



# WPDES PERMIT

*STATE OF WISCONSIN*  
*DEPARTMENT OF NATURAL RESOURCES*  
**PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE  
ELIMINATION SYSTEM**

**WI DNR DEVILS LAKE STATE PARK**

is permitted, under the authority of Chapter 283, Wisconsin Statutes, to discharge from a facility  
located at

NEQ, SWQ, Section 13, T1N, R11E  
PO Box 36, BARABOO, WISCONSIN  
to

**BABBLING BROOK, TRIBUTARY OF THE BARABOO RIVER (LOWER BARABOO RIVER  
WATERSHED, LW21- LOWER WISCONSIN RIVER BASIN) IN SAUK COUNTY**

in accordance with the effluent limitations, monitoring requirements and other conditions set  
forth in this permit.

The permittee shall not discharge after the date of expiration. If the permittee wishes to continue to discharge after this expiration date an application shall be filed for reissuance of this permit, according to Chapter NR 200, Wis. Adm. Code, at least 180 days prior to the expiration date given below.

State of Wisconsin Department of Natural Resources  
For the Secretary

By \_\_\_\_\_  
Tim Ryan  
Wastewater Field Supervisor

\_\_\_\_\_  
Date Permit Signed/Issued

**PERMIT TERM: EFFECTIVE DATE - February 01, 2017**  
**EXPIRATION DATE - January 31, 2022**

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# 1 Surface Water Requirements

## 1.1 Sampling Point(s)

The discharge(s) shall be limited to the waste type(s) designated for the listed sampling point(s).

Sampling Point Designation	
Sampling Point Number	Sampling Point Location, WasteType/Sample Contents and Treatment Description (as applicable)
004	Representative grab samples shall be collected of lake bottom withdrawal at outlet to Babbling Brook near Devil's Lake State Park service garage. Monitoring is only required during drawdown to control in-lake phosphorus levels, which occurs September and October.
005	Representative grab samples shall be collected of lake bottom withdrawal at outlet to Babbling Brook near Devil's Lake State Park service garage during intermittent discharges to control lake levels.

## 1.2 Monitoring Requirements and Effluent Limitations

The permittee shall comply with the following monitoring requirements and limitations.

### 1.2.1 Sampling Point (Outfall) 004 - Lake Bottom Withdrawal

Monitoring Requirements and Effluent Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Flow Rate		MGD	Weekly	Calculated	Applies September-October each year.
BOD <sub>5</sub> , Total	Monthly Avg	20 mg/L	Monthly	Grab	Applies September-October each year.
BOD <sub>5</sub> , Total	Weekly Avg	30 mg/L	Monthly	Grab	Applies September-October each year.
Suspended Solids, Total	Monthly Avg	20 mg/L	Monthly	Grab	Applies September-October each year.
Suspended Solids, Total	Weekly Avg	30 mg/L	Monthly	Grab	Applies September-October each year.
Phosphorus, Total	Rolling 12 Month Avg	1.0 mg/L	Weekly	Grab	Report mg/L of phosphorus discharged. This limit reflects the minimum control level.
Phosphorus, Total		lbs/day	Weekly	Calculated	Report lbs/day of phosphorus discharged. Calculate the daily mass discharge of phosphorus in lbs/day on the same day phosphorus sampling occurs. Daily mass (lbs/day) = daily concentration (mg/L) × daily flow (MGD) × 8.34.

<b>Monitoring Requirements and Effluent Limitations</b>					
<b>Parameter</b>	<b>Limit Type</b>	<b>Limit and Units</b>	<b>Sample Frequency</b>	<b>Sample Type</b>	<b>Notes</b>
WQT TP Credits		lbs/day	Weekly	Calculated	Report WQT TP Credits used. See subsection below for instructions on water quality trading.
WQT TP Credits		lbs/month	Monthly	Calculated	See 'Reporting Monthly Total TP Credits' in subsection below. Available TP Credits for the calendar year are specified in the approved Water Quality Trading Plan.
WQT TP Computed Compliance	6-Month Avg	0.1 mg/L	Weekly	Calculated	Limit is effective 9/1/2017. Report the WQT TP Computed Compliance value. See subsection below for instructions on water quality trading. Compliance with the six-month average limit is evaluated each October of the yearly discharge period.
WQT TP Computed Compliance	Monthly Avg	0.3 mg/L	Weekly	Calculated	Limit is effective 9/1/2017. Report the WQT TP Computed Compliance value. See subsection below for instructions on water quality trading.
WQT TP Computed Compliance	6-Month Avg	2.0 lbs/day	Weekly	Calculated	Limit is effective 9/1/2017. Report the WQT TP Computed Compliance value. See subsection below for instructions on water quality trading. Compliance with the six-month average limit is evaluated each October of the yearly discharge period.

