



# WPDES PERMIT

## *STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES*

### **GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of Chapter 283, Wisconsin Statutes, any vessel entering Lake Michigan, Lake Superior or other waters where a vessel may transit located within the boundaries of Wisconsin, meeting the applicability criteria listed in this general permit, is permitted to discharge

#### **Ballast Water**

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

State of Wisconsin Department of Natural Resources  
For the Secretary

By

\_\_\_\_\_  
Adrian Stocks  
Director, Bureau of Water Quality

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

**PERMIT TERM: EFFECTIVE DATE – April 1, 2025**

**EXPIRATION DATE – March 31, 2030**

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# 1 Applicability

## 1.1 Vessels Covered

This permit applies to discharges of ballast water from oceangoing vessels and Great Lakes vessels required to obtain the US Environmental Protection Agency (EPA) 2013 Vessel General Permit (VGP), that operate within waters of the State of Wisconsin, and which weigh 300 gross tons or more, or have a ballast tank capacity of at least 2113 gallons (8 cubic meters) and are 79 feet (24.1 meters) in length or more.

*Note: The Wisconsin Ballast Water Discharge General Permit is in addition to the requirements of the VGP, including Wisconsin's Water Quality Certification of the VGP. This permit incorporates language from the VGP.*

## 1.2 Vessels Excluded

The following vessels are not required to obtain coverage under this permit:

- Vessels that carry ballast water in permanently sealed ballast water tanks that are not subject to discharge.
- Vessels that only discharge their ballast water to an on-shore ballast water treatment facility or to another vessel that either provides treatment or conveys the ballast water to an on-shore treatment facility.
- Vessels that have zero ballast or flow-through type ballast techniques.
- Military vessels of the U.S. Armed Forces, as defined in section 312 of the Clean Water Act, are exempt in accordance with the Uniform National Discharge Standards program that applies to discharges incidental to the normal operation of vessels of the Armed Forces.

## 1.3 Activities Not Covered

This permit does not apply to activities meeting any of the following conditions:

- Activities likely to jeopardize the continued existence of a state designated threatened or endangered species or specie proposed for such designation, or which is likely to destroy or adversely modify the habitat of such species [s. 29.604, Wis. Stats.; s. NR 1.015(1)(a), Wis. Adm. Code].
- Activities that would result, overall, in adverse impacts to fishery spawning habitat or adversely affect avifauna breeding areas or substantially disrupt the movement of those species which normally migrate from open water to upland or vice versa (i.e. amphibians, reptiles and mammals) [s. NR 102.01(2), Wis. Adm. Code].
- Activities detrimental to the public interest in waters of the state [s. NR 102.01(2), Wis. Adm. Code].
- Discharges containing aquatic invasive species (AIS) or diseases (such as Viral Hemorrhagic Septicemia, or VHS) at a level that would violate the designated use of the waterbody; constitute a threat to public health, safety, or welfare; or contribute to a violation of water quality standards [s. NR 102.01, Wis. Adm. Code].
- Activities that transport, introduce, possess, or transfer invasive species unless the Wisconsin Department of Natural Resources (department) has determined that reasonable precautions have been made to prevent or minimize such occurrences to comply with ch. NR 40, Wis. Adm. Code.
- A discharge from vessels carrying high-risk ballast water without department review and authorization. If the department determines ballast water proposed for discharge represents a high-risk for introduction of nonindigenous species, it will notify permittees and port authorities of the high-risk water and if feasible management alternatives are available to minimize that risk and protect waters of the state.
- Fills or deposition of material in navigable water (s. 30.12, Wis. Stats).

## **2 Obtaining Permit Coverage**

### **2.1 Vessels Covered Under WI-0063835-03**

For vessels that are covered under the previous Wisconsin ballast water permit No. WI-0063835-03, coverage under the reissued permit WI-0063835-04 is automatically issued.

### **2.2 Submittal of a Notice of Intent (NOI)**

For new vessels and for vessels not previously covered, applicants must submit a complete Notice of Intent (NOI) under this general permit at least thirty (30) days prior to entering Wisconsin waters. Permittees with vessels that currently have coverage under this general permit shall submit a NOI every five years from the original permit coverage date for each vessel. The submittal of the EPA NOI will serve to request coverage under WPDES general permit WI-0063835-04 and is available as a fillable PDF form at the following website:

[http://www.epa.gov/npdes/pubs/vessel\\_vgp\\_noi.pdf](http://www.epa.gov/npdes/pubs/vessel_vgp_noi.pdf)

If you have already submitted a NOI to the EPA, an electronic copy of the Notice of Intent (eNOI) may be accessed at the following website: <https://ofmpub.epa.gov/apex/vgpenoi/f?p=vgp:Search>

### **2.3 Incomplete NOI**

The department may require an applicant to submit additional information if the department determines a NOI is incomplete. The applicant shall submit the requested information prior to coverage being granted.

