



STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN

POLLUTANT DISCHARGE ELIMINATION SYSTEM

WPDES PERMIT NO. WI-S050181-2

In compliance with the provisions of ch. 283 Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code, owners and operators of municipal separate storm sewer systems are permitted to discharge storm water from all portions of the

MUNICIPAL SEPARATE STORM SEWER SYSTEM

owned or operated by the municipality to waters of the state in accordance with the conditions set forth in this permit.

With written authorization by the Department, this permit will be used to cover a municipal separate storm sewer system not previously covered under a municipal separate storm sewer system general permit. The **Start Date** of coverage under this permit is the date of the Department letter sent to the municipality authorizing coverage under this permit. The Department is required to charge an annual permit fee to owners and operators authorized to discharge under this permit in accordance with s. 283.33(9), Wis. Stats., and s. NR 216.08, Wis. Adm. Code.

State of Wisconsin Department of Natural Resources

For the Secretary

XX X, 2026

By

Jason Knutson, Director

Date Permit Signed

Bureau of Watershed Management
External Services Division

PERMIT EFFECTIVE DATE: XXX 1, 2026 **EXPIRATION DATE:** XXX 30, 2030

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1. APPLICABILITY CRITERIA

1.1 Permitted Area

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

1.1.1 An urbanized area, as determined by the 2010 urbanized areas mapped by the U.S. Census Bureau, and the adjacent developing areas, and areas whose runoff is connected or will connect to a municipal separate storm sewer regulated under subch. I of ch. NR 216, Wis. Adm. Code; or

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

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

***Note:** Section 283.33, Wis. Stats., requires MS4s that service an area located in an “urbanized area, as determined by the U.S. bureau of the census based on the latest decennial federal census” to obtain a WPDES storm water permit. Following federal rulemaking in 2022, the U.S. Census Bureau no longer uses the classification of “urbanized area” in developing the census. Therefore, the latest decennial federal census to define an “urbanized area” is the 2010 census.*

1.2 Authorized Discharges

This permit authorizes storm water point source discharges from the MS4 to waters of the state in the permitted area. This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, and storm water associated with industrial activity, provided the discharges are regulated by other WPDES permits or are discharges which are not considered illicit discharges pursuant to section 2.3.1 of this permit.

1.3 Unauthorized Discharges

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

1.3.2 Discharges violating wetland water quality standards: This permit does not authorize discharges resulting in noncompliance with the applicable wetland water quality standard provisions in ch. NR 103, Wis. Adm. Code.

1.3.3 Discharges impacting threatened and endangered species: This permit does not authorize discharges resulting in noncompliance with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.

1.3.4 Discharges from MS4s that are covered under other MS4 permits.

Discharges from MS4s that are covered under WI-S050075-4 or an individual permit.

***Note:** WI-S050075-4 covers MS4s previously covered under WI-S050075-3.*

1.3.5 Discharges impacting historic property: This permit does not authorize discharges affecting any historic property that is a listed property, on the inventory, or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the MS4 discharge will not have an adverse effect on any historic property pursuant to s. 44.40(3), Wis. Stats.

1.4 Water Quality Standards

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

1.4.2 For waters where the department has identified that a water resource is high quality for a given parameter, there shall be no lowering of water quality due to a new or increased discharge with respect to that parameter.

1.4.3 The Permittee may not establish a new or increased discharge of Bioaccumulative Chemical of Concern (BCC) to Great Lakes system waters.

***Note:** For a new or increased discharge of a BCC to a Great Lakes water requires an antidegradation review following the procedures under s. NR 216.008(8), Wis. Adm. Code.*

1.4.4 For new or increased discharges, the Permittee shall propose or modify a BMP to prevent temperature increases in cold water communities.

1.5 Outstanding and Exceptional Resource Waters

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

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

1.5.2 New Discharge. The Permittee may not establish a new MS4 discharge of a pollutant to an ORW or an ERW (that the MS4 does not currently discharge to at any location) unless it demonstrates meeting antidegradation requirements in one of the following ways:

1.5.2.1 Demonstrate that the antidegradation requirements for another permit issued under ch. NR 216, Wis Adm. Code have been met.

1.5.2.2 Submit a Storm Water Management Plan (SWMP) that has been modified to demonstrate the new discharge will not exceed background concentration levels within the ORW or ERW.

Note: *If a municipality does not meet 1.5.2.1 or 1.5.2.2, the MS4 would need to apply for coverage under an individual permit.*

Note: *It is recommended this submittal be provided at least 30 days prior to the start date of the project.*

Note: *A permittee or applicant proposing a new discharge that may require coverage under multiple general permits is encouraged to contact the department for planning purposes.*

1.5.3 Increase Discharge. If the Permittee has an existing MS4 discharge to an ORW or ERW, it may not increase the discharge of pollutants, either at the existing point of discharge or a new location, unless it demonstrates meeting antidegradation requirements in one of the following ways:

1.5.3.1 Demonstrate that requirements for another permit issued under s. NR 216, Wis. Adm. Code have been met.

1.5.3.2 Submit a SWMP that has been modified to demonstrate that the increased discharge will improve or maintain water quality.

Note: *It is recommended this submittal be provided at least 30 days prior to the start date of the project.*

Note: *An example of an increased discharge under sections 1.5.3.1 and 1.5.3.2, may include where a Permittee converts an internally drained area (that discharges to groundwater) to a surface water discharge through an existing or new outfall.*

1.5.3.3 A lowering of water quality within an ORW or an ERW is not authorized under this permit.

Note: *A request to increase a discharge to an ERW that could result in a lowering of water quality to an ERW may be evaluated under an individual permit application consistent with ss. NR 102.045 and NR 216.008, Wis. Adm. Code. For an increase discharge to an ERW a permittee in an exceptional resource water must demonstrate that the lowering is necessary to prevent or correct contamination or a public health problem. Increased discharges that, would lower water quality in an ORW are not authorized under the anti-degradation policy under ss. NR 102.045 and NR 216.008, Wis. Adm. Code be evaluated and permitted through an application for an individual permit in accordance with ss. NR 102.045 and NR 216.008.*

1.5.4 The permittee may choose any of the following to demonstrate compliance with 1.5.2.2 or 1.5.3.2 within their SWMP.

1.5.4.1 Implement source controls and BMPs as part of the increased discharge sufficient to maintain or reduce the annual average discharge of pollutants to the receiving water to result in maintenance of water quality standards.

1.5.4.2 Implement an infiltration practice that, by design, infiltrates the same or greater volume of runoff infiltrated under predevelopment conditions.

1.5.4.3 A permittee may propose to achieve this through any combination of the above conditions or with a new methodology approved by the department.

1.6 Impaired Waterbodies and Total Maximum Daily Load Requirements

1.6.1 By March 31 of each odd-numbered year, the Permittee shall determine whether any part of its MS4 discharges to an impaired waterbody listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC § 1313(d)(1)(C), and the implementing regulation of the U.S. Environmental Protection Agency (USEPA), 40 CFR § 130.7(c)(1).

Note: Every two years, the Department updates and publishes a list of waters considered impaired under the Clean Water Act. The list is updated in even-numbered years. A list of Wisconsin impaired waterbodies may be found on the Department's Internet site at: <https://dnr.wisconsin.gov/topic/SurfaceWater/ConditionLists.html> and at <https://apps.dnr.wi.gov/water/impairedSearch.aspx>.

1.6.2 For a Permittee that determines any part of its MS4 discharges to a listed impaired waterbody for which there is no USEPA approved Total Maximum Daily Load (TMDL) for the pollutant of concern, the Permittee shall include a written section in its storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of pollutants of concern that contribute to the impairment of the waterbody. The written section shall be included with the annual report due after the impairment is identified. This section of the Permittee's program shall specifically identify control measures and practices that will collectively be used to try to eliminate the MS4's discharge of pollutants of concern that contribute to the impairment of the waterbody and explain why these control measures and practices were chosen as opposed to other alternatives.

1.6.3 For a Permittee with an MS4 discharge of a pollutant of concern to a waterbody subject to an USEPA approved TMDL under which the Permittee is assigned a Wasteload Allocation (WLA), the Permittee shall meet the following requirements, in addition to the minimum control measures described within Section 2 of the permit:

1.6.3.1 Appendix A provides the permit conditions for Permittees subject to the Rock River Basin TMDL, Upper Fox and Wolf Basin TMDL, Wisconsin River TMDL and Northeast Lakeshore TMDL. For a Permittee subject to any of these TMDLs, the Permittee shall comply with the provisions in Appendix A: MS4 Permittees Subject to a TMDL Approved Prior to May 1, 2024 including Applicable Updates.

Note: The reports for Department and USEPA approved TMDLs are available from the Department's Internet site at: <https://dnr.wi.gov/topic/TMDLs/tmdlreports.html>.

Note: *If a Permittee discharges to a waterbody subject to a TMDL, it shall implement BMPs and follow all the procedures necessary to comply with the respective WLAs for the reachsheds noted in the appendices.*

Note: *Every two years, the Department updates and publishes a list of waters considered impaired under the Clean Water Act. The list is updated in even-numbered years. A list of Wisconsin impaired waterbodies may be found on the Department's Internet site at: <https://dnr.wisconsin.gov/topic/SurfaceWater/ConditionLists.html> and at <https://apps.dnr.wi.gov/water/impairedSearch.aspx>.*

1.6.3.2 Appendix B provides the permit conditions for any permittee subject to any other TMDL approved on or after **May 1, 2026**. For a Permittee subject to a TMDL approved on or after **May 1, 2026**, the Permittee shall comply with the provisions in Appendix B.

1.6.4 After the effective date of this permit, the Permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired waterbody, or increase the discharge of a pollutant of concern to an impaired waterbody, unless the new or increased discharge causes the receiving water to meet applicable water quality standards, or the USEPA has approved a TMDL for the impaired waterbody.

Note: *A Permittee may choose to engage in a Water Quality Trade where modifications are made which would result in a new or increased discharge to offset the increased loading of a pollutant. New or increased discharges that do not meet Section 1.6.4 or are offset through a trade require individual permit coverage to meet antidegradation requirements of s. NR 216.008, Wis. Adm. Code.*

1.7 Exclusions

The following discharges are excluded from coverage under this permit:

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

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

1.7.3 Other Excluded Discharges. Storm water discharges from industrial operations or land disturbing construction activities that require separate coverage under a WPDES permit pursuant to subchs. II or III of ch. NR 216, Wis. Adm. Code. For example, while storm water from industrial or construction activity may discharge to an MS4, this permit does not satisfy the need for owners

or operators of those industrial or construction activities to obtain any other permits for those discharges. This exclusion does not apply to the Permittee's responsibility to regulate construction sites within its jurisdiction in accordance with sections 2.4 and 2.5 of this permit.

1.7.4 Indian Country. Storm water discharges within Indian Country. The federal Clean Water Act requires owners and operators of storm water discharges within Indian Country in Wisconsin to obtain permit coverage directly from the USEPA.

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

2. PERMIT CONDITIONS

The Permittee shall have written storm water management programs that describe in detail how the Permittee intends to comply with the permit's requirements for each minimum control measure detailed under sections 2.1 through 2.6, in accordance with the compliance schedule contained in section 3 of this permit. Written program procedures shall be submitted to the Department for review by March 31, 2028.

2.1 Public Education and Outreach

The Permittee shall develop and implement its written public education and outreach program to increase the awareness of storm water pollution impacts on waters of the state and encourage changes in public behavior to reduce such impacts.

2.1.1 Written Program: The Permittee shall submit its written public education and outreach program procedures with its 2027 MS4 Annual Report, due March 31, 2028, to demonstrate compliance with permit requirements. At minimum, the written program shall describe how the Permittee will achieve all of the following:

2.1.1.1 Topics. The Permittee shall address all eight topics in Table 1 at least once during the permit term. Permittees shall address the minimum number of topics consistent with Table 2. Topics may be repeated as necessary.

2.1.2 Delivery mechanism. The Permittee may address topics via Passive or Active/Interactive mechanisms. See Table 3 for example Passive and Active/Interactive mechanisms. At minimum, the Permittee shall meet the Active/Interactive Mechanisms frequency identified in Table 2.

2.1.3 Target audience. The Permittee shall identify the target audience for each public education and outreach topic. Target audiences may include the general public, public employees, residents, businesses, contractors, developers, industries, and/or other appropriate audiences.

Table 1: Public Education and Outreach Topic Areas and Descriptions

#	Topic Area	Description
1	Illicit Discharge Detection and Elimination	Promote detection and elimination of illicit discharges and water quality impacts associated with such discharges from municipal separate storm sewer systems.
2	Household Hazardous Waste Disposal/Pet Waste Management/Vehicle Washing	Inform and educate the public about the proper management of materials that may cause storm water pollution from sources including automobiles, pet waste, household hazardous waste and household practices.
3	Yard Waste Management/Pesticide and Fertilizer Application	Promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides.

