



# WPDES PERMIT

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

**Fish, Crystal and Mud Lake Rehabilitation District**

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

the Wisconsin River and Roxbury Creek; Sections 6 and 15 T9N R7E  
to

**From Fish Lake to the Wisconsin River and From Crystal Lake to Roxbury Creek  
(Roxbury Creek Watershed, LW18 – Lower Wisconsin River Basin)  
In Dane 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 \_\_\_\_\_  
Nate Willis  
Wastewater Engineer

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

**PERMIT TERM: EFFECTIVE DATE - August 01, 2024**

**EXPIRATION DATE - June 30, 2029**

## TABLE OF CONTENTS

<b>1 SURFACE WATER REQUIREMENTS</b>	<b>1</b>
1.1 SAMPLING POINT(S)	1
1.2 MONITORING REQUIREMENTS AND EFFLUENT LIMITATIONS	1
1.2.1 <i>Sampling Point (Outfall) 001 - Fish Lake Drawdown</i>	1
1.2.2 <i>Sampling Point (Outfall) 004 - Crystal Lake Drawdown</i>	2
<b>2 SCHEDULES</b>	<b>7</b>
2.1 ROXBURY CREEK STREAM FLOW MEASUREMENTS	7
2.2 OUTFALL 004 TEMPERATURE PROBE INSTALLATION	7
<b>3 STANDARD REQUIREMENTS</b>	<b>8</b>
3.1 REPORTING AND MONITORING REQUIREMENTS	8
3.1.1 <i>Monitoring Results</i>	8
3.1.2 <i>Sampling and Testing Procedures</i>	8
3.1.3 <i>Recording of Results</i>	8
3.1.4 <i>Reporting of Monitoring Results</i>	9
3.1.5 <i>Records Retention</i>	9
3.1.6 <i>Other Information</i>	9
3.1.7 <i>Reporting Requirements – Alterations or Additions</i>	9
3.2 SYSTEM OPERATING REQUIREMENTS	9
3.2.1 <i>Noncompliance Reporting</i>	10
3.2.2 <i>Bypass</i>	10
3.2.3 <i>Scheduled Bypass</i>	10
3.2.4 <i>Controlled Diversions</i>	11
3.2.5 <i>Proper Operation and Maintenance</i>	11
3.2.6 <i>Operator Certification</i>	11
3.2.7 <i>Spill Reporting</i>	11
3.2.8 <i>Planned Changes</i>	11
3.2.9 <i>Duty to Halt or Reduce Activity</i>	12
3.3 SURFACE WATER REQUIREMENTS	12
3.3.1 <i>Permittee-Determined Limit of Quantitation Incorporated into this Permit</i>	12
3.3.2 <i>Appropriate Formulas for Effluent Calculations</i>	12
3.3.3 <i>Effluent Temperature Requirements</i>	12
3.3.4 <i>Visible Foam or Floating Solids</i>	13
3.3.5 <i>Surface Water Uses and Criteria</i>	13
3.3.6 <i>Compliance with Phosphorus Limitation</i>	13
<b>4 SUMMARY OF REPORTS DUE</b>	<b>14</b>

# 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, Waste Type/Sample Contents and Treatment Description (as applicable)
001	Drawdown discharge from Fish Lake in Dane County to the Wisconsin River via 2.5 miles of piping. Samples may be taken from the pipeline tap after the pump, prior to the outfall structure on the river.
004	Drawdown discharge from Crystal Lake in Dane County to Roxbury Creek. Samples of the Crystal Lake water effluent shall be collected from the pipeline tap after the pump or at the outfall prior to mixing with Roxbury Creek. Flow is measured by a mechanical propeller meter located in the pump house.