### **2.4 Granting of Coverage**

An operator of a vessel may not transit or discharge ballast water to waters of the state until coverage under this general permit is granted by the department. All applicants meeting the applicability requirements of this general permit are required to have received a letter from the department granting coverage for a vessel under this general permit prior to arriving in a Wisconsin port.

### **2.5 Notice of Termination (NOT)**

The permittee shall inform the department in writing, if they wish to discontinue permit coverage under this permit for a vessel, stating why permit coverage is no longer needed. If the permittee will also be discontinuing coverage under the VGP, a copy of the EPA VGP NOT will be accepted. Coverage under WPDES general permit WI-0063835-04 will automatically be terminated upon this notice being submitted to the department and the department will inform the permittee in writing that coverage is terminated under this general permit.

### 3 Prohibited Discharges

#### 3.1 Intake Filtration Residuals and Separated Solids

Separated solids from the sea chest intake that may accumulate on ballast water intake filters, screens or other devices that remove debris and aquatic life, shall be removed and disposed of in a manner to prevent any pollutant from the material from entering the waters of the state, in accordance with s. NR 205.07(3)(a), Wis. Adm. Code. The permittee may discharge the intake backwash for cleaning filters or screens, from a ballast water treatment system (BWTS) or ballast water intake, provided the backwash only contains fine filtration residuals (sand, silt, small vegetation or aquatic life) that originated from the waterbody where the backwash was originated. This prohibition is applicable to both oceangoing vessels and Great Lakes vessels.

#### 3.2 Disposal of Solids Removed from Ballast Tanks or by Treatment System

Any accumulated solids, sediment, or biological material removed from the ballast tanks or generated by the treatment system may not be discharged into surface water. If sediment is removed by re-suspension with water during cleaning, the sediment-laden water may not discharge from the ballast tank to surface water. Any existing sediment management practices that consist of a discharge to surface water shall be discontinued immediately. This prohibition is applicable to both oceangoing vessels and Great Lakes vessels.

*Note: If the disposal of solids occurs in Wisconsin, solids shall be disposed of according to any applicable Solid and Hazardous Waste Regulation at a site or operation licensed by the department under chs. NR 500 to 590, Wis. Adm. Code (solid waste regulations), or chs. NR 600 to 690, Wis. Adm. Code (hazardous waste regulations)*  
<https://dnr.wi.gov/topic/waste/>.

The permittee shall maintain documentation on the removal and disposal of these solid wastes that occur within the jurisdiction of Wisconsin, and shall provide the following information to the department upon request:

- (a) Date when ballast tanks are cleaned.
- (b) The amount of solid wastes removed.
- (c) Person or company who hauled the solid waste for disposal.
- (d) Disposal site for the solid waste.

*Note: The prohibition on the discharge of solids from ballast tanks does not mean the ballast tanks may not be cleaned. Ballast tanks should continue to be cleaned as needed to minimize the accumulation of sediment. Vessel operators should make every effort to prevent the accumulation of sediment in ballast tanks by minimizing the intake of sediment with ballast water. This can be accomplished by taking on ballast water in locations that are very low in suspended solids, and by relocating the intake sea chest from the bottom of the hull to the side of the hull to prevent the disturbance of sediment in shallow waters.*

#### 3.3 Seawater

Discharge of ballast water from vessels containing seawater in other than insignificant residual amounts that remain in the ballast tanks that cannot be pumped or drained out (no ballast on board, or NOBOB) is prohibited, unless the vessel can demonstrate the discharge will comply with Wisconsin chloride limits (Subchapter VII of ch. NR 106, Wis. Adm. Code). The daily maximum discharge limit for chloride is 1514 mg/L (1.5 parts per thousand, or ppt). The equivalent limit expressed as salinity is 2.7 ppt. Vessels shall collect a sample for chloride from each ballast tank prior to discharge in Wisconsin waters to ensure the salinity levels are below 2.7 ppt using their onboard refractometer. This information shall be documented on the National Ballast Information Clearinghouse (NBIC) reporting form and the ballast log book.