4	Stream and Shoreline Management	Promote the management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways.
5	Residential Infiltration	Promote infiltration of residential storm water runoff from rooftop downspouts, driveways and sidewalks.
6	Construction Sites and Post-Construction Storm Water Management	Inform and educate those responsible for the policy, design, installation, and maintenance of construction site erosion control practices and storm water management facilities on how to design, install and maintain the practices.
7	Pollution Prevention	Identify businesses and activities that may pose a storm water contamination concern and educate those specific audiences on methods of storm water pollution prevention.
8	Green Infrastructure/Low Impact Development	Promote environmentally sensitive land development designs by developers and designers, including green infrastructure and low impact development.

Table 2: Public Education and Outreach - Minimum Topics and Delivery Mechanism requirements

MS4 Type	Minimum number of topics to address each year	Required Active/Interactive Mechanisms used per year
City, Village, or Town with a population > 5,000	6	2
City, Village, or Town with a population < 5,000	4	1

Table 3: Public Education and Outreach Delivery Mechanism types (Active and Passive)

Active/Interactive Mechanisms	Passive Mechanisms
• Educational activities (school presentations, summer camps) • Informational booth at event • Targeted group training (contractors, consultants, etc.) • Government event (public hearing, council meeting) • Workshops • Tours • Other	• Passive print media (brochures at front desk, posters, etc.) • Distribution of print media (mailings, newsletters, etc.) via mail or email • Media offerings (radio and TV ads, press release, etc.) • Social media posts • Signage • Website • Other

2.2 Public Involvement and Participation

The Permittee shall develop and implement its written public involvement and participation program to notify the public of activities required by this permit and to encourage input and participation from the public regarding these activities. The implementation of this program shall comply with all applicable state and local public notice requirements.

2.2.1 Written Program: The Permittee shall submit its written public involvement and participation program procedures with its 2027 MS4 Annual Report, due March 31, 2028, to demonstrate compliance with permit requirements. At minimum, the written program shall describe how the Permittee will comply with the following:

2.2.1.1 Permit activities. The Permittee shall provide at least one opportunity annually for the public to provide input on each of the following permit activities: annual report, storm water management program, TMDL implementation plans and if applicable, the adoption or amendment of storm water related ordinances.

2.2.1.2 Delivery mechanism. The Permittee shall identify the public involvement and participation delivery mechanism for each permit activity listed in section 2.2.1. Delivery mechanisms may include a public workshop, presentation of storm water information, government event (public hearing, council meeting, etc.), citizen committee meeting, or website posting.

Note: *If websites are updated to include a posting of the Permittee's annual report, an active mechanism directing attention to the post may be beneficial. For example, the Permittee could write a social media post or add an announcement or new section to the home or landing page of its website.*

2.2.1.3 Volunteer activities. The Permittee shall organize, at a minimum, one of the following volunteer activities per year: group best management practice (BMP) installation or maintenance, storm drain stenciling, planting of a community rain garden, clean up event,

stream monitoring, citizen committee meeting, public workshop, presentation of storm water information, or another equivalent hands-on event.

2.2.1.4 Target participants. The Permittee shall identify the targeted participants for each permit activity and volunteer activity. Participants may include the general public, public employees, residents, businesses, contractors, developers, industries, or another appropriate audience.

2.3 Illicit Discharge Detection and Elimination (IDDE)

The Permittee shall develop, implement, and enforce its written program to detect and remove illicit connections and discharges to the MS4.

2.3.1 IDDE ordinance. The Permittee's program shall include an ordinance or other regulatory mechanism to prevent and eliminate illicit discharges and connections to the MS4. The ordinance or other regulatory mechanism shall be established and submitted with the annual report by March 31, 2028. The ordinance or other regulatory mechanism shall, at a minimum:

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

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

2.3.1.3 Establish inspection and enforcement authority.

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

2.3.2. Written Program. The Permittee shall develop, implement and enforce its written program. The Permittee shall submit its written program procedures with its 2027 MS4 Annual Report, due March 31, 2028, to demonstrate compliance with permit conditions. At minimum, the written program shall describe how the Permittee will comply with the following:

2.3.2.1 IDDE field screening. The Permittee shall screen major and priority outfalls identified under section 2.8.2.3 of this permit during dry-weather periods (typically 48-72 hours after measurable rainfall depending on size and characteristics of drainage area and rainfall event). At minimum, the Permittee shall screen outfalls using the following criteria. Documentation of each outfall screening analysis shall be recorded and include:

2.3.2.1.1 Screening locations:

2.3.2.1.1.1 100% of the total major outfalls at least once during the term of the permit.

2.3.2.1.1.2 At minor outfalls the Permittee has identified as priority outfalls pursuant to s. 216.07(3)(i), Wis. Adm. Code at least once during the term of the permit.

Note: *The Department also recommends the Permittee consider the following factors when identifying priority outfalls: history of known or suspected illicit discharges reported within the last five years; sections of storm sewer and/or sanitary sewer infrastructure that have exceeded or are approaching their design/useful life; contributing drainage areas with 80 or more percent imperviousness; business or industrial parks with frequent changes in property ownership or operations; schools or other institutional facilities; commercial or industrial operations that generate wastewater or wash water including food processing; metal plating or machining shops; auto and scrap recyclers; commercial car washes; and chemical manufactures or users.*

2.3.2.1.1.3 Any outfall that exhibited evidence of an illicit discharge or exceeded a parameter action level during the previous year shall be screened the following year, unless the exceedance of a parameter action level is determined to be caused by a natural source. For example, an exceedance of ammonia levels traced to a wetland.

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

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

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

2.3.2.1.3.2 Field screening points shall be located where practicable at the farthest manhole or other accessible location downstream in the system.

2.3.2.1.3.3 The Permittee may propose alternative field analysis procedures for review and approval. The Permittee shall follow the field

analysis procedures identified in this subsection unless alternative procedures are approved in writing by the Department.

2.3.2.1.3.4 The Permittee shall propose pollutant parameter action levels that will be used as part of the field screening and analysis. The action levels will identify concentrations for identified pollutants that, if exceeded, will require further investigation, which may include laboratory analysis, to identify the source the illicit discharge.

2.3.2.1.4 Laboratory Analysis. If general observations and field screening indicate the presence of a suspected illicit discharge and the source or cause of the illicit discharge cannot be determined through other investigatory methods, the Permittee shall collect a water quality sample for laboratory analysis for ongoing discharges. The water quality sample shall be analyzed for pollutant parameters or identifiers that will aid in the determination of the sources of the illicit discharge.

Note: *The Illicit Discharge Detection and Elimination guidance is available on the Department's BMP Menu:*

<https://dnr.wisconsin.gov/topic/stormwater/ManagementPrograms> or directly at: <https://dnr.wisconsin.gov/topic/Stormwater/publications.html>.

2.3.3 IDDE Source Investigation. The program shall contain written procedures for responding to known or suspected illicit discharges, including an assessment of risks and the establishment of response times. At a minimum, procedures shall be established for:

2.3.3.1 Investigating portions of the MS4 that, based on the results of visual observations, field analysis, laboratory analysis, or other relevant information such as a complaint or referral, indicates a reasonable potential for containing illicit discharges or other sources of non-storm water discharges.

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

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

2.3.3.4 Promoting, publicizing, and facilitating both internal staff reporting and public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s through a central contact point, including a form, website, email address, and/or telephone number for complaints and spill reporting.

2.3.3.5 Notifying the Department immediately in accordance with ch. NR 706, Wis. Adm. Code, if the Permittee identifies a spill or release of a hazardous substance, which has resulted or may result in the discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour emergency spill hotline at 1-800-943-0003. The Permittee shall cooperate with

the Department in efforts to investigate and prevent such discharges from polluting waters of the state.

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

2.3.3.7 Providing the Department with advanced notice of the time and location of dye testing within an MS4.

Note: Dye testing may require coverage under a Low-Impact Discharge General Permit.

2.3.3.8 Providing documentation of the following information:

2.3.3.8.1 Dates and locations of IDDE screenings conducted in accordance with section 2.3.2.1.

2.3.3.8.2 Reports of alleged illicit discharges received, including dates of the reports, and any follow-up actions taken by the Permittee.

2.3.3.8.3 Dates of discovery of all illicit discharges.

2.3.3.8.4 Identification of outfalls, or other areas, where illicit discharge has been discovered.

2.3.3.8.5 Sources (including a description and the responsible party) of illicit discharges (if known).

2.3.3.8.6 Actions taken by the Permittee, including dates, to address discovered illicit discharges.

2.3.3.8.7 The name, title and phone number of the individuals responsible for responding to reports of illicit discharges and spills shall be included in the illicit discharge response procedure.

2.3.4 Elimination of the Illicit Discharge.

2.3.4.1 Once the source of an illicit discharge is determined, the Permittee must take appropriate action to expeditiously eliminate the illicit discharge. If elimination of the illicit discharge is not feasible within 30 days of discovery, the Permittee shall contact the Department.

2.3.4.2 If the Permittee determines the elimination of the illicit discharge will take more than 30 days due to technical or logistical issues, or another reasonable justification, the Permittee must develop and implement an illicit discharge elimination plan to remove the illicit discharge in an expeditious manner. The elimination plan must be submitted to the Department within 45 days of determining the source of an illicit discharge.

2.3.4.3 For common types of transitory illicit discharges, such as carpet cleaning discharges to storm sewers, the Permittee may develop and implement response procedures, a response plan, or another similar document in lieu of developing and implementing an individual elimination plan. The response procedures for transitory

illicit discharges shall be included in the written program and must include a timeframe for elimination of the illicit discharge and a procedure for educating the responsible party or similar entities to prevent similar discharges in the future.

2.3.4.4 In the case of interconnected MS4s, the Permittee shall notify the appropriate municipality within one working day of the following:

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

2.3.4.4.2 An illicit discharge that has been tracked upstream to the interconnection point with an outfall from another municipality or property under another municipality's jurisdiction.

2.4 Construction Site Pollutant Control

The Permittee shall develop, implement, and enforce its written program to reduce the discharge of sediment and construction materials from construction sites with one acre or more of land disturbance, and sites of less than one acre if they are part of a larger common plan of development or sale.

2.4.1 Construction site ordinance. The written program shall include an ordinance or other regulatory mechanism to require erosion and sediment control at construction sites, including sanctions to ensure compliance to the extent authorized by law. At a minimum, the ordinance or other regulatory mechanism shall establish and include the following by March 31, 2028:

2.4.1.1 A statement of applicability and jurisdiction, pursuant to the authority provided to the Permittee under Wisconsin statutes. The ordinance shall apply to all construction sites with one acre or more of land disturbance, and to sites of less than one acre if they are part of a larger common plan of development or sale.

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

Note: Department-approved erosion and sediment control technical standards may be found on the Department's Internet site at:

https://dnr.wi.gov/topic/stormwater/standards/const_standards.html.

2.4.1.3 Construction site performance standards equivalent to those contained in ss. NR 151.11(6m), (7), and (8), and 151.23(4m), (5), and (6), Wis. Adm. Code.

Note: The requirements for erosion and sediment control practices, sediment performance standards, and preventive measures for non-transportation facilities can be found in s. NR 151.11(6m), Wis. Adm. Code, and for transportation facilities can be found in s. NR. 151.23(4m), Wis. Adm. Code.

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

2.4.1.5 Inspection and enforcement authority.

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

Note: *In accordance with Section 1.14 of this permit, a county may implement and enforce storm water ordinance(s) within a town.*

Note: *Model ordinances for construction site erosion and sediment control can be found in s. NR 152, Wis. Adm. Code: https://docs.legis.wisconsin.gov/code/admin_code/nr/100/152.*

2.4.2 Written Program: The Permittee shall evaluate its written program and update where needed. The Permittee shall submit its written program procedures with the 2027 MS4 Annual Report, due March 31, 2028, to demonstrate compliance with program conditions. At minimum, the written program shall describe how the Permittee will comply with the following:

2.4.2.1 Administrative procedures. Written procedures for the administration of the construction site pollutant control program shall address both private and public (municipal) construction sites. The procedures shall, at a minimum include the following: the process for obtaining local approval, tracking regulated construction sites, construction site plan receipt, managing and responding to complaints, and consideration of information submitted by the public.

2.4.2.2 Erosion and sediment control plan review and permitting or approval. The written program shall include procedures for construction site plan review and approval which incorporate consideration of potential water quality impacts. Erosion and sediment control plan reviews shall be conducted for all construction sites with greater than one acre of land disturbance and to sites of less than one acre if they are part of a larger common plan of development or sale prior to commencing land disturbing activities.