## 1.2 Monitoring Requirements and Effluent Limitations

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

### 1.2.1 Sampling Point (Outfall) 001 - Fish Lake Drawdown

Monitoring Requirements and Effluent Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Flow Rate	Daily Max	1.5 MGD	Daily	Calculated	
Water Level	Daily Min	858.7 feet MSL	Monthly	Gauge Station	See section 'Pumping Shall Cease When Lake Level Reached OHWM.'
BOD <sub>5</sub> , Total	Weekly Avg	20 mg/L	Monthly	Grab	Effective October through June each year.
BOD <sub>5</sub> , Total	Weekly Avg	20 mg/L	1/ 2 Weeks	Grab	Effective July through September each year.
Suspended Solids, Total	Weekly Avg	40 mg/L	Monthly	Grab	Effective October through June each year.
Suspended Solids, Total	Weekly Avg	40 mg/L	1/ 2 Weeks	Grab	Effective July through September each year.
Dissolved Oxygen	Daily Min	7.0 mg/L	Monthly	Grab	Effective October through June each year.
Dissolved Oxygen	Daily Min	7.0 mg/L	1/ 2 Weeks	Grab	Effective July through September each year.
pH Field	Daily Max	9.0 su	Monthly	Grab	
pH Field	Daily Min	6.0 su	Monthly	Grab	
Phosphorus, Total		mg/L	Monthly	Grab	
Nitrogen, Ammonia (NH <sub>3</sub> -N) Total		mg/L	Monthly	Grab	

**1.2.1.1 Pumping Shall Cease When Lake Level Reaches OHWM**

Pumping and discharge shall cease when Fish Lake water level reaches the Ordinary High Water Mark (OHWM). Pumping may resume if the water level in Fish Lake exceeds the OHWM, subject to the terms and conditions of this permit. The OHWM in Fish Lake is established at 858.70 Mean Sea Level (MSL).

**1.2.1.2 Pumping Shall Cease if Effluent Limitations are Exceeded**

Upon receipt of sample result exceeding any effluent limit, pumping and discharge shall cease as soon as possible, but no later than 12 hours after receipt of sample results from the lab. If the permittee fails to stop pumping within 12 hours of receiving sample results above effluent limitations, each day of continued pumping is a violation of this permit. Pumping and discharge of the lake water may resume if the permittee takes a lake sample, and the results are below all effluent limitations. Samples to determine whether the discharge may resume must be taken as close as possible to the intake pipe location. When Fish Lake is ice covered the pump may be run briefly to collect a sample for testing.

**1.2.2 Sampling Point (Outfall) 004 - Crystal Lake Drawdown**

<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	Daily Max	1.5 MGD	Daily	Calculated	
Water Level	Daily Min	868.22 feet MSL	Monthly	Gauge Station	
WLA Previous Day River Flow		cfs	Weekly	Gauge Station	Stream flow for Roxbury Creek receiving water.
BOD <sub>5</sub> , Total		mg/L	Weekly	Grab	Effective May through September.
BOD <sub>5</sub> , Total	Weekly Avg - Variable	mg/L	Weekly	Grab	Effective May through September until 2026. Report the BOD concentration result (mg/L) in the BOD <sub>5</sub> , Total column of the eDMR. See Table 1.
BOD <sub>5</sub> , Total	Weekly Avg - Variable	lbs/day	Weekly	Grab	Effective May through September starting in 2026. Report the BOD mass result (lbs/day) in the BOD <sub>5</sub> , Total column of the eDMR. See Table 3.
BOD <sub>5</sub> , Variable Limit		mg/L	Weekly	See Table	Effective May through September until 2026. Look up the variable BOD <sub>5</sub> limit from Table 1. and report the variable limit in the BOD <sub>5</sub> Variable Limit column on the eDMR.