*Note: To express the chloride concentration in terms of salinity, the chloride concentration is multiplied by 1.8. This is based on an average seawater salinity concentration of 35 ppt, of which chloride is 55% of the dissolved constituents, or 19.2 ppt. The ratio of salinity to chloride is 1.8:1 ( $35 \div 19.2$ ). The ballast tank water may not be discharged if the salinity exceeds 2.7 ppt (1.5 ppt chloride limit  $\times$  1.8 salinity conversion factor).*

*The limitation on seawater does not mean that oceangoing vessels may not discharge in Wisconsin waters, if they exchange or flush their ballast tanks in the ocean to comply with the USCG and Transport Canada requirements for salinity of at least 30 ppt. Before a vessel partially ballasted with seawater may discharge, it would need to take on freshwater ballast to dilute the seawater, at a ratio of at least 11:1 ( $30 \text{ ppt} \div 2.7 \text{ ppt}$ ). For example, if a ballast tank contains 10,000 gallons of 30 ppt seawater, the addition of 111,000 gallons of freshwater would be needed for dilution. The ballast water would then comply with the chloride limit to prevent acute aquatic toxicity at the point of discharge.*

## 4 Ballast Water Management

The discharge of ballast water shall comply with the 2013 VGP, including Part 6.25, in addition to the following subsections.

### 4.1 Ballast Water Discharge Standards

Ballast water discharges must meet the following water discharge limits in Table 1 and be consistent with the schedule in Table 2 unless the vessel is excluded from these requirements by Parts 2.2.3.5.3 or 2.2.3.8 of the 2013 VGP.

Table 1: IMO Standard

Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type
Organisms > 50 µm in minimum dimension	Daily Average	< 10 Viable organisms per m <sup>3</sup>	Per VGP	Per VGP
Organisms 10 - 50 µm in minimum dimension	Daily Average	< 10 Viable organisms per ml	Per VGP	Per VGP
Escherichia coli	Daily Average	< 250 cfu per 100 ml	Per VGP	Per VGP
Intestinal enterococci	Daily Average	< 100 cfu per 100 ml	Per VGP	Per VGP
Vibrio cholerae	Daily Average	< 1 cfu per 100 ml	Per VGP	Per VGP

Table 2: Ballast Water Treatment Schedule

	Vessel's Ballast Water Capacity	Date Constructed	Vessel's Compliance Date
New vessels	> 8m <sup>3</sup>	After December 1, 2013	On delivery
Existing vessels	Less than 1500 m <sup>3</sup>	On or before December 1, 2013	1 <sup>st</sup> scheduled drydocking after January 1, 2016 or per USCG extension letter
	1500-5000 m <sup>3</sup>	On or before December 1, 2013	1 <sup>st</sup> scheduled drydocking after January 1, 2014 or per USCG extension letter
	Greater than 5000 m <sup>3</sup>	On or before December 1, 2013	1 <sup>st</sup> scheduled drydocking after January 1, 2016 or per USCG extension letter

If the permittee obtains an extension approval for a vessel by the USCG in relation to Table 2 compliance dates, the extension approval letter shall be provided to the department upon request.

**4.2 Ballast Water Treatment Systems (BWTS):**

Treatment systems that are required to meet section 4.1, must be type approved by the USCG and meet IMO standards in freshwater. Upon request, the permittee shall provide the department with the name of the onboard BWTS and verification of type approval certification by the USCG.

Treatment systems must be operated to manufactures guidelines and requirements in Part 2.2.3.5.1.1 of the 2013 VGP.

**4.3 Ballast Water Exchange or Flushing**

Ballast water exchange on oceangoing vessels containing ballast, and ballast water flushing on oceangoing vessels containing no ballast on board (NOBOB) shall be carried out beyond the Exclusive Economic Zone (EEZ), from an area more than 200 nautical miles from any shore, in waters more than 2000 meters deep, such that, at the conclusion of the exchange or saltwater flush, any tank from which ballast water will be discharged contains water with a minimum salinity level of 30 parts per thousand. These requirements remain in effect after an onboard BWTS becomes operational.

**4.4 Biocide Use**

The use of biocides is subject to the requirements in Part 2.2 of the 2013 VGP.