2.4.2.3 Construction site inspections. The written program shall include procedures for the municipally conducted construction site erosion and sediment control inspections. At a minimum, the procedure to be implemented shall describe and include:

2.4.2.3.1 Inspector Contact: Municipal departments or staff responsible for municipally conducted construction site inspections at public and private construction sites.

Note: *Inspectors may include any person who completes inspections on behalf of the municipality. The Department recommends that municipal construction site inspectors obtain certification as a Soil Erosion Inspector pursuant to s. SPS 305.63, Wis. Adm. Code, for more information:*

<https://dsps.wi.gov/Pages/Professions/SoilErosionInspector/Default.aspx>.

2.4.2.3.2 Inspection Frequency. At a minimum, the Permittee shall inspect all construction sites in accordance with the frequency specified in Table 4 below.

TABLE 4: CONSTRUCTION SITE INSPECTION FREQUENCY

Site	Minimum Frequency for Sites One Acre or Greater or Part of a Larger Common Plan of Development or Sale
(1) Currently permitted sites	• New projects shall be inspected within the first two weeks of commencement of land disturbing activity. • Active sites shall be inspected at least once every 45 days. • Temporarily stabilized sites without active land disturbing construction activity shall be inspected at least once every 60 days. Sites that are not temporarily stabilized are considered active.
(2) Corrective action confirmation	• Permittees shall confirm sediment discharge or inadequate control measures have been resolved. This may be completed via inspections or submission of photographs of the corrected condition.
(3) Final inspection	• Confirm that all disturbed areas have reached final stabilization, that all temporary control measures are removed, and permanent storm water management BMPs are installed as designed

Note: Municipalities may inspect sites that do not meet the size criteria identified under permit condition 2.4.1.1. However, sites meeting the size criteria identified under permit condition 2.4.1.1 must be inspected according to Table 4, at minimum.

2.4.2.4 Inspection Documentation. Permittees shall document completed inspections and maintain documentation for at least 5 years. Documentation shall include checklists, forms, or reports used to complete the inspection, compliance concerns identified, and the ultimate resolution of those issues.

Note: The Department's Construction Site Inspection Report (Form 3400-187) may be used to document inspections. The form can be found on the Department's Internet site at: <https://dnr.wi.gov/topic/Stormwater/construction/forms.html>.

2.4.2.5 Enforcement procedures. At a minimum, the written program shall describe enforcement procedures the Permittee will follow when addressing issues at construction sites, including the following:

2.4.2.5.1 Typical enforcement procedures, including associated timeframes for construction sites to return to compliance. Corrective actions on construction sites should be completed within 24 hours of notification.

2.4.2.5.2 The name or title and contact information of the individual(s) responsible for enforcement. If individuals responsible for enforcement vary based on factors such as type of enforcement mechanism or more than one individual is needed to utilize an enforcement mechanism, the written program shall describe these differences.

2.5 Post-Construction Storm Water Management

The Permittee shall develop, implement and enforce its written program to require control of the quality of discharges from areas of new development, infill, and redevelopment, after construction is completed.

2.5.1 Post-construction storm water management ordinance. The written program shall contain an ordinance or other regulatory mechanism to regulate post-construction storm water discharges from new development and redevelopment. At a minimum, the ordinance or other regulatory mechanism shall establish and include:

2.5.1.1 A statement on applicability and jurisdiction, pursuant to the authority provided to the Permittee under Wisconsin statutes. The ordinance shall apply to construction sites with one acre or more of land disturbance, and sites of less than one acre if they are part of a larger common plan of development or sale.

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

***Note:** Department approved post-construction storm water management control technical standards may be found on the Department's Internet site at:*

https://dnr.wi.gov/topic/stormwater/standards/postconst_standards.html.

2.5.1.3 For new development and infill, post-construction performance standards equivalent to those contained in ss. NR 151.121 through 151.128 and 151.241 through 151.248, Wis. Adm. Code, that meet the measurable goals for pollutant removal and post-construction storm water treatment.

***Note:** Post-construction performance standards for new development and in-fill may be more restrictive than those required in this section if necessary to comply with federally approved TMDL requirements or to control stormwater quantity or peak flow in accordance with s. 281.33(6)(a)1. and 2., Wis. Stats.*

2.5.1.4 For redevelopment, post-construction performance standards equivalent to, or more restrictive than, those contained in ss. NR 151.121 through 151.128 and 151.241 through 151.248, Wis. Adm. Code, that meet the measurable goals for pollutant removal and post construction storm water treatment.

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

2.5.1.6 Long-term maintenance requirements for landowners and other persons responsible for long-term maintenance of post-construction storm water control measures, including requirements for routine inspection and maintenance of privately owned post-construction storm water control measures that discharge to the MS4 to maintain their pollutant removal operating efficiency. The maintenance agreements shall be submitted to the municipality and recorded with the other land documents (i.e. on the title) if the post-construction storm water control measures are not owned or maintained by the municipality.

2.5.1.7 Inspection and enforcement authority.

Note: *In accordance with section 1.14 of this permit, a county may implement and enforce storm water ordinance(s) within a town.*

Note: *Model ordinances for construction site erosion and sediment control can be found in ch. NR 152, Wis. Adm. Code: https://docs.legis.wisconsin.gov/code/admin_code/nr/100/152.*

2.5.2 Written Program: The Permittee shall evaluate its written program and update where needed. The Permittee shall submit its written program procedures with the 2027 MS4 Annual Report, due March 31, 2028, to demonstrate compliance with program conditions. At minimum, the written program shall describe how the Permittee will comply with the following:

2.5.2.1 Administrative procedures. Written procedures for the administration of the post-construction storm water management program including the process for obtaining local approval and responding to complaints.

2.5.2.2 Storm water management plan review and permitting or approval. Written procedures for post-construction site plan review and approval which incorporate consideration of potential water quality impacts. Post-construction site plan reviews shall be conducted for all construction sites with greater than one acre of land disturbance.

2.5.3 Post-Construction Storm Water BMP Inventory. The Permittee shall update and maintain an inventory in a tabular format to assist in tracking and completing long-term maintenance, inspections, and enforcement of all municipally owned or operated post-construction BMPs and privately owned BMPs constructed on or after July 1, 2011 by March 31, 2028. This inventory shall identify all post-construction BMPs identified in this section and provide the following information:

2.5.3.1 A key corresponding to the location of the BMP on the storm sewer system map required under section 2.8.

2.5.3.2 The name and a description of the BMP, including the type and year constructed.

2.5.3.3 The owner of the BMP.

2.5.3.4 A confirmation of whether each of the following elements exist or are not available:

2.5.3.4.1 An operation and maintenance plan with inspection procedures and schedule.

2.5.3.4.2 A record drawing and/or as-built.

Note: *A record drawing is a complete, clean set of drawings that accurately reflects how the final practice was built.*

2.5.3.4.3 Written documentation providing the Permittee long-term maintenance authority (e.g., long-term maintenance agreement) for BMPs owned by another entity (e.g., privately owned BMPs).

Note: *Although some permittees may have had ordinances that required LTMA's before July 1, 2011, (date of the urban performance standard/no-control baseline data), the permit is*

requiring at minimum, all private BMPs built on/after July 1, 2011 have a LTMA with the MS4. If MS4 has LTMA on BMPs built prior to that date, those should be included in the BMP Inventory and can be included in future modeling for "credit".

2.5.4 Long-term maintenance and inspections. The Permittee, through its ordinance jurisdiction, approval process, and legal authority, shall ensure all municipally owned and operated post-construction BMPs are inspected and maintained. The written procedure to be developed and implemented shall, at a minimum, address:

2.5.4.1 The Permittee's long-term maintenance and inspection procedures for municipally owned and operated BMPs.

2.5.4.2 Inspection frequency. Inspections shall be done at least once every five years and inspections shall be documented.

2.5.4.3 Inspection documentation shall be reviewed by the municipality to confirm the post-construction storm water control measure is functioning as designed.

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

2.5.5 Enforcement of Long-Term Maintenance Requirements for Privately Owned, Municipally Operated BMPs: The Permittee shall have an enforcement plan or similar document describing how it will enforce its long-term maintenance requirements when noncompliance is discovered. At a minimum, the written enforcement plan to be implemented shall:

2.5.5.1 Include the name or title and contact information of the individual(s) responsible for regulatory and enforcement activity related to long-term maintenance requirements. If individuals vary, the Permittee shall describe the variation.

2.5.5.2 Describe the general procedure and associated timeframe to compel compliance with the long-term maintenance requirements.

2.5.5.3 Document and maintain records of the Permittee's findings, response, and corrective actions taken.

2.6 Pollution Prevention

The Permittee shall develop and implement its written pollution prevention programs to prevent or reduce pollutant runoff from the MS4 to waters of the state. The Permittee shall submit its written program procedures with the 2027 MS4 Annual Report, due March 31, 2028, to demonstrate compliance with permit conditions. The information submitted in the annual report will be used by the department, along with other information, to ascertain whether the permittee is effectively implementing its program as designed.

At minimum, the written program procedures shall describe how the Permittee will comply with the following permit conditions:

2.6.1 Winter Road Management: If road salt or other deicers are applied by the Permittee or applied by another entity on behalf of the Permittee, no more shall be applied than necessary to maintain public safety. Recordkeeping on deicing activities shall be performed by the Permittee or another entity on behalf of the Permittee, and shall include the following:

Written Procedures:

2.6.1.1. Contact information for the individuals with primary responsibility for winter roadway maintenance.

2.6.1.2 A description of the types of deicing products used.

2.6.1.3 The amount and type of deicing product used in the reporting year. Describe how the quantity of deicing products used is determined.

2.6.1.4 A description of the type of equipment used for application.

2.6.1.5 The number of lane-miles treated with deicing products for the roadways that the permittee is responsible for, along with an estimate in acres of the total area of municipally owned parking lots treated with deicing products by the permittee or contractor.

2.6.1.6 Develop procedures and evaluate if the annual average lane-mile application quantities in written program is consistent with the actual use.

Recordkeeping:

2.6.1.7 Verification and documentation that equipment is calibrated at least annually at the beginning of the season.

2.6.1.8 If applicable, snow disposal locations with a key corresponding to the locations on the storm sewer system map required under section 2.8 and the winter road management written procedures.

Note: *Snow treatment and disposal guidance for municipalities is available through the Department's Internet site at the BMP Menu*

<https://dnr.wisconsin.gov/topic/stormwater/ManagementPrograms> or

<https://dnr.wi.gov/topic/stormwater/publications.html>.

2.6.1.9 Other measurable data or information that the Permittee uses to evaluate or modify its deicing activities.

Note: *The Wisconsin Department of Transportation (WisDOT) Highway maintenance manual - Chapter 6, contains guidelines on winter maintenance including application of road salt and other deicers. Chapter 6 is available on the WisDOT's Internet site at:*

<https://wisconsindot.gov/Pages/doing-bus/local-gov/hwy-mnt/mntc-manual/chapter06.aspx>.

The WisDOT highway salt storage requirements are contained in ch. Trans 277, Wis. Adm. Code.

Training:

2.6.1.10 At a minimum, the Permittee shall hold or attend at least one Winter Road Management training event during the permit term. Attendees shall include appropriate municipal staff and other personnel involved in implementing the Permittee's Winter Road Management procedure. A description of the training and participants shall be described in the written procedure and reported in the annual report.

2.6.2. Street Sweeping and Catch Basin Cleaning. If the Permittee conducts street sweeping or catch basin cleanings it shall evaluate its written program and update it when changes are made in operations or activities. If applicable, the Permittee shall submit its written program procedures with the 2027 MS4 Annual Report, due March 31, 2028, to demonstrate compliance with permit conditions. At minimum, the written program shall describe how the Permittee will comply with the following:

2.6.2.1 Street sweeping. If routine street sweeping is utilized to meet a water quality requirement under this permit, the Permittee shall maintain documentation of the type of equipment used, standard operating procedures including a map of the routes, a schedule of the sweeping, an estimate of the number of curb-miles swept annually, and an estimate of the weight in tons of material collected annually.

2.6.2.2 Catch basins. If routine cleaning of catch basins with sumps is utilized to meet a water quality requirement under this permit, the Permittee shall maintain documentation of the number of catch basins inspected, the number of catch basins cleaned, standard operating procedures, and an estimate of the weight in tons of material collected annually.

2.6.2.3 Material handling and disposal. Material collected through street sweeping and catch basin cleaning shall be handled and stored in a manner that prevents contamination of storm water runoff. Non-storm water discharges to waters of the state associated with dewatering and drying these collected materials are not authorized by this permit. These materials are solid waste as defined in s. 289.01(33), Wis. Stats., and shall be disposed of in accordance with applicable solid waste statutes and administrative codes.