WPDES Permit No. WI-0049964-05-0  
Fish, Crystal and Mud Lake Rehabilitation Di

<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>
BOD <sub>5</sub> , Variable Limit		lbs/day	Weekly	See Table	Effective May through September starting in 2026. Look up the variable BOD <sub>5</sub> limit from Table 3. and report the variable limit in the BOD <sub>5</sub> Variable Limit column on the eDMR.
BOD <sub>5</sub> , Total		mg/L	Monthly	Grab	Effective October through April.
BOD <sub>5</sub> , Total	Weekly Avg - Variable	mg/L	Monthly	Grab	Effective October through April. Report the BOD concentration result (mg/L) in the BOD <sub>5</sub> , Total column of the eDMR. See Table 2.
BOD <sub>5</sub> , Variable Limit		mg/L	Monthly	See Table	Effective October through April. Look up the variable BOD <sub>5</sub> limit from Table 2. and report the variable limit in the BOD <sub>5</sub> Variable Limit column on the eDMR.
Suspended Solids, Total	Weekly Avg	13 mg/L	Monthly	Grab	Effective October through April.
Suspended Solids, Total	Weekly Avg	13 mg/L	Weekly	Grab	Effective May through September.
Temperature Maximum		deg F	3/Week	Estimated	Reporting of INFOS gauge data is only required August through September in 2024.
Temperature Maximum		deg F	Daily	Continuous	Continuous monitoring is required starting 05/01/2025.
Temperature Maximum	Daily Max	82 deg F	Daily	Continuous	Effective September.
Temperature Maximum	Weekly Avg	73 deg F	Daily	Continuous	Effective September.
Temperature Maximum	Weekly Avg	65 deg F	Daily	Continuous	Effective May.
Dissolved Oxygen	Daily Min	8.0 mg/L	Monthly	Grab	Effective October through April.
Dissolved Oxygen	Daily Min	8.0 mg/L	Weekly	Grab	Effective May through September.
pH Field	Daily Max	9.0 su	Monthly	Grab	
pH Field	Daily Min	6.0 su	Monthly	Grab	
Phosphorus, Total	Monthly Avg	0.225 mg/L	Monthly	Grab	Effective October through April.
Phosphorus, Total	6-Month Avg	0.075 mg/L	Monthly	Grab	Effective October through April.

<b>Monitoring Requirements and Effluent Limitations</b>					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Phosphorus, Total	Monthly Avg	0.225 mg/L	2/Month	Grab	Effective May through September.
Phosphorus, Total	6-Month Avg	0.95 lbs/day	1/ 6 Months	Calculated	
Nitrogen, Ammonia (NH <sub>3</sub> -N) Total		mg/L	Monthly	Grab	Monitoring year-round in 2028.

### 1.2.2.1 Pumping Shall Cease When Lake Level Reaches OHWM

Pumping and discharge shall cease when Crystal Lake water level reaches the Ordinary High Water Mark (OHWM). Pumping may resume if the water level in Crystal Lake exceeds the OHWM, subject to the terms and conditions of this permit. The OHWM in Crystal Lake is established at 868.22 Mean Sea Level (MSL).

### 1.2.2.2 Pumping Shall Cease if Effluent Limitations are Exceeded

Upon receipt of sample result exceeding any effluent limit, pumping and discharge shall cease as soon as possible, but no later than 12 hours after receipt of sample results from the lab. If the permittee fails to stop pumping within 12 hours of receiving sample results above effluent limitations, each day of continued pumping is a violation of this permit. Pumping and discharge of the lake water may resume if the permittee takes a lake sample, and the results are below all effluent limitations. Samples to determine whether the discharge may resume must be taken as close as possible to the intake pipe location or near the culvert connecting Crystal Lake and the intake pond.

BOD<sub>5</sub> limits are variable based on the month and discharge volume. The permittee may reduce pumping first to address a BOD<sub>5</sub> limit exceedance.

### 1.2.2.3 BOD<sub>5</sub> Concentration (mg/L) Variable Limits

To determine the variable limit for BOD<sub>5</sub> to report on the eDMR, select the row for the month the discharge occurred. Then identify the column that is headed by the volume discharged on the sample date. The box where they meet is the BOD<sub>5</sub> variable limit for the sample date. Report the Variable Limit (mg/L) value in the BOD<sub>5</sub> Variable Limit column of the eDMR. Reduction in volume pumped will increase the BOD<sub>5</sub> variable limit.

**Table 1. Interim BOD<sub>5</sub> Limit (mg/L) based on month of the discharge (May through September) and the discharge daily flow (MGD)\***

Daily Flow Limit	MGD	MGD	MGD	MGD	MGD	MGD	MGD	MGD	MGD
Month	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7
<b>May</b>	3.4	3.4	4.0	4.0	4.0	5.0	6.0	6.0	6.0
<b>Jun</b>	2.9	2.9	2.9	2.9	4.0	4.0	5.0	5.0	6.0
<b>Jul</b>	2.7	2.7	2.7	2.7	2.7	4.0	4.0	5.0	6.0
<b>Aug</b>	2.8	2.8	2.8	2.8	4.0	4.0	5.0	5.0	6.0
<b>Sep</b>	3.2	3.2	3.2	4.0	4.0	5.0	5.0	6.0	6.0

\*These BOD<sub>5</sub> concentration (mg/L) limits are currently in effect during the months of May through September. These limits will remain in effect according to the ‘Roxbury Creek Stream Flow Measurements’ compliance schedule.