### 1.2.1.1 Water Quality Trading (WQT)

The permittee may use water quality trading to demonstrate compliance with WQBELs for total phosphorus (TP) of 0.3 mg/L monthly average and 0.1 mg/L 6-month average and 2.0 lbs/day 6-month average. Pollutant reduction credits are available as specified in Water Quality Trading Plan (WQT-2016-0001) or approved amendments thereof.

Only those pollutant reduction credits established by a water quality trading plan approved by the Department may be used by the permittee to demonstrate compliance with the WQBELs identified in this subsection. If the permittee wishes to use pollutant reduction credits not identified in an approved water quality trading plan, the permittee must

amend the plan or develop a new plan and obtain Department approval of the amended or new plan prior to use of the new pollutant reduction credits. Prior to Department approval, the amended or new water quality trading plan will be subject to notice and opportunity for public comment and the permit may be modified to reflect the change.

In the event pollutant reduction credits as defined in the approved water quality trading plan are no longer generated, the permittee shall comply with the WQBELs for TP contained in this subsection.

### **1.2.1.2 Demonstrating Compliance with TP WQBELs Using Water Quality Trading**

Use the following methods to demonstrate compliance with the TP WQBELs contained in the Water Quality Trading subsection above.

#### **WQT TP CREDITS**

**Use the following method to calculate the credits to be used expressed as a mass in lbs/day:**

- Select and report as “WQT TP Credits” the TP pollutant reduction credits (in lbs/day) that will be used for each day that discharge is monitored for TP.
- Recommendation: When the TP discharge for a given day is greater than 0.1 mg/L or 2.0 lbs or both, report the greater of the two following values as the “WQT TP Credits” for that day:
  - WQT TP Credits (in lbs/day) = TP discharged (in lbs/day) – 2.0 lbs/day; or
  - WQT TP Credits (in lbs/day) = TP discharged (in lbs/day) – [the day’s flow in MGD × 0.1 mg/L × 8.34]

Note: When the TP discharge is less than 0.1 mg/L and 2.0 lbs/day for a given day, report 0 (zero) as the “WQT TP Credits” for that day.

**Use the following method to calculate the credits to be used expressed as a mass in lbs/month:**

- On a monthly basis, average the reported daily TP credits used for the month, then multiply the average by the number of days of discharge during the month and report the product as “WQT TP Credits” (in lbs/month) for the last day of the month on the DMR.

WQT TP Credits (in lbs/month) = Average of daily WQT TP Credits (in lbs/day) × Number of days of discharge/month

Note: The total number of TP credits selected for the twelve months of a calendar year shall not exceed that specified in the Water Quality Trading Plan approved by the Department.

#### **WQT TP COMPUTED COMPLIANCE**

**Use the following method to demonstrate compliance with TP WQBELs expressed as a concentration in mg/L:**

- Convert the TP credits selected for the day to an equivalent concentration using the following formula:

$$\text{TP credits (in mg/L)} = [\text{TP credits in lbs/day}] \div [\text{the day's flow in MGD} \times 8.34]$$

- Subtract the TP credits (in mg/L) for the day from the day’s TP discharge (in mg/L) and report the difference as “WQT TP Computed Compliance” in mg/L.

**Use the following method to demonstrate compliance with TP WQBELs expressed as a mass in lbs/day:**

- Subtract the TP credits in lbs/day for the day from the day’s TP discharge in lbs/day and report the difference as “WQT TP Computed Compliance” in lbs/day.