2.6.2.4 The Permittee shall document where collected materials are temporarily stored and storm water pollution prevention practices to prevent and minimize contamination.

Note: Information on managing waste materials and Low Hazard Waste Exemption Application for Reuse of Street Sweepings Application (Form 4400-289) is available on the Department's Internet site at: <https://apps.dnr.wi.gov/doclink/forms/4400-289.pdf>.

Note: The Department's MS4 BMP Menu has resources available to assist with permit compliance: <https://dnr.wisconsin.gov/topic/stormwater/ManagementPrograms>.

2.6.3 Management of Leaves and Grass Clippings. Permittees providing leaf and/or grass clipping collection shall evaluate its written program and update when changes are made in operations or activities. If applicable, the Permittee shall submit its written program procedures with the 2027 MS4 Annual Report, due March 31, 2028, to demonstrate compliance with program conditions. At minimum, the written program shall describe how the Permittee will comply with the following:

2.6.3.1 Leaf management. The written program shall describe how leaves and grass clippings will be managed from municipally owned properties and private properties. The program may include

instructions to private property owners for on-site composting, on-site beneficial reuse, or yard waste drop-off as opposed to a municipal collection program. On-site management and/or drop-off shall be communicated to private property owners. If the Permittee has a municipal collection program, collected material shall be handled and stored in a manner that prevents contamination of storm water runoff. For a municipal leaf collection program, the Permittee shall maintain the following documentation:

2.6.3.1.1 A description of the leaf collection program, including the pick-up methodology and type of equipment used, timing of associated street cleaning, standard operating procedures, schedule and frequency, and instructions for private property owners and disposal location(s).

2.6.3.1.2 An estimate of the weight in tons of material collected annually.

2.6.3.1.3 Identification of the location and associated BMPs utilized during material staging and final disposal.

Note: The Department has developed “Municipal Phosphorus Reduction Credit for Leaf Management Programs” guidance to assist permitted MS4s on creditable phosphorus reduction through leaf collection and management. The guidance document may be found on the Department’s Internet site at:

https://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html.

2.6.4 Municipally owned public works yards and properties. All municipal garages, municipal storage areas, and other public works related municipal properties within the permitted area or discharging to a permitted MS4 shall have a Storm Water Pollution Prevention Plan (SWPPP). SWPPPs shall be revised when changes are made in operations; exposure of materials or activities; to be consistent with permit conditions; if the SWPPP is determined to be ineffective in achieving the conditions of the storm water discharge permit applicable to the property; or upon written notice from the Department.

2.6.4.1 For any new municipally operated sites which require a SWPPP, the Permittee shall develop and implement a SWPPP.

2.6.4.2 New or revised SWPPPs shall be submitted to the Department upon completion, within 30 days of notification the SWPPP is ineffective.

2.6.4.3 Nutrient Management. Application of turf and garden fertilizers on a municipally controlled property (such as a park, athletic facility, golf course), with pervious surfaces where nutrients are applied to an area of 5 acres or more, shall conduct applications in accordance with a site-specific nutrient application schedule based on appropriate soil tests.

Note: To assist Permittees with this requirement, the Department has developed a technical standard for turf nutrient management. These documents may be found on the Department’s Internet site at: https://dnr.wi.gov/topic/stormwater/standards/turf_nutrient.html.

2.6.5 Each property’s SWPPP shall reflect current site conditions and include the following elements:

2.6.5.1 Storm Sewer System Map. The physical location of each property with a key corresponding to the location on the storm sewer system map required under section 2.8.

2.6.5.2 Contact Information. Identification, by job title, of the specific individual(s) with overall responsibility for each property.

2.6.5.3 A drainage base map depicting all of the following:

2.6.5.3.1 The property boundary.

2.6.5.3.2 How storm water drains on, through, and from the property to groundwater, surface water, or wetlands. Identification of drainage patterns, potential sources of storm water contamination, and discharge points, including the connections to the Permittee's MS4.

2.6.5.3.3 A depiction of the storm drainage collection and disposal system including all surface and subsurface conveyances.

2.6.5.3.4 Any secondary containment structures.

2.6.5.3.5 The location of all outfalls that discharge channelized flow to surface water, ground water or wetlands, including outfalls recognized as permitted outfalls under another WPDES permit, numbered for reference.

2.6.5.3.6 The drainage area boundary for each outfall.

2.6.5.3.7 The surface area in acres draining to each outfall, including the percentage that is impervious such as paved, roofed or highly compacted soil, and the percentage that is pervious such as grassy areas and woods.

2.6.5.3.8 Existing structural storm water controls.

2.6.5.3.9 Identification of and location of receiving waters and wetlands. Also identify receiving waters, including downstream waters, that are designated as ERW, ORW, or impaired waters.

2.6.5.3.10 The location of activities and materials that have the potential to contaminate storm water.

2.6.5.4 Description of major activities, maintenance plan, inspection procedures, good housekeeping activities, and any BMPs installed to reduce or eliminate storm water contamination.

2.6.5.5 Training: Procedures for annual training of municipal staff on implementation of the SWPPP shall be described in the written program. A description of the training and participants shall be reported in the annual report.

2.6.5.6 Spills prevention and response standard operating procedures.

2.6.5.7 Inspections: At minimum, each property shall be inspected consistent with the following:

2.6.5.7.1 Quarterly Visual Monitoring. The Permittee shall perform and document quarterly visual inspections of storm water discharge quality at each storm water

discharge outfall. Inspections shall be conducted within the first 30 minutes of discharge or as soon thereafter as practical, but not exceeding 60 minutes. The inspections shall include any observations of color, odor, turbidity, floating solids, foam, oil sheen, or other obvious indicators of storm water pollution. Information reported shall include the inspection date, inspection personnel, visual quality of the storm water discharge, and probable sources of any observed storm water contamination. The Quarterly Visual Inspection Form can be accessed at the following website: <https://dnr.wi.gov/files/PDF/forms/3400/3400-176a.pdf>.

2.6.5.7.2 Annual Facility Site Compliance Inspection. The Permittee shall perform and document the results of an Annual Facility Site Compliance Inspection (AFSCI). The AFSCI shall be adequate to verify that the site drainage conditions and potential pollution sources identified in the SWPPP remain accurate, and that the best management practices prescribed in the SWPPP are being implemented, properly operated and adequately maintained. Information reported shall include the inspection date, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWPPP. The AFSCI Report Form can be accessed at the following website: <https://dnr.wi.gov/files/PDF/forms/3400/3400-176.pdf>.

2.6.5.8 No Exposure: A Permittee is not required to comply with section 2.6.5.1 if the Permittee certifies that its municipal property qualifies for no exposure and the Department provides written concurrence.

Note: *No exposure means that the property shall have all materials and activities protected by a storm-resistant shelter to prevent exposure to storm water.*

2.6.5.8.1 The Permittee shall certify for no exposure for each facility at least once each permit term. The Permittee shall submit documentation via the DNR e-permitting for MS4 documents requesting no exposure that includes an inspection report of the outdoor areas of the site, and photos of all outdoor materials or activities at the site. The photo locations shall be labeled on an aerial photo diagram.

2.6.6 Procedures and practices to reduce municipal sources of storm water contamination within source water protection areas, where applicable.

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

2.6.7 Environmentally sensitive development. Consideration of environmentally sensitive land development designs for municipal projects, including green infrastructure and low impact development, which shall be designed, installed, and maintained to comply with a water quality requirement under this permit.

Note: *Additional information on green infrastructure and low impact development may be found on the following USEPA Internet sites: <https://www.epa.gov/green-infrastructure> and <https://www.epa.gov/nps/urban-runoff-low-impact-development>.*

2.7 Storm Water Quality Management

The Permittee shall develop and implement its municipal storm water quality management program. This program shall comply with the developed urban area performance standards of s. NR 151.13(2)(b)1., Wis. Adm. Code, for those areas of the municipality that were not subject to the post-construction performance standards of ss. NR 151.12 or 151.24, or ss. NR 151.122 through 151.126, or ss. 151.242 through 151.246, Wis. Adm. Code.

2.7.1 The Permittee shall, to the maximum extent practicable, implement and maintain all storm water management practices necessary to meet the more restrictive total suspended solids reduction of either of the following:

2.7.1.1 The Permittee shall maintain all source area controls, structural storm water management facilities, and non-structural storm water BMPs that the Permittee implemented on or before July 1, 2011, to achieve a reduction of 20% or more of total suspended solids carried by storm water runoff from existing development to waters of the state. If the Permittee removes or modifies a storm water BMP, the Permittee shall continue to achieve the reduction by installing, implementing, and maintaining the necessary storm water BMPs to, at a minimum, equal the same level of treatment. All structural storm water management facilities utilized to meet the requirements in section **2.7.1.** shall be inventoried and maintained in accordance with sections **2.5.3** and **2.5.4.**

2.7.1.2 A 20% reduction in the annual average mass of total suspended solids discharging from the MS4 to surface waters of the state as compared to implementing no storm water management controls. All source area controls, structural storm water management facilities, and non-structural storm water BMPs implemented to achieve the 20% reduction in total suspended solids shall be maintained. If the Permittee removes or modifies a storm water BMP, the Permittee shall continue to achieve the 20% reduction by installing, implementing, and maintaining the necessary storm water BMPs to equal, at a minimum, the same level of treatment. All structural storm water management facilities utilized to meet the requirements in section 2.7.1.1 shall be inventoried and maintained in accordance with section **2.5.3.**

***Note:** The total suspended solids reduction requirement applies to storm water runoff from areas of urban land use and is not applicable to agricultural or rural land uses and associated roads. Additional MS4 modeling guidance for modeling the total suspended solids control is available on the Department's Internet site at:*

https://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html. The Permittee may elect to meet the applicable total suspended solids standard above on a watershed or regional basis by working with other Permittees to provide regional treatment that collectively meets the standard.

2.8 Storm Sewer System Map

The Permittee shall develop and maintain a municipal separate storm sewer system map. It shall be updated as necessary to meet all of the following requirements. Permittees may develop multiple MS4 maps to more easily identify the required information. Maps shall be submitted with the 2027 annual report on or before March 31, 2028. The municipal separate storm sewer system map shall include the following:

2.8.1 Identification of waters of the state, including mapped wetlands, watershed boundaries, the name and classification of receiving waters, and identification of whether the receiving water is an ORW, ERW, or listed as an impaired water under s. 303(d) of the Clean Water Act.

2.8.2 Identification of all known municipal storm sewer system outfalls discharging to waters of the state or other municipal separate storm sewer systems including:

2.8.2.1 Stormwater drainage basin boundaries for each MS4 outfall.

2.8.2.2 Municipal separate storm sewer conveyance systems with flow direction.

2.8.2.3 Major outfalls categorized by pipe size and identify those outfalls which are considered major outfalls. Major outfalls shall be uniquely identified.

2.8.2.4 Priority outfalls for illicit discharge detection and elimination.

2.8.2.5 Other major municipal, government, or privately owned storm water conveyance systems lying within the jurisdiction of, but not owned by, the Permittee, shall also be identified.

2.8.3 A boundary defining the municipal border and the storm water planning area.

2.8.4 The location of any known discharge to the MS4 that has been issued WPDES permit coverage by the Department and its permit number.

Note: A list of WPDES construction permit holders and WPDES industrial permit holders in the Permittee's area may be obtained from the following websites, respectively:

<https://apps.dnr.wi.gov/swampereporting/Stormwater/SearchCS> and

<https://apps.dnr.wi.gov/swampereporting/Stormwater/SearchInd>. Wastewater WPDES permit holders in the Permittee's area may be obtained using the department's Surface Water Data Viewer (Permits & Determinations layer > Surface Water Outfalls): <https://dnrmapping.wi.gov/H5/?Viewer=SWDV>

2.8.5 The location of municipally owned or operated structural storm water controls including detention basins, infiltration basins, and manufactured treatment devices. If the Permittee will be taking credit for pollutant removal from privately owned facilities, then these facilities must be identified.

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

2.8.7 The location of municipal garages, other public works properties, and storage areas such as municipally operated yard waste staging and disposal locations.

2.8.8 Identification of streets.

2.8.9 Identification of other potential sources of pollutants.

2.9 Annual Report

The Permittee shall submit an annual report each calendar year to the Department by **March 31 of the following year**. The following information must be submitted electronically on Department provided forms in the e-Permitting system. The Permittee shall invite the municipal governing body, interest groups, and the general public to review and comment on the annual report as required by Section 2.2.1 of this permit. The annual report shall include:

2.9.1 The status of implementing the permit requirements and compliance with permit schedules.

2.9.2 A fiscal analysis including the annual expenditures and budget for the current permit term and the budget for the next permit term.

