and submitted to the Department in accordance with section 3.3.2.

**2.4 Construction Site Pollutant Control**

Each permittee shall develop, implement and enforce a program to reduce the discharge of sediment and construction materials from construction sites. The program shall establish 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. Note that Appendix A of ch. NR 152, Wis. Adm. Code, contains a construction site model ordinance. 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** 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.

**2.4.1.1.2** It does not have to apply to construction sites that are listed under s. NR 216.42(2) to (11), Wis. Adm. Code, except that it shall apply to construction sites listed under s. NR 216.42 (4) and (9) where erosion control authority has been delegated to the permittee by the Wisconsin Department of Commerce.

**2.4.1.1.3** If the permittee is a city, village, county or town and does not have authority from the Wisconsin Department of Commerce (Commerce) to regulate erosion control at public buildings and places of employment, the permittee shall request such authority from Commerce pursuant to s. 101.1205(4), Wis. Stats., **within 18 months after the start date.** If Commerce delegates to the permittee the authority to regulate erosion control at public buildings and places of employment, the permittee shall exercise such

authority as soon as possible.

**2.4.1.2** Erosion and sediment control criteria, standards and specifications equivalent to those approved by the Department. Department erosion and sediment control standards are available through the Department's storm water Internet site at: http://dnr.wi.gov/org/water/wm/nps/stormwater.htm.

**2.4.1.3** Construction site performance standards equivalent to or more restrictive than those in ss. NR 151.11 and 151.23, Wis. Adm. Code.

**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.

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 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. The program shall establish 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. Note that Appendix B of ch. NR 152, Wis. Adm. Code, contains a post-construction site model ordinance. 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** Design criteria, standards and specifications equivalent to technical standards or the Wisconsin Storm Water Manual approved by the Department. The Department-approved technical standards shall take precedence over the Wisconsin Storm Water Manual. The Department-approved technical standards and the Wisconsin Storm Water Manual are available at http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm.

**2.5.1.3** Post-construction performance standards equivalent to or more restrictive than those in ss. NR 151.12 and 151.24, Wis. Adm. Code.

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

**2.5.1.5** Long-term maintenance requirements for landowners and other persons responsible for long-term maintenance of post-construction storm water control measures.

**2.5.1.6** 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.

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**

Each permittee shall develop and implement a pollution prevention program that establishes measurable goals for pollution prevention. The program shall include:

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

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

**2.6.3** Proper disposal of street sweeping and catch basin cleaning waste.

**2.6.4** If road salt or other deicers are applied by the permittee, no more shall be applied than necessary to maintain public safety.

Note: The DOT "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 Wisconsin Department of Transportation (DOT) highway salt storage requirements are contained in ch. Trans 277, Wis. Adm. Code.

**2.6.5** Proper management of leaves and grass clippings, which may include on-site beneficial

reuse as opposed to collection.

**2.6.6** Storm water pollution prevention planning for municipal garages, storage areas and other sources of storm water pollution from municipal facilities.

**2.6.7** Application of lawn 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.

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

**2.6.9** Measures to reduce municipal sources of storm water contamination within source water protection areas. Wisconsin's source water assessment program information is available at: http://www.dnr.state.wi.us/org/water/dwg/swap/index.htm.

**2.7 Storm Water Quality Management**

The permittee shall develop and implement a municipal storm water management program. This program shall achieve compliance with the developed urban area performance standards of s. NR 151.13(2), Wis. Adm. Code, for those areas of the municipality that were not subject to the post-construction performance standards of s. NR 151.12 or 151.24. The program shall include:

**2.7.1** To the maximum extent practicable, implementation of storm water management practices necessary to achieve 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, by March 10, 2008. The permittee may elect to meet the 20% total suspended solids standard on a watershed or regional basis by working with other permittee(s) to provide regional treatment that collectively meets the standard.

Note: Pursuant to s. NR 151.13(2), Wis. Adm. Code, the total suspended solids reduction requirement increases to 40% by March 10, 2013. The 20% and 40% total suspended solids reduction requirements are applied to runoff from areas of urban land use and are not applicable to agricultural or rural land uses and associated roads. Additional MS4 modeling guidance for modeling the total suspended solids control is given on the Department's Internet site at: http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm.

**2.7.2** Evaluation of all municipal owned or operated structural flood control facilities to determine the feasibility of retrofitting to increase total suspended solids removal from runoff.

**2.7.3** Assessment of compliance with s. NR 151.13(2), Wis. Adm. Code, by conducting a pollutant-loading analysis using a model such as SLAMM, P8 or equivalent methodology approved by the Department. At a minimum, the average annual total suspended solids and phosphorus loads to the MS4 shall be determined for the cumulative discharge from all outfalls for the controls and no controls conditions. For purposes of evaluating the modeling, pollutant loads from grouped drainage areas as modeled shall be reported. The modeling shall calculate the theoretical annual average mass of total suspended solids generated for the entire area served by a MS4 within the permittee's jurisdiction with no controls or BMPs applied. Modeling to reflect the current state of controls and BMPs shall be judged against the no controls condition to determine the percent of reduction. A storm water infiltration system is considered to be a

control or BMP. Controls and BMPs that exist at the time of permit issuance may be used to achieve this reduction. This pollutant level reduction applies to total suspended solids only.