### **1.2.1.3 Additional Water Quality Trading Requirements**

When using water quality trading to demonstrate compliance with WQBELs for TP, the permittee shall comply with the following:

- Failure to implement any of the terms or conditions of the approved water quality trading plan is a violation of this permit.
- Each month the permittee shall certify that the permanent vegetation installed to generate pollutant reduction credits are operated and maintained in a manner consistent with that specified in the approved water quality trading plan. Such a certification may be made by including the following statement as a comment on the monthly discharge monitoring report:

I certify that permanent vegetation identified in the approved water quality trading plan as the source of pollutant reduction credits are installed, established and properly maintained.

- At least once a year the permittee or the permittee's agent shall inspect each field that generates pollutant reduction credits to confirm the implementation of the management practice and their appropriate operation and adequate maintenance.
- The permittee shall notify WDNR by telephone within 24 hours or next business day of becoming aware that pollutant reduction credits used or intended for use by the permittee are not being implemented or generated as defined in the approved trading plan. A written notification shall be submitted to the Department within 5 days regarding the status of the permittee's pollutant reduction credits.
- The permittee shall provide WDNR written notice within 7 days of the trade agreement upon which the approved water quality trading plan is based being amended, modified, or revoked. This notification shall include the details of any amendment or modification in addition to the justification for the changes.
- The permittee shall not use pollutant reduction credits for the demonstration of compliance when pollutant reduction credits are not being generated.

### **1.2.1.4 Annual Water Quality Trading Report**

When using water quality trading to demonstrate compliance with WQBELs, the permittee shall report by January 31<sup>st</sup> each year the following information:

- The number of pollutant reduction credits (lbs/month) used each month of the previous year to demonstrate compliance;
- The source of each month's pollutant reduction credits by identifying the approved water quality trading plan that details the source;
- A summary of the annual inspection of each nonpoint source management practice that generated any of the pollutant reduction credits used during the previous year; and
- Identification of noncompliance or failure to implement any terms or conditions of this permit with respect to water quality trading that have not been reported in discharge monitoring reports.

### **1.2.1.5 Water Quality Trading Reopener Clause**

Under any of the following conditions as provided by s. 283.53(2), Wis. Stats. and Wis. Adm. Code NR 203.135 and 203.136, the Department may modify or revoke and reissue this permit to modify or eliminate permit terms and conditions related to water quality trading:

- The permittee fails to implement the water quality trading plan as approved;

- The permittee fails to comply with permit terms and conditions related to water quality trading;
- New information becomes available that would change the number of credits available for the water quality trade or would change the Department’s determinations that water quality trading is an acceptable option.

**1.2.1.6 Alternative Approaches to Phosphorus WQBEL Compliance**

The permittee may implement an alternative compliance option to achieve compliance with the final phosphorus limits, provided that the permit is modified, revoked and reissued, or reissued to incorporate any such alternative approach.

**1.2.1.7 Submittal of Permit Application for Next Reissuance and Pollutant Trading Plan or Variance Application**

The permittee shall submit the permit application for the next reissuance at least 6 months prior to expiration of this permit. The permittee has submitted a Water Quality Trading Plan that was approved by WDNR on July 13, 2016. If the permittee intends to pursue pollutant trading to achieve compliance in a manner that differs from that allowed in this permit, the permittee shall submit a new application for water quality trading with the application for the next reissuance. If other compliance measures will be used in combination with pollutant trading to achieve compliance with the final water quality-based limit, the reissued permit will specify a schedule for these alternative measures. If water quality trading or other compliance option is no longer viable, the permittee may seek a variance and shall submit an application for a variance with the application for the next reissuance.

**1.2.2 Sampling Point (Outfall) 005 - Intermittent discharge**

<b>Monitoring Requirements and Effluent Limitations</b>					
<b>Parameter</b>	<b>Limit Type</b>	<b>Limit and Units</b>	<b>Sample Frequency</b>	<b>Sample Type</b>	<b>Notes</b>
Flow Rate		MGD	Monthly	Calculated	Applies November-August each year when lake withdrawal occurs.
BOD <sub>5</sub> , Total	Monthly Avg	20 mg/L	Monthly	Grab	Applies November-August each year when lake withdrawal occurs.
BOD <sub>5</sub> , Total	Weekly Avg	30 mg/L	Monthly	Grab	Applies November-August each year when lake withdrawal occurs.
Suspended Solids, Total	Monthly Avg	20 mg/L	Monthly	Grab	Applies November-August each year when lake withdrawal occurs.
Suspended Solids, Total	Weekly Avg	30 mg/L	Monthly	Grab	Applies November-August each year when lake withdrawal occurs.
Phosphorus, Total		mg/L	Monthly	Grab	Applies November-August each year when lake withdrawal occurs.
Phosphorus, Total		lbs/day	Monthly	Calculated	Applies November-August each year when lake withdrawal occurs.