2.9.3 A summary of the number and nature of inspections and enforcement actions conducted to ensure compliance with the required storm water ordinances or other regulatory mechanisms.

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

2.9.5 A written evaluation of the effectiveness of activities to meet the requirements under section 2 of this permit. The evaluation shall include discussion of the components of the Permittee's storm water management programs, the appropriateness of identified BMPs, and progress towards achieving identified measurable goals. The evaluation should analyze what components of the Permittee's programs are effective and planned improvements to address the less effective items. For any identified deficiencies in achieving the requirements under Section 2 or lack of progress towards meeting a measurable goal, the Permittee shall initiate program changes to improve their effectiveness.

2.9.6 A duly authorized representative of the Permittee shall sign and certify the annual report and include a statement or resolution that the Permittee's governing body or delegated representatives have reviewed or been apprised of the content of the annual report.

2.9.7 A summary of the progress toward implementing actions and activities related to addressing Total Maximum Daily Load Waste Load Allocations and, if applicable, any changes to the TMDL implementation plan.

2.9.8 A summary of the progress toward implementing actions and activities related to addressing pollutants of concern discharged by the Permittee to a listed impaired waterbody, ERW or ORW.

2.9.9 If applicable, notice that the Permittee is relying on another entity to satisfy some of the permit requirements as described in s. NR 216.075, Wis. Adm. Code, or under section 1.14 of this permit.

2.9.10 Updated storm sewer system maps, where necessary, to identify any new outfalls, structural controls, or other noteworthy changes.

Note: The Department's electronic reporting system is Internet-based and available at:

<https://dnr.wi.gov/permits/water/>. Municipal storm water permit eReporting information and user support tools can be found at: <https://dnr.wi.gov/topic/stormwater/municipal/eReporting.html>

2.10 Obtaining Permit Coverage

2.10.1 The owner or operator of an MS4 covered under a previous version of an MS4 permit before the effective date of this permit shall be covered by this permit pursuant to written authorization by the Department unless otherwise notified by the Department in writing.

Note: *The Department will notify the owner or operator of an MS4 covered under a previous version of an MS4 permit in writing that this permit has been reissued and that the MS4 is covered under it.*

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

2.11 Transfers

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

2.12 Amendments

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

2.13 Reapplication for Permit Coverage

To remain covered after the expiration date of this permit, the Permittee shall reapply to the Department with the annual report for the fourth year of the permit.

2.14 General Storm Water Discharge Limitations

In accordance with s. NR 102.04, Wis. Adm. Code, 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:

2.14.1 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.

2.14.2 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.

2.14.3 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.

2.14.4 Substances in concentrations or 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.

2.15 Compliance with Permit Requirements

Compliance with the requirements contained in this permit, including the applicable appendices, shall not be contingent upon receiving financial assistance from the Department or any other public or private grant or loan program.

2.16 Shared and Individual Responsibility Section

The implementation of one or more of the conditions of this permit by the Permittee may incorporate cooperative efforts with other MS4 regulated permittees or efforts by other groups or organizations provided the shared responsibilities meet all of the following conditions:

2.16.1 The other municipality or entity implements the required control measure, permit requirements, or a component thereof.

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

2.16.3 The other municipality or entity agrees to implement a control measure or permit requirement on the Permittee's behalf. This agreement shall be demonstrated by executing a formal written agreement, signed by both parties' authorized representatives. The agreement shall be explicit as to which specific permit conditions are being satisfied by which municipality or other entity. Copies of current agreements shall be submitted with the Permittee's annual report.

2.16.4 The Permittee shall give notice of and report on all minimum control measures completed by themselves and by another municipality or entity on behalf of the Permittee. Reporting shall be consistent with section 2.9 of this permit.

2.16.5 The Permittee remains responsible for the compliance with all permit obligations if the other entity fails to implement any minimum control measure or requirement provided for in the formal written agreement.

Note: *Towns relying on a county to implement and enforce storm water ordinance(s) within the town are not required to adopt their own ordinance(s). However, the Permittee remains responsible for compliance with the conditions of this permit. As the Permittee, the Town is responsible for verifying the county is meeting the permit condition. The Permittee should not assume that another entity is implementing a permit condition as required.*

2.16.6 The Permittee shall notify the department within 5 business days of the termination or modification of the formal written agreement under section 2.16.3.

3. COMPLIANCE SCHEDULE

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

Note: The Department's electronic reporting system is Internet-based and available at: <https://dnr.wi.gov/permits/water/>. Municipal storm water permit eReporting information and user support tools can be found at: <https://dnr.wi.gov/topic/stormwater/municipal/eReporting.html>.

TABLE 4: COMPLIANCE SCHEDULE FOR PERMIT REQUIREMENTS

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE	COMMENTS
Section 1.5.1 <i>Impaired Waters and TMDLs</i>	Identify discharges to an impaired waterbody	Within 90 days of start date and by March 31 of each odd-numbered year thereafter	All Permittees
Section 1.5.2 <i>Impaired Waters and TMDLs</i>	Total maximum daily load implementation	See applicable Appendix.	Applies to a Permittee with an MS4 discharge of a pollutant of concern to a waterbody subject to an USEPA approved TMDL that assigns the Permittee a wasteload allocation.
Section 2 <i>Written Program Procedures for each MCM (Sections 2.1—2.6)</i>	Develop written program procedures for each Minimum Control Measure.	March 31, 2028 (2 years after permit is issued)	All Permittees must have written program procedures for each of the MCMs.
Sections 2.1.1, 2.1.2, and 2.1.3 <i>Public Education and Outreach Program</i>	Document education topics addressed, target audiences, and type of delivery mechanisms used.	Annually	All Permittees
Section 2.2.1 <i>Public Involvement and Participation</i>	Provide a minimum of one opportunity for the public to provide input on each of the identified permit activities.	Annually	All Permittees
Section 2.2.3	Implement at least one volunteer activity per year.	Annually	All Permittees

<i>Public Involvement and Participation</i>			
Section 2.3.1 <i>IDDE</i>	Develop and adopt an ordinance to prevent and eliminate illicit discharges and connections to the MS4.	March 31, 2028	All Permittees
Section 2.3.2 <i>IDDE</i>	Document completed dry-weather outfall screening procedures.	Annually, to be completed at least once per permit term.	All Permittees
Section 2.4.1 <i>Construction Site Pollutant Control</i>	Develop and adopt an ordinance to require erosion and sediment control at construction sites.	March 31, 2028	
Section 2.4.2.4 <i>Construction Site Pollutant Control Program</i>	Document completed erosion and sediment control inspection and enforcement procedures.	March 31, 2028	All Permittees
Section 2.5.1 <i>Post Construction Storm Water Management</i>	Develop and adopt an ordinance to regulate post construction discharges from new development and redevelopment	March 31, 2028	
Section 2.5.3 <i>Post Construction Storm Water Management</i>	Complete and submit an inventory of Post Construction BMPs.	March 31, 2028	All Permittees
Sections 2.5.4-2.5.5 <i>Post Construction Storm Water Management</i>	Develop and document procedures for long term maintenance, inspections and enforcement of post construction BMPs.	March 31, 2028	
Section 2.6.1 <i>Pollution Prevention</i>	Submit the municipal storm water management facility inventory	March 31, 2028	All Permittees
Section 2.6.2 <i>Pollution Prevention</i>	Submit the maintenance plan for municipal storm water management facilities	March 31, 2028	All Permittees

Section 2.6.4 <i>Pollution Prevention</i>	Submit SWPPPs for municipally owned properties with annual report	March 31, 2028	All Permittees
Section 2.7 <i>Storm Water Quality Management</i>	Report TSS percent reduction	March 31, 2028	All Permittees
Section 2.8 <i>Storm Sewer System Map</i>	Submit map with annual report	March 31, 2028	All Permittees
Section 2.9 <i>Annual Report</i>	Submit Annual Report*	March 31 of each year reporting on previous calendar year*	All Permittees
Section 2.11 <i>Reapplication for Permit Coverage</i>	Reapplication for Permit Coverage	180 days prior to expiration of permit or on the 4 th year annual report 3/31/2029	All Permittees
Appendix A <i>TMDL Compliance</i>		Due 3/31/29	Applies to any Permittee with an MS4 discharge of a pollutant of concern to a waterbody subject to an USEPA approved TMDL that assigns the Permittee a wasteload allocation.

*** Note:** An annual report is not required to be submitted during the initial calendar year of permit coverage. The first annual report sent to the Department shall report on the previous 2 calendar years of permit coverage.

Note: The table highlights major compliance activities but is not inclusive of all permit requirements and submittal deadlines.

4. GENERAL CONDITIONS

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated in this permit. The Permittee shall be responsible for meeting these requirements.

4.1 Liabilities under Other Laws: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the federal Clean Water Act (33 USC §1321), any applicable federal, state, or local law or regulation under authority preserved by Section 510 of the Clean Water Act (33 USC §1370).

4.2 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 remainder of this permit shall remain in effect.

4.3 Submitting Records: Unless otherwise specified, any reports submitted to the Department in accordance with this permit shall be submitted electronically through the e-permitting system.

4.4 Recording of results: For each effluent measurement or sample taken, the permittee shall record the following information.

4.4.1. The date, exact place, method and time of sampling or measurements;

4.4.2. The individual who performed the sampling or measurements;

4.4.3. The date the analysis was performed;

4.4.4. The individual who performed the analysis;

4.4.5. The analytical techniques or methods used; and

4.4.6. The results of the analysis.

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

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

4.7 Noncompliance

4.7.1 Upon becoming aware of any permit noncompliance that may endanger public health or the environment, the Permittee shall report this information by a telephone call to the Department regional storm water specialist within 24 hours. A written report describing the noncompliance shall be submitted to the Department regional storm water specialist within 5 days after the Permittee became aware of the noncompliance. The Department may waive the written report on a case-by-case basis based on the oral report received within 24 hours. The

written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

4.7.2 Reports of any other noncompliance not covered under General Conditions sections 4.11, 3.4.1, or 3.6. shall be submitted with the annual report. The reports shall contain all the information listed in General Conditions section 4.4.

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

4.9 Spill Reporting: The discharge of a hazardous substances that is not authorized by this permit or that violates this permit may be a hazardous substance spill. The Permittee shall immediately notify the Department of any discharge not authorized by the permit, in accordance with s. 292.11(2)(a), Wis. Stats., which requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the DNR immediately of any discharge not authorized by the permit. To report a hazardous substance spill, call the DNR's 24-hour HOTLINE at 1-800-943-0003.

Note: For details on state and federal reportable quantities, visit:

<https://dnr.wi.gov/topic/Spills/define.html>.

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

4.11 Bypass: The Permittee may temporarily bypass a storm water treatment facility if necessary for human safety or maintenance to assure efficient operation. A bypass shall comply with the general storm water discharge limitations in Section 2.14 of this permit. Notification of the Department is not required for these types of bypasses. Any other bypass is prohibited.

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

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

4.13 Removed Substances: Solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of storm water shall be stored and disposed of in compliance with

all applicable federal, state, and local regulations and in a manner to prevent any pollutant from the materials from entering the waters of the state.

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

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

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

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

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

4.15.4 Sample or monitor any substances or parameters at any location and at reasonable times to assure permit compliance.

4.16 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 the Permittee's compliance with the permit. The Permittee shall give advance notice to the Department of any planned changes to the storm water management program which may result in noncompliance with permit requirements. The Permittee shall also furnish the Department, upon request, with copies of records required to be kept by the Permittee.

4.17 Planned changes: In accordance with ss. 283.31 (4) (b) and 283.59 (1), 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.

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

4.19 Other Information: If the Permittee discovers that it failed to submit any relevant facts in its permit application or submitted incorrect information in any plan or report sent to the Department, it shall promptly submit such facts or correct information to the Department.

4.20 Records Retention: The Permittee shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the notice of intent for

coverage for a period of at least 5 years from the date of the sample, measurement, report or application. The Permittee shall retain records documenting implementation of the minimum control measures in sections 2.1 through 2.6 of this permit for a period of at least 5 years from the date the record was generated.

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

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

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

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

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

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

4.24 Continuation of the Expired General Permit: The Department's goal is to reissue this general permit prior to its expiration date. However, in accordance with s. NR 216.09, Wis. Adm. Code, a Permittee shall reapply to the Department at least 180 days prior to the expiration date for continued coverage under this permit after its expiration. Typically, this is done within the year four Annual Report. If the permit is not reissued by the time the existing permit expires, the existing permit remains in effect.

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

4.26 Reporting requirements: 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 required only when:

4.26.1 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.

4.26.2 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.

4.26.3 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 or 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, as required by ch. NR 204.

4.27 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, Stats., and ch. NR 203.