Note: It is recommended that the pollutant-loading analysis be conducted as soon as possible. This analysis is needed to provide the permittee with information on which BMPs are needed to meet the implementation date of March 10, 2008.

**2.8 Storm Sewer System Map**

The permittee shall develop and maintain a 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 threatened or endangered resources, historical property and wetlands, 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 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 to the Department in accordance with section 3.10 of this permit. 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

of permit coverage.

**3.3.4** The permittee shall submit the proposed on-going field screening program to the Department **within 36 months of the start date** of permit coverage. The permittee shall implement the on-going field screening program **within 48 months of the start date.**

### 3.4 Construction Site Pollutant Control

**3.4.1** The permittee shall submit the proposed construction site pollutant control ordinance to the Department **within 18 months of the start date** of permit coverage. The permittee shall adopt the construction site pollutant control ordinance within **24 months of the start date.** If revision to any existing construction site pollutant control ordinance is necessary, the existing ordinances shall continue to be enforced until the revised ordinance becomes effective.

**3.4.2** The permittee shall submit the proposed construction site inspection and enforcement procedures to the Department **within 18 months of the start date** of permit coverage. The permittee shall implement the construction site inspection and enforcement procedures **within 24 months of the start date.**

### 3.5 Post-Construction Storm Water Management

**3.5.1** The permittee shall submit the proposed post-construction storm water management ordinance to the Department **within 18 months of the start date** of permit coverage. The permittee shall adopt the post-construction storm water management ordinance within **24 months of the start date.** If revision to any existing post-construction storm water management ordinance is necessary, the existing ordinances shall continue to be enforced until the revised ordinance becomes effective.

**3.5.2** The permittee shall submit the proposed long-term maintenance procedures to the Department **within 18 months of the start date** of permit coverage. The permittee shall implement the long-term maintenance procedures **within 24 months of the start date.**

### 3.6 Pollution Prevention

The permittee shall submit the proposed pollution prevention program to the Department **within 24 months of the start date** of permit coverage. The pollution prevention program shall be implemented **within 30 months of the start date.**

### 3.7 Storm Water Quality Management

The permittee shall complete the evaluation of flood control structures and assessment of compliance and submit the results to the Department **by March 10, 2008 or within 24 months of the start date** of permit coverage.

### 3.8 Storm Sewer System Map

The permittee shall submit the MS4 map to the Department within **24 months of the start date** of permit coverage.

### 3.9 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

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** 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/2, PO Box 7921, Madison, WI 53707-7921. Section 3.10 of this permit contains the date by which annual reports shall be submitted to the Department.

**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.

## 3. COMPLIANCE SCHEDULE

The permittee's programs under section 2 shall be submitted to the Department for review. The Department intends to review the program within the 6-month period prior to implementation to verify compliance with the requirements of this permit. The permittee shall comply with the specific permit conditions contained in section 2 according to following schedule:

**3.1 Public Outreach and Education**

The permittee shall submit the proposed public education and outreach program to the Department within **18 months of the start date** of permit coverage. The permittee shall implement the public education and outreach program **within 24 months of the start date.**

**3.2 Public Involvement and Participation**

The permittee shall submit the proposed public involvement and participation program to the Department within **18 months of the start date** of permit coverage. The permittee shall implement the public involvement and participation program **within 24 months of the start date.**

**3.3 Illicit Discharge Detection and Elimination**

**3.3.1** The permittee shall submit the proposed illicit discharge and elimination ordinance to the Department **within 24 months of the start date** of permit coverage. The permittee shall adopt the illicit discharge and elimination ordinance **within 30 months of the start date.**

**3.3.2** The permittee shall submit the proposed illicit discharge response procedures to the Department **within 24 months of the start date** of permit coverage. The permittee shall implement the illicit discharge response procedures **within 30 months of the start date.**

**3.3.3** The permittee shall complete initial field screening **within 36 months of the start date**

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.

### 3.10 Annual Report

The permittee shall submit an annual report for each calendar year by **March 31st of the following year**. However, an annual report does not have to be submitted 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.