**4.4.1 Discharge Limits for Biocide Treatment**

Discharges of ballast water from vessels employing BWTS or emergency treatment using chlorine or other biocides shall be monitored to comply with the following effluent limits in Table 3:

Table 3: Biocide Effluent Limits

Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type
Total Residual Chlorine	Daily Maximum	38 µg/L	See VGP Part 2.2.3.5.1.1.5.2	Per VGP
Chlorine Dioxide	Daily Maximum	200 ug/L	See VGP Part 2.2.3.5.1.1.5.2	Per VGP
Biocide – Other	Daily Maximum	As approved by the department	As approved by the department	To be determined

**4.4.2 Department Evaluation and Approval for Other Biocide Treatments**

Discharges containing biocides or other water treatment additives that may be added to the ballast water are prohibited under this general permit unless their use is approved in writing by the department prior to initiating discharge. Any subsequent changes in biocide or water treatment additive usage must be approved prior to use. The permittee shall maintain records of the biocide and other water treatment additive(s) used, including the name, manufacturer, total quantity used, and daily maximum dosage. The use of other biocides must comply with any use restrictions the department specifies in its approval.

The permittee shall provide the following information to request department approval:

- (a) Commercial name of the additive, function, and the Material Safety Data Sheet (MSDS).
- (b) Additive dosage concentration.
- (c) Anticipated additive discharge concentration.
- (d) Discharge frequency reported as hours per day and days per year.



- (e) Removal treatment to deactivate the biocide prior to discharge, if necessary, to comply with the department use restriction.
- (f) Aquatic toxicity information consisting of at least one 48-hour LC<sub>50</sub> or EC<sub>50</sub> value for daphnia magna or ceriodaphnia dubia, and at least one 96-hour LC<sub>50</sub> or EC<sub>50</sub> value for either fathead minnow, rainbow trout, or bluegill (this information is usually included in the MSDS). The department will only consider toxicity information on the whole product, not just the active ingredient or component of a product.

*Note: Biocides used to treat ballast water may need to be registered with the EPA as a new use under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The permittee must obtain any necessary approval from EPA.*

#### **4.5 Ballast Water and Sediment Management Plan**

The permittee shall maintain a Ballast Water and Sediment Management Plan for each vessel covered under the permit. A copy of the plan (in English) shall be made available to the department upon request. The plan must be updated to reflect the vessel's current ballast water management practices that are designed to minimize the discharge of AIS. The following minimum elements, but not limited to, must be included in the plan:

- (a) Operation and maintenance procedures for the vessel and crew associated with ballast water management.
- (b) Ballast tank cleaning and sediment removal practices.
- (c) Actions taken to implement ballast water treatment requirements to comply with the discharge standards in this permit.
- (d) The designated position or officer on board the vessel in charge of ensuring the plan is properly implemented.

#### **4.6 Best Management Practices (BMPs)**

Permittees shall implement best management practices (BMPs) on vessels for ballast water uptake and discharge in accordance with this section and Part 2.2.3 of the 2013 VGP:

- (a) Annually inspect and replace, as necessary, ballast sea chest screens.
- (b) Lighten the ship as much as practical to elevate water intakes before ballasting to minimize sediment uptake and increase water flow.
- (c) Ballast water taken aboard in VHS affected waters shall be the minimum needed to ensure the safety of the crew and vessel.
- (d) Ballast water shall always be taken aboard or discharged via the pumps and never "gravity" fed or drained.

In addition to the BMPs in the 2013 VGP and this section, the department may require additional BMPs in certain circumstances, such as a new AIS or disease outbreak (such as VHS) in the Great Lakes.

#### **4.7 Monitoring**

Permittees that treat their ballast water to meet discharge standards in Section 4.1 or for emergency treatment of high-risk ballast water, shall conduct monitoring according to the 2013 VGP Part 2.2.3.5.1.

## 4.8 Safety Exemption

An exemption to any regularly scheduled ballast water treatment, monitoring, or other activity required by this permit is automatically granted if at any time conditions exist due to weather, seas, other extenuating circumstances or emergency that would place the vessel, vessel's crew, or anyone else in danger. When a safety exemption is needed, the vessel shall document the circumstances in the ballast log book described in Subsection 4.9.1. The required permit actions shall be resumed when conditions allow for them to be safely conducted.