5. DEFINITIONS

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

5.1 Best Management Practice (BMP) are engineered and constructed structural or devices that are designed to avoid or minimize soil, sediment or pollutants carried in stormwater runoff to waters of the state such as wet detention ponds, constructed wetlands, infiltration basins and grassed swales. employed to. BMPS can also include non-structural measures, practices, and techniques.

5.2 Bioaccumulative chemical of concern (BCC) is any substance that has the potential to cause adverse effects which, upon entering the surface waters, accumulates in aquatic organisms by a human health or wildlife bioaccumulation factor greater than 1000.

5.3 Construction site means an area upon which one or more land disturbing construction activities occur that in total will disturb one acre or more of land, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan such that the total disturbed area is one acre or more. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

5.3.1 Active Sites: a site that is currently undergoing land disturbing construction activities.

5.3.2 Inactive sites a site that is stabilized prior to winter or for other logistical reasons in which no construction activities will take place.

5.4 Department means the Wisconsin Department of Natural Resources.

5.5 Development means residential, commercial, industrial and institutional land uses and associated roads.

5.6 Dry-weather period is typically 48-72 hours after a measurable rainfall event. However, based on the precipitation event and size of drainage area, this amount of time may change.

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

5.8 Exceptional Resource Waters or ERW means waters designated under s. NR 102.11.

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

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

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

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

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

5.14 Increased Discharge "Increased discharge" means an actual or proposed change in the area or site conditions that results in or will result in an increase in the concentration, level, or load of a pollutant associated with a currently permitted storm water discharge.

5.14.1 "Increased discharge" does not include any of the following if the applicant or permittee is not proposing an increase in the concentration, level, or loading of a pollutant in the discharge:

5.14.1.1 Reissuance of a WPDES individual or general permit, including reissuance of an administratively continued permit.

5.14.1.2 Issuance of a WPDES individual or general permit for a category of existing discharges that did not previously require a permit under state or federal regulations.

5.14.1.3 A permitted MS4 that incorporates under its jurisdiction a previously unincorporated area.

5.15 Jurisdiction means the area where the Permittee has authority to enforce its ordinances or otherwise has authority to exercise control over a particular activity of concern.

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

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

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

5.17.2 A municipal separate storm sewer system that receives storm water runoff from lands zoned for industrial activity that is associated with a drainage area of more than 2 acres or from other lands with 2 or more acres of industrial activity, but not land zoned for industrial activity that does not have any industrial activity present is not classified as a major outfall under this paragraph.

5.18 Maximum Extent Practicable (MEP) is the highest level of pollutant reduction that is achievable. It is an iterative standard that evolves over time as urban runoff management knowledge increases and must be assessed continually and modified to incorporate improved programs, control measures, and BMPs to attain compliance with water quality standards. MEP is achieved, in part, through a process of selecting and implementing different stormwater management practices; control techniques; and system, design, and engineering methods for the control of pollutants.

5.19 Minor Outfall means a single pipe with an inside diameter of less than 36 inches, or from an equivalent conveyance which is associated with a drainage area of less than 50 acres or any outfall that does not meet the size or acreage criteria for a major outfall.

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

5.21 Municipally operated BMP means a permanent, structural storm water management practice or BMP that is not owned by the municipality, but for which the municipality has an obligation to maintain under a maintenance agreement with the owner and takes credit for pollutants removed by the BMP.

5.22 Municipally owned BMP means a permanent, structural storm water management practice or BMP that is owned by the municipality.

5.23 Municipal Separate Storm Sewer System or "MS4" means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

5.23.1 Owned or operated by a municipality.

5.23.2 Designed or used for collecting or conveying storm water.

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

5.23.4 Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

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

5.25 New Discharge “New discharge” means a storm water discharge that would first occur after the permittee’s start date of coverage under a permit issued under s. 283.33, Stats., to a surface water to which the facility did not previously discharge storm water.

Note: *A permittee or applicant proposing a new discharge that may require coverage under multiple general permits is encouraged to contact the department for planning purposes.*

5.25.1 “New discharge” does not include an increase in a storm water discharge to a surface water to which the facility discharged on or before coverage under the permit.

5.26 New source as defined in [ch. 283, Stats.](#), means any point source the construction of which commenced after the effective date of applicable effluent limitations or standards of performance.

5.27 Outfall means the point at which storm water is discharged to waters of the state or to a storm sewer.

5.28 Outstanding Resource Water or ORW means waters designated under s. NR 102.10.

5.29 Permittee means the owner or operator of a municipal separate storm sewer system authorized to discharge storm water into waters of the state.

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

5.31 Pollutant of concern means a pollutant that is causing impairment of a waterbody.

5.32 Priority Outfall means any MS4 outfall, not just major outfalls, which has a high likelihood of illicit discharge based upon the contributing drainage area rather than solely on pipe or drainage area size. Contributing drainage area characteristics or land uses that should be considered at a minimum when selecting priority outfalls include: known or suspected illicit discharges reported within the last five years; sections of storm sewer and/or sanitary sewer infrastructure that have exceeded or are approaching their design/useful life; contributing drainage areas with 80 or more percent imperviousness; business or industrial parks with frequent changes in property ownership or operations; schools or other institutional facilities; and commercial or industrial operations that generate wastewater or wash water including food processing, metal plating or machining shops, auto and scrap recyclers, commercial car washes and chemical manufactures or users.

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

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

5.35 Redevelopment means areas where development is replacing older development.

5.36 Riparian landowners are the owners of lands bordering lakes and rivers.

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

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

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

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

5.41 Urbanized area means a place and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people, as determined by the U.S. bureau of the census based on the latest decennial federal census.

Note: The 2010 Census was the last urbanized area that meets these parameters.

5.42 Wasteload Allocation or “WLA” means the allocation resulting from the process of distributing or apportioning the total maximum load to each individual point source discharge.

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

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

Appendix A: MS4 Permittees Subject to a TMDL Approved Prior to May 1, 2024 for Total Suspended Solids (TSS) and Total Phosphorus (TP)

The Requirements of this Appendix apply to if a Permittee discharges under the following USEPA Approved Total Maximum Daily Loads (TMDLs):

- “Total Maximum Daily Loads for Total Phosphorus and Total Suspended Solids in the **Rock River Basin**,” approved by USEPA September 2011. As modified by “**Beaver Dam Lake** Total Maximum Daily Load for Total Phosphorus,” approved by USEPA August 2018.
- “Total Maximum Daily Loads for Total Phosphorus in the **Wisconsin River Basin**,” approved by USEPA April 2019.
- “Total Maximum Daily Loads for Total Phosphorus and Total Suspended Solids **Upper Fox and Wolf Basins**” approved by USEPA February 2020.
- “Total Maximum Daily Loads for Total Phosphorus and Total Suspended Solids **Northeast Lakeshore**” approved by USEPA on October 2023.

Note: A permittee may be subject to multiple TMDLs. As such, the Permittee shall ensure it is complying with all permit conditions for each applicable TMDL. The reports for Department and USEPA approved TMDLs are available from the Department’s Internet site at:

<https://dnr.wi.gov/topic/TMDLs/tmdlreports.html>

Structure of Appendix A

A Permittee that discharges to multiple TMDLs may have a different status for each TMDL. The Permittee may use a combination of BMPs, Department approved adaptive management plan participation, and Department approved water quality trading for compliance within an implementation plan.

Note: Information on water quality trading and adaptive management is available from the Department’s Internet site at: <https://dnr.wisconsin.gov/topic/Wastewater/WaterQualityTrading.html> and <https://dnr.wi.gov/topic/SurfaceWater/AdaptiveManagement.html> respectively.

Table A.1: Actions required based on status at permit effective date

Permittee Status	Appendix Section	Deliverables	Due Date
TMDL Pollutant Load Reduction Evaluation for TSS and TP	A.1	Submit Map, Tabular summary and supporting documentation	4 th Annual Report
TSS and TP WLA Assessment	A.2	Assessment of structural and non-structural BMPs to achieve TSS and TP pollutant load reduction goals	3 rd Annual Report
TMDL Implementation Plan	A.3		3 rd Annual Report

A.1 TMDL Pollutant Load Reduction Evaluation for TSS and TP

The progress towards reducing TMDL pollutant loads shall be evaluated by the Permittee through modeling analysis or substantially similar or equivalent methods as approved by the Department. The results of the pollutant reduction evaluation shall be described in a report submitted to the Department by March 31, 2028. The report shall contain the following items:

A.1.1 A map that identifies:

A.1.1.1 The TMDL reachshed boundaries within the municipal boundary.

A.1.1.2 The MS4 drainage boundaries within each TMDL reachshed.

A.1.1.3 Areas within the municipal boundary the Permittee believes should be excluded from its analysis to show progress towards reducing TMDL pollutant loads.

A.1.1.4 Structural BMPs and associated drainage areas for each BMP used for pollutant reduction.

Note: *For privately owned BMPs, the Permittee must have a maintenance agreement to count towards the load reduction.*

A.1.2 Supplementary map information that identifies:

A.1.2.1 The associated area, in acres, for each of the lands identified in Section A.1.1.1 through A.1.1.4.

A.1.2.2 An explanation for why the area(s) identified in Section A.1.1.3 are to be excluded from analysis.

A.1.2.3 For each structural BMP identified in Section A.1.1.4, a tabular summary which identifies the type of BMP, area treated in acres, pollutant loading reduction efficiency, and documentation of the maintenance agreement for any private BMP.

A.1.2.4 A description of the effectiveness of non-structural BMPs, if applicable, and the rationale for the selected approach.

A.1.3 A TSS and TP Tabular Summary that includes the following for each TMDL Reachshed:

A.1.3.1 An estimate of the current pollutant loading without considering implementation of BMPs (i.e., no controls load) and an estimate of the current pollutant loadings considering BMP implementation (i.e., with controls load).

A.1.3.2 The difference between the no control load and with control load (i.e., the existing load reduction), expressed as a percent reduction.

A.1.3.3 The assigned TSS and TP WLA percent reduction.

A.1.3.4 The TSS and TP TMDL WLA percent reduction remaining.

A.1.4 If additional information is necessary to conduct its review, the Department may request the modeling data.

A.1.5 If the Permittee estimates that its TMDL WLAs are achieved with existing BMP implementation, the Permittee must provide a statement supporting this conclusion.

Note: USEPA is allowing the Department to evaluate MS4 compliance with TMDL Wasteload Allocations (WLA) using a percent reduction framework consistent with Wisconsin's storm water program. For consistency with existing storm water program requirements, TMDL compliance will use the percent reduction measured from the no runoff management controls (no-controls) condition. The percent reduction from no-controls, for each pollutant of concern and reachshed, necessary to meet the TMDL WLAs for the USEPA approved TMDLs are listed in the approved TMDLs. The no-controls modeling condition means taking no (zero) credit for existing storm water control measures that reduce the discharge of pollutants. Existing practices can then be applied and counted toward meeting the TMDL reduction reductions.

A.2 TSS and TP WLA Assessment

The Permittee shall complete an assessment of structural and non-structural storm water BMPs that may be employed to achieve the Permittee's TSS and TP pollutant load reductions goals for the TMDL. By **DATE**, the Permittee shall submit the results of its assessment. At a minimum, the assessment shall include the Permittee's consideration of:

A.2.1 All post-construction BMPs for which the Department has a technical standard.

A.2.2 Optimization or retrofitting of all existing structural BMPs.

A.2.3 Optimization or improvements to non-structural BMPs (e.g., street sweeping).

A.2.4 Incorporation of post-construction BMPs for all road reconstruction projects.

A.2.5 Adoption of more restrictive post-construction storm water management ordinances (e.g., more stringent development and redevelopment performance standards).

A.2.6 For all BMPs evaluated in Section A.2.1 through A.2.4, provide a cost effectiveness analysis for implementation.

A.3 TMDL Implementation Plan

If the tabular summary required under section A.1.3 shows the Permittee is not achieving its TSS and TP WLAs, the Permittee shall submit a written TMDL Implementation Plan to the Department that describes how the Permittee will make progress toward achieving WLAs. If the Permittee proposes to utilize adaptive management or water quality trading towards its TMDL WLAs, it shall contact its local storm water specialist or engineer for more information on how best to proceed.

Note: Local Department storm water specialist contact information is available on the Department's Internet site at: <https://dnr.wisconsin.gov/topic/Stormwater/contacts.html>.

The TMDL Implementation Plan shall include the following information:

A.3.1. Structural and non-structural storm water control BMPs proposed to be implemented during the next permit term. At minimum, the proposed BMPs shall achieve, to the maximum extent practicable, a level of reduction that achieves at least 20% of the remaining reduction needed beyond existing controls to achieve full compliance in TSS, and a level of reduction that achieves at least 10% of the remaining reduction needed beyond existing controls to achieve full compliance in TP. The reductions can be

achieved utilizing an averaged reduction calculated from individual reductions achieved in one or multiple reachsheds and spanning the entire MS4 area impacted by a TMDL.