### 3.11 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.

## COMPLIANCE SCHEDULE SUMMARY

| PERMIT CONDITION | ACTIVITY | DUE TO DNR | IMPLEMENT |
|---|---|---|---|
| Public Education and Outreach – Section 3.1 | Submit public education and outreach program | Within 18 months of the start date | Within 24 months of the start date |
| Public Involvement and Participation – Section 3.2 | Submit public involvement and participation program | Within 18 months of the start date | Within 24 months of the start date |
| Illicit Discharge Detection and Elimination – Section 3.3 | 1. Submit illicit discharge ordinance | Within 24 months of the start date | Within 30 months of the start date |
| | 2. Submit illicit discharge response procedures | Within 24 months of the state date | Within 30 months of the state date |
| | 3. Complete initial field screening | | Within 36 months of the start date |
| | 4. Submit on-going field screening | Within 36 months of the start date | Within 48 months of the start date |
| Construction Site Pollutant Control – Section 3.4 | 1. Submit construction site pollutant control ordinance | Within 18 months of the start date | Within 24 months of the start date |
| | 2. Submit construction site inspection and enforcement procedures | Within 18 months of the start date | Within 24 months of the start date |
| Post-Construction Storm Water Management – Section 3.5 | 1. Submit post-construction storm water management ordinance | Within 18 months of the start date | Within 24 months of the start date |
| | 2. Submit long-term maintenance procedures | Within 18 months of the start date | Within 24 months of the start date |
| Pollution Prevention – Section 3.6 | Submit pollution prevention program | Within 24 months of the start date | Within 30 months of the start date |
| Storm Water Quality Management – Section 3.7 | 1. Submit evaluation of flood control structures | By March 10, 2008 or within 24 months after start date | |
| | 2. Submit assessment of compliance | By March 10, 2008 or within 24 months after start date | |
| MS4 Map – Section 3.8 | Submit MS4 map | Within 24 months of the state date | |
| Annual Report – Section 3.10 | Submit annual report | By March 31 of each year* | |
| Reapplication for Permit Coverage – Section 3.11 | Submit reapplication | By March 31, 2009 | |

***Note:** An annual report does not have to be submitted 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.

Dunn's start date is Nov. 16, 2006

## 4. 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), which does not apply to facilities covered under general permits. Some of these requirements are outlined below in sections 4.1 through 4.18. Requirements not specifically outlined below can be found in s. NR 205.07(1) and (3), Wis. Adm. Code.

**4.1 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.

**4.2 Enforcement Action:** The Department is authorized under s. 283.89 and 283.91, Wis. Stats., to utilize citations or referrals to the 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.

**4.3 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.

**4.4 Noncompliance**

**4.4.1** 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.

**4.4.2** Reports of any other noncompliance not covered under STANDARD CONDITIONS sections 4.3, 4.4.1, or 4.6. shall be submitted with the annual report. The reports shall contain all the information listed in STANDARD CONDITIONS section 4.4.1.

**4.5 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.

**4.6 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 (1-800-943-0003).

**4.7 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.

**4.8 Bypass:** The permittee may temporarily bypass storm water treatment facilities if necessary for maintenance, or due to runoff from a storm event which exceeds the design capacity of the treatment facility, or during an emergency.

**4.9 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.

**4.10 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.

**4.11 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.

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

**4.12.1** 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;

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

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

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

**4.13 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, revoking or reissuing the permit or to determine compliance with the permit. The permittee shall also furnish the Department, upon request, copies of records required to be kept by the permittee.

**4.14 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.

**4.15 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.

**4.16 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.

**4.17 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.

**4.18 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.

**4.19 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:

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

**4.19.2** 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.

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

## 5. DEFINITIONS

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

**5.1 Controls Condition** means a surface-water pollutant-loading analysis that includes pollutant reductions from storm water management practices.

**5.2 Department** means the Wisconsin Department of Natural Resources.

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

**5.4 Hazardous substance** means any substance 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.

**5.5 Illicit Connection** means any man-made conveyance connecting an illicit discharge to a MS4.

**5.6 Illicit Discharge** means any discharge to a MS4 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 and similar discharges.

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

**5.8 Infiltration system** means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

**5.9 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.

**5.10 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, but is not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

**5.11 Maximum Extent Practicable or MEP** means a level of implementing management practices in order to achieve a performance standard or other goal which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features.

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

**5.12.1** A single pipe with an inside diameter of 36 inches or more or equivalent conveyance (cross sectional area of 1,018 square inches) which is associated with a drainage area of more than 50 acres.

**5.12.2** A single pipe with an inside diameter of 12 inches or more or equivalent conveyance (cross sectional area of 113 square inches) which receives storm water runoff from land zoned for industrial activity with 2 or more acres of industrial activity, but not land zoned for industrial activity that does not have any industrial activity present.

**5.13** **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.

**5.14** **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:

**5.14.1** Owned or operated by a municipality.

**5.14.2** Designed or used for collecting or conveying storm water.

**5.14.3** Which is not a combined sewer conveying both sanitary and storm water.

**5.15** **No Controls Condition** means a surface water pollutant-loading analysis that does not include pollutant reductions from existing storm water management practices including, but not limited to, infiltration systems.

**5.16** **Outfall** means the point at which storm water is discharged to waters of the state or leaves one municipality and enters another.

**5.17** **Permittee** means the owner or operator of a MS4 authorized to discharge storm water into waters of the state.

**5.18** **Permitted Area** refers to the areas of land under the jurisdiction of the permittee that drains into a MS4, which is regulated under a permit issued pursuant to subch. I of NR 216, Wis. Adm. Code.

**5.19** **Redevelopment** means areas where development is replacing older development.

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

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

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

**5.23** **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.

**5.24** **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.

**5.25 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.

**5.26 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.

**5.27 Waters of the State** include surface waters, groundwater and wetlands.

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