**Table 2. BOD<sub>5</sub> Limit (mg/L) based on month of the discharge (October through April) and the discharge daily flow (MGD)**

Daily Flow Limit	MGD 1.5	MGD 1.4	MGD 1.3	MGD 1.2	MGD 1.1	MGD 1.0	MGD 0.9	MGD 0.8	MGD 0.7
Month									
Jan	5.3	5.3	6.0	6.0	6.0	6.0	6.0	6.0	6.0
Feb	5.2	5.2	6.0	6.0	6.0	6.0	6.0	6.0	6.0
Mar	4.9	4.9	4.9	6.0	6.0	6.0	6.0	6.0	6.0
Apr	4.2	4.2	5.0	6.0	6.0	6.0	6.0	6.0	6.0
May	Interim concentration limits (Table 1.) are currently in effect and will remain in effect according to the compliance schedule. Wasteload Allocation BOD Limits for May through September are based on the flow in Roxbury Creek and are expressed as lbs/day. These limits are found in Table 3. and are effective according to the compliance schedule.								
Jun									
Jul									
Aug									
Sep									
Oct	3.9	4.0	4.0	5.0	5.0	6.0	6.0	6.0	6.0
Nov	4.7	5.0	5.0	6.0	6.0	6.0	6.0	6.0	6.0
Dec	5.2	5.2	6.0	6.0	6.0	6.0	6.0	6.0	6.0

#### 1.2.2.4 BOD<sub>5</sub> Mass (lbs/day) Variable Limits

The permittee may only use the BOD<sub>5</sub> Mass (lbs/day) Variable Limits after installation of the flow gauge station in Roxbury Creek as described in the ‘Roxbury Creek Stream Flow Measurements’ compliance schedule. Using the month of the discharge and the Roxbury Creek flow, look up the limit value in the table below. Report the Variable Limit (lbs/day) value in the BOD<sub>5</sub> Variable Limit column of the eDMR. Report the sample BOD<sub>5</sub> mass result (lbs/day) on the eDMR and compare to the BOD<sub>5</sub> variable limit value to determine compliance.

**Table 3. BOD<sub>5</sub> Limit (lbs/day) based on month of the discharge (May through September) and the Roxbury Creek flow (cfs)**

Flow in Roxbury Creek (cfs)	Month				
	May	June	July	August	September
<0.99	42	36	34	35	40
1.00 - 1.49	59	51	48	50	57
1.50 - 1.99	65	56	53	55	63
2.00 - 2.49	71	61	58	60	69
2.50 - 2.99	77	66	63	65	74
3.00 - 3.49	83	72	68	70	80
3.50 - 3.99	89	77	73	75	86
4.00 - 4.49	95	82	77	80	92
4.50 - 4.99	101	87	82	85	97
5.00 - 5.49	107	92	87	90	103
5.50 - 5.99	113	97	92	95	109
6.00 - 6.49	119	102	97	100	114
6.50 and greater	125	107	102	105	120

$$\text{BOD}_5 \text{ Mass (lbs/day)} = \text{BOD}_5 \text{ Concentration (mg/L)} * \text{discharge flow (MGD)} * 8.34$$

### **1.2.2.5 Effluent Temperature Monitoring**

For manually measuring effluent temperature, grab samples should be collected at 6 evenly spaced intervals during the 24-hour period. Alternative sampling intervals may be approved if the permittee can show that the maximum effluent temperature is captured during the sampling interval. For monitoring temperature continuously, collect measurements in accordance with s. NR 218.04(13) Wis. Adm. Code. This means that discrete measurements shall be recorded at intervals of not more than 15 minutes during the 24-hour period. In either case, report the maximum temperature measured during the day on the DMR. For seasonal discharges collect measurements either manually or continuously during the period of operation and report the daily maximum effluent temperature on the DMR.

### **1.2.2.6 Effluent Temperature Limitations**

The effluent limitations for “Temperature, Maximum” become effective upon permit reissuance. Monitoring is required daily from May 1 to September 30 upon permit reissuance. Daily maximum temperatures shall be reported so the applicable daily maximum limits can be compared to the reported daily maximum temperatures and the applicable weekly average limits can be compared to the weekly averages of the reported daily maximum temperatures.