## 2 Schedules

### 2.1 Annual Water Quality Trading (WQT) Report

Required Action	Due Date
<b>Annual WQT Report:</b> Submit an annual WQT report that shall cover the period from February 1, 2017 to December 31, 2017. Submit 1st annual WQT report. The WQT report shall include the total number of pollutant credits used, the source of the pollution reduction credits, a summary of annual inspections performed, and identification of noncompliance or failure to implement any terms or conditions of the approved water quality trading plan (WQT-2016-0001).	01/31/2018
<b>Annual WQT Report #2:</b> Submit an annual WQT report that shall cover the period from January 1, 2018 to December 31, 2018.	01/31/2019
<b>Annual WQT Report #3:</b> Submit an annual WQT report that shall cover the period from January 1, 2019 to December 31, 2019.	01/31/2020
<b>Annual WQT Report #4:</b> Submit an annual WQT report that shall cover the period from January 1, 2020 to December 31, 2020.	01/31/2021
<b>Annual WQT Report #5:</b> Submit the 5th annual WQT report. If the permittee wishes to continue to comply with phosphorus limits through WQT in subsequent permit terms, the permittee shall submit a revised WQT plan WQT-2016-0001 including a demonstration of credit need, compliance record of the existing WQT plan, and any additional practices needed to maintain compliance over time.	01/31/2022
<b>Annual WQT Reports Required After Permit Expiration:</b> In the event that this permit is not reissued on time for an February 1, 2022 effective date, the permittee shall continue to submit annual WQT reports by January 31 each year covering total number of pollutant credits used, the source of the pollution reduction credits, a summary of annual inspections performed, and identification of noncompliance or failure to implement any terms or conditions of the approved water quality trading plan (WQT-2016-0001) for the previous calendar year (i.e., the annual report covering calendar year 2022 shall be due January 31, 2023; the annual report covering calendar year 2023 shall be due January 31, 2024; etc.).	

### 3 Standard Requirements

**NR 205, Wisconsin Administrative Code (Conditions for Industrial Dischargers):** The conditions in ss. NR 205.07(1) and NR 205.07(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements. Some of these requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in the Standard Requirement section of this permit can be found in ss. NR 205.07(1) and NR 205.07(3).

#### 3.1 Reporting and Monitoring Requirements

##### 3.1.1 Monitoring Results

Monitoring results obtained during the previous month shall be summarized and reported on a Department Wastewater Discharge Monitoring Report. The report may require reporting of any or all of the information specified below under 'Recording of Results'. This report is to be returned to the Department no later than the date indicated on the form. A copy of the Wastewater Discharge Monitoring Report Form or an electronic file of the report shall be retained by the permittee.

Monitoring results shall be reported on an electronic discharge monitoring report (eDMR). The eDMR shall be certified electronically by a responsible executive or officer, manager, partner or proprietor as specified in s. 283.37(3), Wis. Stats., or a duly authorized representative of the officer, manager, partner or proprietor that has been delegated signature authority pursuant to s. NR 205.07(1)(g)2, Wis. Adm. Code. The 'eReport Certify' page certifies that the electronic report form is true, accurate and complete.

If the permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be included on the Wastewater Discharge Monitoring Report.

The permittee shall comply with all limits for each parameter regardless of monitoring frequency. For example, monthly, weekly, and/or daily limits shall be met even with monthly monitoring. The permittee may monitor more frequently than required for any parameter.

##### 3.1.2 Sampling and Testing Procedures

Sampling and laboratory testing procedures shall be performed in accordance with Chapters NR 218 and NR 219, Wis. Adm. Code and shall be performed by a laboratory certified or registered in accordance with the requirements of ch. NR 149, Wis. Adm. Code. Groundwater sample collection and analysis shall be performed in accordance with ch. NR 140, Wis. Adm. Code. The analytical methodologies used shall enable the laboratory to quantitate all substances for which monitoring is required at levels below the effluent limitation. If the required level cannot be met by any of the methods available in NR 219, Wis. Adm. Code, then the method with the lowest limit of detection shall be selected. Additional test procedures may be specified in this permit.