A.3.1.1 If the Permittee believes it cannot satisfy the numeric targets identified in Section A.3.1 during the next permit term, the Permittee must provide documentation explaining why the minimum progress is not achievable.

A.3.2 A proposed schedule for implementation of the BMPs identified in Section A.3.1. The proposed schedule must demonstrate continued progress towards assigned TMDL WLAs during the next permit term.

Note: *The Department has developed the guidance document “TMDL Guidance for MS4 Permits: Planning, Implementation, and Modeling Guidance” to assist Permittees in complying with these activities. The guidance is available on the Department’s Internet site:*
https://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html.

A.4 Permittee demonstrates meeting TMDL WLAs in all reachsheds by 2031

TMDLs may assign a percent reduction for one or more reachsheds for each pollutant of concern (i.e., total suspended solids (TSS) and total phosphorus (TP)). Full TMDL compliance is achieved by the Permittee if all of the following conditions are met:

A.4.1 The Permittee submits the necessary data and documentation to the Department that demonstrates that the Permittee meets the percent reductions stipulated in the USEPA approved TMDL for each reachshed that the MS4 discharges to and for each pollutant of concern.

A.4.2 The documentation submitted by the Permittee includes the policies, procedures, and regulatory mechanisms that the Permittee will employ to ensure that storm water controls and management measures will continue to be operated and maintained so that their pollutant removal efficiency continues to be met.

A.4.3 The Permittee receives written concurrence from the Department that the Permittee has achieved full TMDL compliance based upon the data and documentation and any necessary subsequent information requested by the Department.

Table A.1 Sample Tabular Summary

A sample Tabular Summary has been provided below.

Sample Tabular Summary for TP

TMDL Reachshed	A	B	C = (A-B)/A	D
	No-controls discharge (lbs/yr)	With-controls discharge (lbs/yr)	Existing % Reduction	TMDL % Reduction for WLA
2	50	35	30%	80%
3	30	20	33%	60%

Municipality Z Sample Minimum Progress for TP

TMDL Reachshed	E = A*D	F = A*C	G = E-F	H = G * 0.10
	TMDL Reduction (lbs/yr)	Existing Reduction (lbs/yr)	Remaining Reduction (lbs/yr)	Minimum Progress in Next Permit Term (lbs/yr)
2	40	15	25	2.5
3	18	10	8	0.8
TMDL implementation plan for the next permit shall achieve at least the following additional pounds of TP removal per year to the maximum extent practicable:				3.3

Note: The percent reductions shall be applied to the difference measured from loading conditions at the end of this permit to the total reductions listed in Tables A1-A4. The reductions can be achieved utilizing an averaged reduction calculated from individual reductions achieved in one or multiple reachsheds and spanning the entire MS4 area impacted by a TMDL.

Note: Reductions that occur through stricter redevelopment standards or through water quality trading can be counted toward meeting the reduction requirements under this section.

Note: Unlike full compliance as outlined in section A.4, interim compliance under this section can be based on an average reduction measured across the MS4 area impacted by a TMDL.

A.5 TSS and TP WLAs for TMDLs

Table A.2: Rock River Basin TMDL Load Reductions Necessary to Meet TMDL Wasteload Allocations by TMDL Reachshed

TMDL Reachshed (TMDL Subbasin)	Waterbody Name	County	TSS % Reduction from No-controls	TP% Reduction from No-controls
2	South Branch Rock River	Dodge, Fond du Lac, Green Lake	40.6	48.2

TMDL Reachshed (TMDL Subbasin)	Waterbody Name	County	TSS % Reduction from No-controls	TP% Reduction from No-controls
3	South Branch Rock River	Dodge, Fond du Lac	55.6	86.9
20	Rock River	Dodge, Jefferson, Washington, Waukesha	40.0	37.2
21	Rock River	Dodge, Jefferson, Washington, Waukesha	40.0	34.3
23	Oconomowoc River	Washington, Waukesha	46.6	35.8
24	Mason Creek	Dodge, Washington, Waukesha	47.2	35.0
25	Oconomowoc River	Jefferson, Waukesha	59.2	73.7
26	Battle Creek	Waukesha	57.4	52.6
27	Oconomowoc River	Jefferson, Waukesha	40.0	27.0
28	Rock River	Dodge, Jefferson	40.0	27.7
29	Rock River	Dodge, Jefferson	44.2	64.2
30	Johnson Creek	Jefferson	40.0	27.0
33	Mill Creek, Beaver Dam Lake	Columbia, Dodge	45.4	48.2
34	Beaver Dam River	Columbia	58.6	86.1
37	Park Creek	Columbia	72.4	75.2
39	Shaw Brook	Columbia	40.0	27.0
45	Maunesh River	Columbia	44.8	36.5
51	Crawfish River	Columbia	40.0	37.2

TMDL Reachshed (TMDL Subbasin)	Waterbody Name	County	TSS % Reduction from No-controls	TP% Reduction from No-controls
54	Rock River	Columbia, Dodge, Jefferson	43.6	71.5
55	Bark River	Waukesha	65.8	76.6
56	Bark River	Jefferson, Waukesha	40.0	40.9
59	Steel Brook, Scuppernong River, Bark River	Jefferson, Walworth, Rock	49.0	66.4
60	Rock River	Jefferson, Rock	40.6	48.2
61	Rock River	Dane, Rock	41.2	31.4
62	Pheasant Branch Creek	Dane	82.0	78.1
63	Spring (Dorn) Creek	Dane	46.6	37.2
64	Yahara River, Lake Mendota, Lake Monona	Dane, Columbia	73.0	61.3
65	Nine Springs Creek	Dane	67.6	62.8
66	Yahara River, Lake Waubesa, Lake Kegonsa	Dane	62.2	54.0
67	Yahara River	Dane	40.0	27.0
68	Yahara River	Dane, Rock	50.8	65.0
69	Yahara River	Dane, Rock	52.6	79.6
70	Rock River	Rock	40.6	27.7
71	Rock River	Rock	58.6	48.2
72	Blackhawk Creek	Rock, Walworth	40.0	27.0

TMDL Reachshed (TMDL Subbasin)	Waterbody Name	County	TSS % Reduction from No-controls	TP% Reduction from No-controls
73	Blackhawk Creek	Rock	69.4	64.2
74	Rock River	Rock	52.0	39.4
75	Markham Creek	Rock	51.4	38.0
76	Rock River	Rock	57.4	81.8
78	Bass Creek	Rock	40.0	29.9
79	Rock River	Rock	62.2	66.4
80*	Turtle Creek	Rock, Walworth	55.0	62.8
81	Turtle Creek	Rock, Walworth	44.2	41.6
83	Lake Koshkonong	Dane, Jefferson, Rock	55.0	54.0

Note: *MS4 Reachshed 80 reductions are based on Non-Point Source annual average reductions as TMDL had not assigned a separate MS4 reduction for MS4s in this reach.

Note: *MS4 Reachshed 80 reductions are based on Non-Point Source annual average reductions as TMDL had not assigned a separate MS4 reduction for MS4s in this reach.

Note: WLAs for counties are not identified in the table but are the same as for other municipalities' designations in the same reachsheds.

Table A.3: Wisconsin River Basin TMDL Load Reductions Necessary to Meet TMDL Wasteload Allocations by TMDL Reachshed

TMDL Reachshed (TMDL Subbasin)	Municipality	TP% Reduction from No-controls
5	Baraboo (City)	68.6%
137	Baraboo (City)	68.6%
179	Baraboo (City)	68.6%
230	Baraboo (City)	68.6%

TMDL Reachshed (TMDL Subbasin)	Municipality	TP% Reduction from No- controls
234	Baraboo (City)	68.6%
81	Kronenwetter (Village)	68.6%
153	Kronenwetter (Village)	68.6%
263	Kronenwetter (Village)	68.6%
84	Marshfield (City)	80.5%
85	Marshfield (City)	78.8%
275	Marshfield (City)	77.1%
307	Marshfield (City)	81.3%
331	Marshfield (City)	79.6%
158	Merrill (City)	68.6%
269	Merrill (City)	68.6%
321	Merrill (City)	68.6%
81	Mosinee (City)	68.6%
153	Mosinee (City)	68.6%
262	Mosinee (City)	68.6%
208	Plover (Village)	68.6%
257	Plover (Village)	68.6%
260	Plover (Village)	68.6%
330	Plover (Village)	68.6%
190	Plover (Village)	68.6%
154	Rib Mountain (Town)	68.6%
263	Rib Mountain (Town)	68.6%
154	Rothschild (Village)	68.6%
263	Rothschild (Village)	68.6%

TMDL Reachshed (TMDL Subbasin)	Municipality	TP% Reduction from No- controls
154	Schofield (City)	68.6%
290	Schofield (City)	68.6%
145	Stevens Point (City)	68.6%
148	Stevens Point (City)	68.6%
149	Stevens Point (City)	68.6%
210	Stevens Point (City)	68.6%
260	Stevens Point (City)	68.6%
154	Wausau (City)	68.6%
156	Wausau (City)	68.6%
265	Wausau (City)	68.6%
290	Wausau (City)	68.6%
291	Wausau (City)	68.6%
292	Wausau (City)	68.6%
153	Weston (Village)	68.6%
154	Weston (Village)	68.6%
155	Weston (Village)	68.6%
263	Weston (Village)	68.6%
289	Weston (Village)	68.6%
290	Weston (Village)	68.6%
144	Wisconsin Rapids (City)	68.6%
204	Wisconsin Rapids (City)	68.6%
205	Wisconsin Rapids (City)	68.6%
206	Wisconsin Rapids (City)	68.6%
256	Wisconsin Rapids (City)	68.6%

TMDL Reachshed (TMDL Subbasin)	Municipality	TP% Reduction from No- controls
257	Wisconsin Rapids (City)	68.6%

Note: WLAs for counties are not identified in the table but are the same as for other municipalities' designations in the same reachsheds.

Table A.4: Upper Fox and Wolf River Basin TMDL Load Reductions Necessary to Meet TMDL Wasteload Allocations by TMDL Reachshed

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No- controls	TP% Reduction from No-controls
30	Algoma (Town)	58.4%	85.6%
73	Algoma (Town)	20.0%	85.6%
74	Algoma (Town)	20.0%	85.6%
75	Algoma (Town)	20.0%	85.6%
52	Appleton (City)	84.0%	85.6%
75	Appleton (City)	20.0%	85.6%
75	Black Wolf (Town)	20.0%	85.6%
39	Eden (Village)	72.0%	85.6%
39	Empire (Town)	72.0%	85.6%
75	Empire (Town)	20.0%	85.6%
43	Fond du Lac (City)	54.4%	85.6%
44	Fond du Lac (City)	76.0%	85.6%
75	Fond du Lac (City)	20.0%	85.6%
88	Fond du Lac (City)	20.0%	85.6%

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No- controls	TP% Reduction from No-controls
34	Fond du Lac (Town)	32.8%	85.6%
39	Fond du Lac (Town)	72.0%	85.6%
43	Fond du Lac (Town)	54.4%	85.6%
44	Fond du Lac (Town)	76.0%	85.6%
75	Fond du Lac (Town)	20.0%	85.6%
88	Fond du Lac (Town)	20.0%	85.6%
75	Fox Crossing (Village)	20.0%	85.6%
33	Friendship (Town)	55.2%	85.6%
34	Friendship (Town)	32.8%	85.6%
75	Friendship (Town)	20.0%	85.6%
52	Grand Chute (Town)	84.0%	85.6%
50	Greenville (Town)	20.0%	85.6%
52	Greenville (Town)	84.0%	85.6%
75	Harrison (Town & Village)	20.0%	85.6%
75	Menasha (City)	20.0%	85.6%
75	Neenah (City)	20.0%	85.6%

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No- controls	TP% Reduction from No-controls
75	Neenah (Town)	20.0%	85.6%
75	Nekimi (Town)	20.0%	85.6%
33	North Fond du Lac (Village)	55.2%	85.6%
34	North Fond du Lac (Village)	32.8%	85.6%
75	North Fond du Lac (Village)	20.0%	85.6%
73	Omro (Town)	20.0%	85.6%
30	Oshkosh (City)	58.4%	85.6%
73	Oshkosh (City)	20.0%	85.6%
74	Oshkosh (City)	20.0%	85.6%
75	Oshkosh (City)	20.0%	85.6%
73	Oshkosh (Town)	20.0%	85.6%
75	Oshkosh (Town)	20.0%	85.6%
4	Portage (City)	57.6%	89.8%
7	Portage (City)	57.6%	89.8%
75	Sherwood (Village)	20.0%	85.6%
75	Taycheedah (Town)	20.0%	85.6%
75	Vinland (Town)	20.0%	85.6%
TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No- controls	TP % Reduction from No-controls
30	Algoma (Town)	58.4%	85.6%