## 4.9 Record Keeping and Reporting

### 4.9.1 Ballast Water Log Book

Permittees shall maintain a ballast water log book (in English) on board each vessel, which shall be made available for examination by the department upon request. The log book shall include the following documentation:

- (a) Ballast discharge – date of the discharge, estimated volume, location where the discharge occurred with start and stop location if the vessel is in transit, and the ballast uptake it is linked to.
- (b) Ballast uptake – date ballast was taken onboard, and the source of the ballast water with the name of the harbor or other defined location in the waterbody where the ballast water originated.
- (c) Sediment – date ballast tanks were cleaned, estimated volume of sediment removed, and where the sediment was disposed.
- (d) Treatment – date ballast water treatment occurred, the dosage of any chemicals, reaction or holding time to complete the treatment, and any other related activities conducted to comply with the permit's monitoring requirements and effluent limitations.
- (e) Safety exemption – date unsafe conditions occurred, circumstances that existed to cause the suspension of a permit-required activity, what activities were suspended, and when the activity was resumed.

### 4.9.2 Discharge Monitoring Reports (DMR)

The permittee shall submit monitoring data required under Part 2.2.3.5.1.1 of the 2013 VGP, reported on the ballast water treatment system reporting form, Appendix I of the 2013 VGP, upon request by the department for vessels operating an onboard BWTS in Wisconsin waters.

## 5 Standard Requirements

The conditions in ss. NR 205.07(1), 205.07(3), and 205.08(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements, except for s. NR 205.07(1)(n), Wis. Adm. Code, which does not apply to facilities covered under general permits. Some of these requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in the Standard Requirements can be found in the ss. NR 205.07(1), 205.07(3), and 205.08, Wis. Adm. Code.

### 5.1 General Conditions for General Permits

#### 5.1.1 Delegation of Signature Authority

In accordance with s. NR 205.07(1)(g), Wis. Adm. Code, the permittee must provide a delegation of signature authority (DSA) request (Form 3400-220, Delegation of Signature Authority) or equivalent for a duly authorized representative to submit specific documents on the behalf of a responsible executive, officer, manager, partner, or proprietor of a permitted discharge. An executive, officer, manager, partner, or proprietor can only delegate signature authority to a duly authorized representative if that person has responsibility for the overall operation of the facility, (which includes vessels), or activity regulated by this GP. The DSA request shall specify the name of the individual and their employment position. The DSA request must be submitted to the department with the request for coverage document or together with the submittal of any required documents. If there are any changes to this request, a new DSA request shall be submitted to the department.

#### 5.1.2 Permit Coverage Transfers

Permit coverage is not transferrable to any person or vessel except after notice to the department. Permittees that wish to transfer general permit coverage to a new permittee or vessel must submit a Transfer of Coverage (TOC, Form 3400-222). The TOC must be submitted at least thirty (30) days in advance of the proposed transfer date. All TOCs shall be completed by both the existing and new permittees including the "Certification & Signature" section and sent via mail or email to the department. The department will then send a letter to the existing permittee stating that their coverage is terminated under this general permit. If the quality or quantity of the discharge has not changed at the facility, the department will send a letter of determination that grants coverage to the new permittee under this general permit. If there have been significant changes at the permitted facility, the new permittee shall submit a new NOI to the department.

#### 5.1.3 Permit Coverage Terminations

Permittees that wish to terminate their general permit coverage must submit written notice to the department requesting permit coverage be terminated. The department will inform the permittee when permit coverage is terminated.

#### 5.1.4 Continuation of an Expired General Permit

Section NR 205.08(9), Wis. Adm. Code, provides that the terms and conditions of this GP shall continue to apply until this GP is revoked and reissued or until an individual permit is issued for the discharge to which the GP applied. The status of expired GPs can be accessed at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>

## **5.2 General Conditions for WPDES Permits**

### **5.2.1 Duty to Comply**

The permittee shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action; permit coverage termination, revocation and reissuance, or modification; or denial of a permit coverage reissuance application. If a permittee violates any terms of the permit, the permittee is subject to the penalties established in ch. 283, Wis. Stats.

### **5.2.2 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 any invasion of personal rights, or any infringement of federal, state, or local laws or regulations.

### **5.2.3 Inspection and Entry**

The permittee shall allow an authorized representative of the department, upon the presentation of credentials, to enter the permittee's vessel, have access to records, and inspect and monitor the discharge as described in s. NR 205.07(1)(d), Wis. Adm. Code.