##### 3.1.3 Recording of Results

The permittee shall maintain records which provide the following information for each effluent measurement or sample taken:

- the date, exact place, method and time of sampling or measurements;
- the individual who performed the sampling or measurements;
- the date the analysis was performed;
- the individual who performed the analysis;
- the analytical techniques or methods used; and
- the results of the analysis.

### 3.1.4 Reporting of Monitoring Results

The permittee shall use the following conventions when reporting effluent monitoring results:

- Pollutant concentrations less than the limit of detection shall be reported as < (less than) the value of the limit of detection. For example, if a substance is not detected at a detection limit of 0.1 mg/L, report the pollutant concentration as < 0.1 mg/L.
- Pollutant concentrations equal to or greater than the limit of detection, but less than the limit of quantitation, shall be reported and the limit of quantitation shall be specified.
- For purposes of calculating NR 101 fees, the 2 mg/l lower reporting limits for BOD<sub>5</sub> and Total Suspended Solids shall be considered to be limits of quantitation
- For the purposes of reporting a calculated result, average or a mass discharge value, the permittee may substitute a 0 (zero) for any pollutant concentration that is less than the limit of detection. However, if the effluent limitation is less than the limit of detection, the department may substitute a value other than zero for results less than the limit of detection, after considering the number of monitoring results that are greater than the limit of detection and if warranted when applying appropriate statistical techniques.

### 3.1.5 Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 3 years from the date of the sample, measurement, report or application, except for sludge management forms and records, which shall be kept for a period of at least 5 years.

### 3.1.6 Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or correct information to the Department.

### 3.1.7 Reporting Requirements – Alterations or Additions

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:

- The alteration or addition to the permitted facility may meet one of the criteria for determining whether a facility is a new source.
- The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification requirement applies to pollutants which are not subject to effluent limitations in the existing permit.
- The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use of disposal sites not reported during the permit application process nor reported pursuant to an approved land application plan. Additional sites may not be used for the land application of sludge until department approval is received.

## 3.2 System Operating Requirements

### 3.2.1 Noncompliance Reporting

The permittee shall report the following types of noncompliance by a telephone call to the Department's regional office within 24 hours after becoming aware of the noncompliance:

- any noncompliance which may endanger health or the environment;
- any violation of an effluent limitation resulting from a bypass;
- any violation of an effluent limitation resulting from an upset; and
- any violation of a maximum discharge limitation for any of the pollutants listed by the Department in the permit, either for effluent or sludge.

A written report describing the noncompliance shall also be submitted to the Department as directed at the end of this permit within 5 days after the permittee becomes aware of the noncompliance. On a case-by-case basis, the Department may waive the requirement for submittal of a written report within 5 days and instruct the permittee to submit the written report with the next regularly scheduled monitoring report. In either case, 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.

A scheduled bypass approved by the Department under the 'Scheduled Bypass' section of this permit shall not be subject to the reporting required under this section.

**NOTE:** Section 292.11(2)(a), Wisconsin Statutes, requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the Department of Natural Resources **immediately** of any discharge not authorized by the permit. **The discharge of a hazardous substance that is not authorized by this permit or that violates this permit may be a hazardous substance spill. To report a hazardous substance spill, call DNR's 24-hour HOTLINE at 1-800-943-0003.**

### 3.2.2 Bypass

Except for a controlled diversion as provided in the 'Controlled Diversions' section of this permit, any bypass is prohibited and the Department may take enforcement action against a permittee for such occurrences under s. 283.89, Wis. Stats. The Department may approve a bypass if the permittee demonstrates all the following conditions apply:

- The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities or adequate back-up equipment, retention of untreated wastes, reduction of inflow and infiltration, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance. When evaluating feasibility of alternatives, the department may consider factors such as technical achievability, costs and affordability of implementation and risks to public health, the environment and, where the permittee is a municipality, the welfare of the community served; and
- The bypass was reported in accordance with the 'Noncompliance Reporting' section of this permit.