## 2 Schedules

### 2.1 Roxbury Creek Stream Flow Measurements

A gauge station shall be installed to measure the stream flow values prior to using the May through September BOD Mass Limits.

Required Action	Due Date
<b>Install Gauge Station:</b> Work with USGS to arrange for installation of the gauge station. The gauge station shall be installed in a location that will accurately measure the representative flow of Roxbury Creek. The gauge station installation shall be completed by the Due Date and the department will be notified upon completion.	04/30/2025
<b>Initiate Gauge Station Calibration Measurements:</b> A total of seven baseflow measurements shall be taken every 2-3 weeks during May through September of 2025. These baseflow measurements shall be used to calibrate the gauge station. Notify the department when the first baseflow measurement has been taken.	05/01/2025
<b>Report Data:</b> Submit to the department a summary of the data collected and a description of the project.	10/31/2025
<b>Limits Effective:</b> BOD5 concentration limits are effective until department approval for the use of BOD5 mass limits is given.	05/01/2026

### 2.2 Outfall 004 Temperature Probe Installation

Required Action	Due Date
<b>Temperature Probe Plans and Specifications Submittal:</b> The permittee shall submit plans and specifications for department approval for the installation of a temperature probe in accordance with ch. NR 108, Wis. Adm. Code. The temperature probe should be installed at a location representative of the discharge from Outfall 004 in accordance with ss. NR 218.07 and 218.11, Wis. Adm. Code. This submittal shall include a signed Wastewater Systems Approval Request form (3400-205), information about the chosen temperature probe, and the proposed location.	12/31/2024
<b>Complete Temperature Probe Installation:</b> The permittee shall complete installation of the temperature probe and submit proof of installation to the department by the Due Date.	04/30/2025

### 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, a reporting limit of 2.0 mg/L for BOD<sub>5</sub> and 2.5 mg/L 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.
- If no discharge occurs through an outfall, flow related parameters (e.g. flow rate, hydraulic application rate, volume, etc.) should be reported as "0" (zero) at the required sample frequency specified for the outfall. For example: if the sample frequency is daily, "0" would be reported for any day during the month that no discharge occurred.

### 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 or electronic data records 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. 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 Operator Certification**

The wastewater treatment facility shall be under the direct supervision of a state certified operator. In accordance with s. NR 114.53, Wis. Adm. Code, every WPDES permitted treatment plant shall have a designated operator-in-charge holding a current and valid certificate. The designated operator-in-charge shall be certified at the level and in all subclasses of the treatment plant, except laboratory. Treatment plant owners shall notify the department of any changes in the operator-in-charge within 30 days. Note that s. NR 114.52(22), Wis. Adm. Code, lists types of facilities that are excluded from operator certification requirements (i.e. private sewage systems, pretreatment facilities discharging to public sewers, industrial wastewater treatment that consists solely of land disposal, agricultural digesters and concentrated aquatic production facilities with no biological treatment).

### **3.2.7 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.

### **3.2.8 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.

### 3.2.9 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, except in cases of Water Quality Trading, wherein the applicable periods are January through June and July through December.]

**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** – If temperature limits are included in this permit, Weekly Average Temperature shall be calculated as 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 pursuant to Wis. Adm. Code, s. NR 102.28. ‘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 pursuant to Wis. Adm. Code, s. NR 102.29.

### 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.

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

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
Roxbury Creek Stream Flow Measurements -Install Gauge Station	April 30, 2025	7
Roxbury Creek Stream Flow Measurements -Initiate Gauge Station Calibration Measurements	May 1, 2025	7
Roxbury Creek Stream Flow Measurements -Report Data	October 31, 2025	7
Roxbury Creek Stream Flow Measurements -Limits Effective	May 1, 2026	7
Outfall 004 Temperature Probe Installation -Temperature Probe Plans and Specifications Submittal	December 31, 2024	7
Outfall 004 Temperature Probe Installation -Complete Temperature Probe Installation	April 30, 2025	7
Wastewater Discharge Monitoring Report	no later than the date indicated on the form	8

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 Rd, Fitchburg, WI 53711-5397