### **5.2.4 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.

### **5.2.5 Records Retention**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all 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. All pertinent by-product solids information, including permit application information and other documents specified in the permit or ch. NR 214, Wis. Adm. Code, shall be retained for a minimum of 5 years.

### **5.2.6 Signatory Requirement**

All permit applications, reports and other information requested by the department shall be signed by a responsible executive 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.

### **5.2.7 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 permittee to achieve compliance with the conditions of the permit.

### **5.2.8 Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent the likelihood of any adverse impacts to public health, the waters of the state, or the environment resulting from noncompliance with the permit.

### **5.2.9 Duty to Provide Information**

The permittee shall furnish the department, within a reasonable time, any information which the department may request to determine whether cause exists for modifying, terminating, suspending, revoking, or reissuing the permit or to determine compliance with the permit. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall also furnish the department, upon request, copies of records required to be kept by the permittee.

### **5.2.10 Need to Halt or Reduce Activity Not a Defense**

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

### **5.2.11 Sampling and Testing Procedures**

Sampling and laboratory testing procedures shall be performed in accordance with s. NR 205.07(1)(p) and 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. 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 ch. 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.

### **5.2.12 Laboratory Certification or Registration**

Samples collected under this permit shall be tested and analyzed by a laboratory certified or registered under ch. NR 149, Wis. Adm. Code. A list of Wisconsin DNR accredited laboratories can be found here:

<https://dnr.wisconsin.gov/topic/labCert/certified-lab-lists>. The following parameters and tests are excluded from this requirement:

- Temperature;
- Turbidity;
- Bacteria tests in wastewater effluent and sludges;
- pH;
- Chlorine residual;
- Specific conductance;
- Physical properties of soils and sludges;
- Nutrient tests of soils and sludges; and
- Flow measurements.

### **5.2.13 Effluent Limits Less than LOD or LOQ**

When an effluent limitation for any substance in this permit is less than the limit of detection (LOD) or the limit of quantitation (LOQ), the following conditions shall apply:

- a) The permittee shall perform monitoring required in this permit using an acceptable analytical methodology as specified in ch. NR 219, Wis. Adm. Code for that substance in the effluent which produces the lowest LOD and LOQ.
- b) The permittee shall determine the LOD and LOQ using a test method specified in ch. NR 219, Wis. Adm. Code.
- c) Compliance with concentration limitations shall be determined as follows:
  1. When the effluent limitation is less than the LOD, effluent levels less than the LOD are in compliance with the effluent limitation.
  2. When the effluent limitation is less than the LOD, effluent levels greater than the LOD, but less than the LOQ are in compliance with the effluent limitation except when analytically confirmed and statistically confirmed by a sufficient number of analyses of multiple samples and use of appropriate statistical techniques.
  3. When the effluent limitation is greater than the LOD, but less than the LOQ effluent levels less than the LOD or less than the LOQ are in compliance with the effluent limitation.

### 5.2.14 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 by-product solids 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.

### 5.2.15 More Frequent Monitoring

As specified in s. NR 205.07(1)(r), if the permittee monitors any parameter more frequently than required by the permit, using test procedures specified in chs. NR 204 or 219, Wis. Adm. Code or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report.

### 5.2.16 Noncompliance Reporting

The permittee shall report the following types of noncompliance by email or 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 by-product solids.

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 as specified in s. NR 205.07(1)(u)2, Wis. Adm. Code, shall not be subject to the reporting required under this section.

**Note:** Section 292.11(2)(a), Wis. Stats., 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.**

### 5.2.17 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.

### 5.2.18 Permit as Enforcement Shield

Compliance with a permit during its term constitutes compliance for purposes of enforcement with 33 USC 1311, 1312, 1316, 1317, 1328, and 1345 (a) and (b), except for any toxic effluent standard or prohibition, and standards for sewage sludge use or disposal. If a new or revised toxic effluent standard or toxic prohibition becomes effective during the term of the permit, the permittee may be subject to enforcement action if the discharge exceeds the new or revised effluent standard for the toxic pollutant even though the discharge is in compliance with the existing permit. The permittee may also be subject to enforcement action standards for sewage sludge use or disposal. However, a permit may be modified, revoked, and reissued, or terminated during its term for cause as set forth in ch. 283, Wis. Stats., and ch. NR 203, Wis. Adm. Code.