### 3.2.3 Scheduled Bypass

Whenever the permittee anticipates the need to bypass for purposes of efficient operations and maintenance and the permittee may not meet the conditions for controlled diversions in the 'Controlled Diversions' section of this permit, the permittee shall obtain prior written approval from the Department for the scheduled bypass. A permittee's written request for Department approval of a scheduled bypass shall demonstrate that the conditions for unscheduled bypassing are met and include the proposed date and reason for the bypass, estimated volume and duration of the bypass, alternatives to bypassing and measures to mitigate environmental harm caused by the bypass. The department may require the permittee to provide public notification for a scheduled bypass if it is determined there is significant

public interest in the proposed action and may recommend mitigation measures to minimize the impact of such bypass.

### **3.2.4 Controlled Diversions**

Controlled diversions are allowed only when necessary for essential maintenance to assure efficient operation provided the following requirements are met:

- Effluent from the wastewater treatment facility shall meet the effluent limitations established in the permit. Wastewater that is diverted around a treatment unit or treatment process during a controlled diversion shall be recombined with wastewater that is not diverted prior to the effluent sampling location and prior to effluent discharge;
- A controlled diversion may not occur during periods of excessive flow or other abnormal wastewater characteristics;
- A controlled diversion may not result in a wastewater treatment facility overflow; and
- All instances of controlled diversions shall be documented in wastewater treatment facility records and such records shall be available to the department on request.

### **3.2.5 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 permittee to achieve compliance with the conditions of this permit. The wastewater treatment facility shall be under the direct supervision of a state certified operator as required in s. NR 108.06(2), Wis. Adm. Code. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training as required in ch. NR 114, Wis. Adm. Code, 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 the conditions of the permit.

### **3.2.6 Spill Reporting**

The permittee shall notify the Department in accordance with ch. NR 706 (formerly NR 158), Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state at a rate or concentration greater than the effluent limitations established in this permit, or the spill or accidental release of the material is unregulated in this permit, unless the spill or release of pollutants has been reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code.

### **3.2.7 Planned Changes**

In accordance with ss. 283.31(4)(b) and 283.59, Stats., the permittee shall report to the Department any facility expansion, production increase or process modifications which will result in new, different or increased discharges of pollutants. The report shall either be a new permit application, or if the new discharge will not violate the effluent limitations of this permit, a written notice of the new, different or increased discharge. The notice shall contain a description of the new activities, an estimate of the new, different or increased discharge of pollutants and a description of the effect of the new or increased discharge on existing waste treatment facilities. Following receipt of this report, the Department may modify this permit to specify and limit any pollutants not previously regulated in the permit.

### **3.2.8 Duty to Halt or Reduce Activity**

Upon failure or impairment of treatment facility operation, the permittee shall, to the extent necessary to maintain compliance with its permit, curtail production or wastewater discharges or both until the treatment facility operations are restored or an alternative method of treatment is provided.

### 3.3 Surface Water Requirements

#### 3.3.1 Permittee-Determined Limit of Quantitation Incorporated into this Permit

For pollutants with water quality-based effluent limits below the Limit of Quantitation (LOQ) in this permit, the LOQ calculated by the permittee and reported on the Discharge Monitoring Reports (DMRs) is incorporated by reference into this permit. The LOQ shall be reported on the DMRs, shall be the lowest quantifiable level practicable, and shall be no greater than the minimum level (ML) specified in or approved under 40 CFR Part 136 for the pollutant at the time this permit was issued, unless this permit specifies a higher LOQ.

#### 3.3.2 Appropriate Formulas for Effluent Calculations

The permittee shall use the following formulas for calculating effluent results to determine compliance with average concentration limits and mass limits and total load limits:

**Weekly/Monthly/Six-Month/Annual Average Concentration** = the sum of all daily results for that week/month/six-month/year, divided by the number of results during that time period. [Note: When a six-month average effluent limit is specified for Total Phosphorus the applicable periods are May through October and November through April.]

**Weekly Average Mass Discharge (lbs/day):** Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the week.

**Monthly Average Mass Discharge (lbs/day):** Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the month.

**Six-Month Average Mass Discharge (lbs/day):** Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the six-month period. [Note: When a six-month average effluent limit is specified for Total Phosphorus the applicable periods are May through October and November through April.]