**Note:** Pursuant to ss. 283.89 and 283.91, Wis. Stats., violations of permit conditions or rule requirements are referred to the department of justice for enforcement.

### 5.2.19 Severability

The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### 5.2.20 Spill Reporting

The permittee shall notify the department in accordance with ch. NR 706 (formerly ch. 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 the permit, or the spill or accidental release of the material is unregulated in the permit, unless the spill or release of pollutants has been reported to the department under this section.

### 5.2.21 Planned Changes

In accordance with ss. 283.31 (4) (b) and 283.59 (1), Wis. 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 the 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 the permit to specify and limit any pollutants not previously regulated in the permit.

### **5.2.22 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, ballast water and or wastewater discharges until the vessel's operations are restored or an alternative method of treatment is provided.



## 6 Summary of Reports Due

Description	Date	Page
Notice of Intent – Vessels Not Previously Permitted	30 days prior to entering Wisconsin Waters	4
Notice of Intent– Vessels with Existing Permit Coverage	Every fifth year of permit coverage	4
Request for Biocide Approval	Prior to discharge	8
USGC Ballast Water Treatment System type approval	Upon request	8
Ballast Water and Sediment Management Plan	Upon Request	9
Discharge Monitoring Reports	Upon Request	10
NOI for transfer in Ownership/Operator	By the date of transfer	11

The NOI request for permit coverage, DMR forms, the engineering report for plans and specifications for a BWTS, and any other submittals required by this permit shall be submitted to:

[DNRWisconsinBallastWater@wisconsin.gov](mailto:DNRWisconsinBallastWater@wisconsin.gov)

## 7 Definitions

*“BMP” means a Best Management Practice, used in conjunction with other measures to better manage ballast water.*

*“cfu” means colony forming unit.*

*“Composite Sample” means a combination of individual samples of equal volume taken at approximately equal intervals not to exceed one hour over a specified period of time.*

*“Constructed” means the same as the definition in Appendix A of the 2013 VGP when defining a new vessel.*

*Note: Definition of “constructed” in Appendix A of the VGP is “a state of construction of a vessel at which—*

- ‘the keel is laid;’*
- ‘construction identifiable with the specific vessel begins;’*
- ‘assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less;’ or*
- ‘the vessel undergoes a major conversion;’ [patterned after the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, regulation A-1(4)]”.*

*“Exchange” means to replace the water in a ballast tank using one of the following methods:*

- ‘Empty/refill exchange’ means to pump out as close to 100 percent of the ballast water taken on in ports, estuarine, or territorial waters, as is safe to do so, until the tank is empty, then refill it with water from the mid-ocean or coastal exchange zone, as applicable.*
- ‘Flow through exchange’ means to flush out ballast water by pumping in water from the mid-ocean or coastal exchange zone, as applicable, into the bottom of the tank and continuously overflow the tank from the top until three full volumes of water have been changed to minimize the number of original organisms remaining in the tank.*

*“Exclusive Economic Zone” (EEZ) means the area established by Presidential Proclamation Number 5030, dated March 10, 1983 (48 FR 10605) which extends from the base line of the territorial sea of the United States seaward 200 miles, and the equivalent zone of Canada.*

*“Facility” means permitted vessel, operator, manager, etc.*

*“Flushing” means the addition of mid-ocean or coastal exchange zone water to empty ballast water tanks; the mixing of the added water with residual ballast water and sediment through the motion of the vessel; and the discharge of the mixed water until loss of suction, such that the resulting residual water in the tank has either a salinity greater than or equal to 30 ppt or a salinity concentration equal to the ambient salinity of the location where the uptake of the added water took place.*

*“Great Lakes Vessel” also referred to as “Laker” in the 2013 VGP means Existing Bulk Carrier Vessels built before January 1, 2009, that operate exclusively in Lake Ontario, Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian border), including all other bodies of water within the drainage basin of such lakes and connecting channels).*

*“High-risk Ballast Water” is referenced in the 2013 VGP, section 6.25.5(d).*

*“IMO Standard” means the International Maritime Organization’s Regulation D-2 performance standards for the discharge of ballast water.*

*“Oceangoing Vessel” means a vessel eligible for coverage under the 2013 VGP that operates outside the Great Lakes and does not meet the definition of “Great Lakes Vessel”.*

*“VGP” means the Vessel General Permit issued by EPA on March 28, 2013.*

*“Viable Organism” means an organism that is living and able to reproduce.*