**Annual Average Mass Discharge (lbs/day):** Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the entire year.

**Total Monthly Discharge:** = monthly average concentration (mg/L) x total flow for the month (MG/month) x 8.34.

**Total Annual Discharge:** = sum of total monthly discharges for the calendar year.

**12-Month Rolling Sum of Total Monthly Discharge:** = the sum of the most recent 12 consecutive months of Total Monthly Discharges.

#### 3.3.3 Effluent Temperature Requirements

**Weekly Average Temperature** – The permittee shall use the following formula for calculating effluent results to determine compliance with the weekly average temperature limit (as applicable): Weekly Average Temperature = the sum of all daily maximum results for that week divided by the number of daily maximum results during that time period.

**Cold Shock Standard** – Water temperatures of the discharge shall be controlled in a manner as to protect fish and aquatic life uses from the deleterious effects of cold shock. ‘Cold Shock’ means exposure of aquatic organisms to a rapid decrease in temperature and a sustained exposure to low temperature that induces abnormal behavior or physiological performance and may lead to death.

**Rate of Temperature Change Standard** – Temperature of a water of the state or discharge to a water of the state may not be artificially raised or lowered at such a rate that it causes detrimental health or reproductive effects to fish or aquatic life of the water of the state.

#### 3.3.4 Visible Foam or Floating Solids

There shall be no discharge of floating solids or visible foam in other than trace amounts.

### 3.3.5 Surface Water Uses and Criteria

In accordance with NR 102.04, Wis. Adm. Code, surface water uses and criteria are established to govern water management decisions. Practices attributable to municipal, industrial, commercial, domestic, agricultural, land development or other activities shall be controlled so that all surface waters including the mixing zone meet the following conditions at all times and under all flow and water level conditions:

- a) Substances that will cause objectionable deposits on the shore or in the bed of a body of water, shall not be present in such amounts as to interfere with public rights in waters of the state.
- b) Floating or submerged debris, oil, scum or other material shall not be present in such amounts as to interfere with public rights in waters of the state.
- c) Materials producing color, odor, taste or unsightliness shall not be present in such amounts as to interfere with public rights in waters of the state.
- d) Substances in concentrations or in combinations which are toxic or harmful to humans shall not be present in amounts found to be of public health significance, nor shall substances be present in amounts which are acutely harmful to animal, plant or aquatic life.

### 3.3.6 Compliance with Phosphorus Limitation

Compliance with the concentration limitation for phosphorus shall be determined as a rolling twelve-month average and shall be calculated as follows:

First, determine the pounds of phosphorus for an individual month by multiplying the average of all the concentration values for phosphorus (in mg/L) for that month by the total flow for the month in Million Gallons times the conversion factor of 8.34.

Then, the monthly pounds of phosphorus determined in this manner shall be summed for the most recent 12 months and inserted into the numerator of the following equation.

$$\text{Average concentration of P in mg/L} = \frac{\text{Total lbs of P discharged (most recent 12 months)}}{\text{Total flow in MG (most recent 12 months) X 8.34}}$$

The compliance calculation shall be performed each month with a reported discharge volume after substituting data from the most recent month(s) for the oldest month(s). A calculated value in excess of the concentration limitation will be considered equivalent to a violation of a monthly average.

## 4 Summary of Reports Due

FOR INFORMATIONAL PURPOSES ONLY

Description	Date	Page
Annual Water Quality Trading (WQT) Report -Annual WQT Report	January 31, 2018	6
Annual Water Quality Trading (WQT) Report -Annual WQT Report #2	January 31, 2019	6
Annual Water Quality Trading (WQT) Report -Annual WQT Report #3	January 31, 2020	6
Annual Water Quality Trading (WQT) Report -Annual WQT Report #4	January 31, 2021	6
Annual Water Quality Trading (WQT) Report -Annual WQT Report #5	January 31, 2022	6
Annual Water Quality Trading (WQT) Report -Annual WQT Reports Required After Permit Expiration	See Permit	6
Wastewater Discharge Monitoring Report	no later than the date indicated on the form	7

Report forms shall be submitted electronically in accordance with the reporting requirements herein. Any facility plans or plans and specifications for municipal, industrial, industrial pretreatment and non industrial wastewater systems shall be submitted to the Bureau of Water Quality, P.O. Box 7921, Madison, WI 53707-7921. All other submittals required by this permit shall be submitted to:

South Central Region, 3911 Fish Hatchery Road, Fitchburg, WI 53711-5397