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No- controls	TP% Reduction from No-controls
73	Algoma (Town)	20.0%	85.6%
74	Algoma (Town)	20.0%	85.6%
75	Algoma (Town)	20.0%	85.6%
52	Appleton (City)	84.0%	85.6%
75	Appleton (City)	20.0%	85.6%
75	Black Wolf (Town)	20.0%	85.6%
39	Eden (Village)	72.0%	85.6%
39	Empire (Town)	72.0%	85.6%
75	Empire (Town)	20.0%	85.6%
43	Fond du Lac (City)	54.4%	85.6%
44	Fond du Lac (City)	76.0%	85.6%
75	Fond du Lac (City)	20.0%	85.6%
88	Fond du Lac (City)	20.0%	85.6%
34	Fond du Lac (Town)	32.8%	85.6%
39	Fond du Lac (Town)	72.0%	85.6%
43	Fond du Lac (Town)	54.4%	85.6%
44	Fond du Lac (Town)	76.0%	85.6%
75	Fond du Lac (Town)	20.0%	85.6%

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No- controls	TP% Reduction from No-controls
88	Fond du Lac (Town)	20.0%	85.6%
75	Fox Crossing (Village)	20.0%	85.6%
33	Friendship (Town)	55.2%	85.6%
34	Friendship (Town)	32.8%	85.6%
75	Friendship (Town)	20.0%	85.6%
52	Grand Chute (Town)	84.0%	85.6%
50	Greenville (Town)	20.0%	85.6%
52	Greenville (Town)	84.0%	85.6%
75	Harrison (Town & Village)	20.0%	85.6%
75	Menasha (City)	20.0%	85.6%
75	Neenah (City)	20.0%	85.6%
75	Neenah (Town)	20.0%	85.6%
75	Nekimi (Town)	20.0%	85.6%
33	North Fond du Lac (Village)	55.2%	85.6%
34	North Fond du Lac (Village)	32.8%	85.6%
75	North Fond du Lac (Village)	20.0%	85.6%
73	Omro (Town)	20.0%	85.6%

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No-controls	TP% Reduction from No-controls
30	Oshkosh (City)	58.4%	85.6%
73	Oshkosh (City)	20.0%	85.6%
74	Oshkosh (City)	20.0%	85.6%
75	Oshkosh (City)	20.0%	85.6%
73	Oshkosh (Town)	20.0%	85.6%
75	Oshkosh (Town)	20.0%	85.6%
4	Portage (City)	57.6%	89.8%
7	Portage (City)	57.6%	89.8%
75	Sherwood (Village)	20.0%	85.6%
75	Taycheedah (Town)	20.0%	85.6%
75	Vinland (Town)	20.0%	85.6%

Note: WLAs for counties are not identified in the table but are the same as for other municipalities' designations in the same reachsheds.

Table A.5: Northeast Lakeshore TMDL Load Reductions Necessary to Meet TMDL Wasteload Allocations by TMDL Reachshed

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No-controls	TP % Reduction from No-controls
S105	Howards Grove (Village)		68.0%
S41	Howards Grove (Village)		81.0%
S42	Howards Grove (Village)		87.0%
TSS_S40	Howards Grove (Village)	65.0%	

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No-controls	TP % Reduction from No-controls
S24	Kohler (Village)		15.0%
S25	Kohler (Village)		74.0%
S27	Kohler (Village)		15.0%
S43	Kohler (Village)		79.0%
S86	Kohler (Village)		15.0%
TSS_S24	Kohler (Village)	25.0%	
TSS_S25	Kohler (Village)	66.0%	
TSS_S40	Kohler (Village)	65.0%	
K1	Manitowoc (City)		15.0%
M10	Manitowoc (City)		57.0%
M11	Manitowoc (City)		15.0%
M36	Manitowoc (City)		80.0%
M37	Manitowoc (City)		91.0%
M63	Manitowoc (City)		74.0%
M7	Manitowoc (City)		45.0%
M78	Manitowoc (City)		58.0%
M8	Manitowoc (City)		65.0%
M90	Manitowoc (City)		50.0%
M91	Manitowoc (City)		60.0%
M92	Manitowoc (City)		15.0%
M99	Manitowoc (City)		15.0%
TSS_K1	Manitowoc (City)	36.0%	
TSS_M10	Manitowoc (City)	76.0%	
TSS_M36	Manitowoc (City)	67.0%	
TSS_M7	Manitowoc (City)	79.0%	
TSS_M90	Manitowoc (City)	20.0%	

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No-controls	TP % Reduction from No-controls
TSS_M91	Manitowoc (City)	50.0%	
TSS_M92	Manitowoc (City)	20.0%	
TSS_M99	Manitowoc (City)	31.0%	
S1	Port Washington (City)		73.0%
S110	Port Washington (City)		67.0%
S2	Port Washington (City)		91.0%
TSS_S1	Port Washington (City)	66.0%	
TSS_S110	Port Washington (City)	59.0%	
M41	Sheboygan (City)		15.0%
S10	Sheboygan (City)		63.0%
S106	Sheboygan (City)		15.0%
S107	Sheboygan (City)		15.0%
S108	Sheboygan (City)		20.0%
S11	Sheboygan (City)		77.0%
S24	Sheboygan (City)		15.0%
S27	Sheboygan (City)		15.0%
S40	Sheboygan (City)		15.0%
S86	Sheboygan (City)		15.0%
TSS_M40	Sheboygan (City)	67.0%	
TSS_S10	Sheboygan (City)	20.0%	
TSS_S106	Sheboygan (City)	20.0%	
TSS_S107	Sheboygan (City)	20.0%	
TSS_S108	Sheboygan (City)	26.0%	
TSS_S24	Sheboygan (City)	25.0%	
TSS_S40	Sheboygan (City)	65.0%	
M40	Sheboygan (Town)		15.0%

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No-controls	TP % Reduction from No-controls
M41	Sheboygan (Town)		15.0%
M42	Sheboygan (Town)		61.0%
M97	Sheboygan (Town)		15.0%
S10	Sheboygan (Town)		63.0%
S105	Sheboygan (Town)		68.0%
S106	Sheboygan (Town)		15.0%
S24	Sheboygan (Town)		15.0%
S27	Sheboygan (Town)		15.0%
S40	Sheboygan (Town)		15.0%
S43	Sheboygan (Town)		79.0%
S86	Sheboygan (Town)		15.0%
TSS_M40	Sheboygan (Town)	67.0%	
TSS_M97	Sheboygan (Town)	20.0%	
TSS_S10	Sheboygan (Town)	20.0%	
TSS_S106	Sheboygan (Town)	20.0%	
TSS_S24	Sheboygan (Town)	25.0%	
TSS_S40	Sheboygan (Town)	65.0%	
S24	Sheboygan Falls (City)		15.0%
S25	Sheboygan Falls (City)		74.0%
S26	Sheboygan Falls (City)		15.0%
S27	Sheboygan Falls (City)		15.0%
S28	Sheboygan Falls (City)		82.0%
S29	Sheboygan Falls (City)		58.0%
S30	Sheboygan Falls (City)		95.0%
TSS_S24	Sheboygan Falls (City)	25.0%	
TSS_S25	Sheboygan Falls (City)	66.0%	

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No-controls	TP % Reduction from No-controls
TSS_S29	Sheboygan Falls (City)	42.0%	
M43	Taycheedah (Town)		84.0%
S100	Taycheedah (Town)		87.0%
TSS_M27	Taycheedah (Town)	77.0%	
TSS_S24	Taycheedah (Town)	25.0%	
K1	Two Rivers (City)		15.0%
K112	Two Rivers (City)		15.0%
K2	Two Rivers (City)		28.0%
K23	Two Rivers (City)		15.0%
K87	Two Rivers (City)		15.0%
K95	Two Rivers (City)		74.0%
M90	Two Rivers (City)		50.0%
TSS_K1	Two Rivers (City)	36.0%	
TSS_K112	Two Rivers (City)	20.0%	
TSS_K2	Two Rivers (City)	20.0%	
TSS_K23	Two Rivers (City)	20.0%	
TSS_M90	Two Rivers (City)	20.0%	
S10	Wilson (Town)		63.0%
S107	Wilson (Town)		15.0%
S108	Wilson (Town)		20.0%
S11	Wilson (Town)		77.0%
S24	Wilson (Town)		15.0%
S25	Wilson (Town)		74.0%
S27	Wilson (Town)		15.0%
S28	Wilson (Town)		82.0%
TSS_S10	Wilson (Town)	20.0%	

TMDL Reachshed (TMDL Subbasin)	Municipality	TSS % Reduction from No-controls	TP % Reduction from No-controls
TSS_S107	Wilson (Town)	20.0%	
TSS_S108	Wilson (Town)	26.0%	
TSS_S24	Wilson (Town)	25.0%	
TSS_S25	Wilson (Town)	66.0%	

Note: The TMDL reachsheds are separately delineated for total phosphorus and total suspended solids.

Note: WLAs for counties are not identified in the table but are the same as for other municipalities' designations in the same reachsheds.

Appendix B: MS4 Permittees Subject to a TMDL Approved After September xx, 2026

B.1 Applicability

In accordance with section 1.5.1.c, this Appendix D applies to permittees subject to a Department and USEPA TMDL approved after September xx, 2026.

Note: *If the MS4 area extends into or discharges to other basins with a USEPA approved TMDL, a permittee could be subject to more than one TMDL and thus the requirements under multiple Appendices.*

B.2 Full TMDL Compliance

B.2.1 USEPA is allowing the Department to evaluate MS4 compliance with TMDL wasteload allocations using a percent reduction framework consistent with Wisconsin's storm water program. For consistency with existing storm water program requirements, TMDL compliance will use the percent reduction measured from the no runoff management controls (no-controls) condition. The percent reduction from no-controls, for each pollutant of concern and reachshed, necessary to meet the TMDL Wasteload Allocations (WLAs) for the USEPA approved TMDLs are listed in the approved TMDLs. The no-controls modeling condition means taking no (zero) credit for existing storm water control measures that reduce the discharge of pollutants. Existing practices can then be applied and counted toward meeting the TMDL reduction reductions.

B.2.2 TMDLs may assign a percent reduction for one or more reachsheds for each pollutant of concern (i.e., total suspended solids and total phosphorus). Full TMDL compliance is achieved by the permittee provided all of the following conditions are met:

B.2.2.1 The permittee submits the necessary data and documentation to the Department that demonstrates that the permittee meets the percent reductions stipulated in the USEPA approved TMDL for each reachshed that the MS4 discharges to and for each pollutant of concern.

B.2.2.2 The documentation submitted by the permittee includes the policies, procedures, and regulatory mechanisms that the permittee will employ to ensure that storm water controls and management measures will continue to be operated and maintained so that their pollutant removal efficiency continues to be met.

B.2.2.3 Based upon the data and documentation and any necessary subsequent information requested by the Department, the permittee receives written concurrence from the Department that the permittee has achieved full TMDL compliance.

B.3 Participation in an approved Adaptive Management Plan

In accordance with s. 283.13(7), Wis. Stats., and s. NR 217.18, Wis. Adm. Code, if the permittee has chosen to participate in an Adaptive Management project that has been approved by the Department the permittee shall continue to participate in the implementation of the Adaptive Management project.

Note: *Information on adaptive management is available from the Department's Internet site at:*

<https://dnr.wi.gov/topic/SurfaceWater/AdaptiveManagement.html>.

B.4 TMDL Implementation Plan

If the permittee is not participating in a Department approved adaptive management plan as stipulated in section D.3, a permittee with MS4s discharging to TMDL reachsheds shall do all the following to demonstrate progress towards achieving the TMDL reductions stipulated in section D.2.2 and shall submit the following documentation:

B.4.1 Within 12 months of the approval date of the TMDL, an updated storm sewer system map that identifies:

B.4.1.1 The current municipal boundary. For a permittee that is not a city or village, identify the permitted area.

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

B.4.1.2 The TMDL reachshed boundaries within the municipal boundary, and the area of each TMDL reachshed in acres within the municipal boundary.

B.4.1.3 The MS4 drainage boundary associated with each TMDL reachshed, and the area in acres of the MS4 drainage boundary associated with each TMDL reachshed.

B.4.1.4 Identification of areas on a map and the acreage of those areas within the municipal boundary that the permittee believes should be excluded from its analysis to show compliance with the TMDL WLA. In addition, the permittee shall provide an explanation of why these areas should not be its responsibility.

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

B.4.1.5 Flow paths of storm water through the storm sewer system.

B.4.1.6 The location and associated drainage basin of structural best management practices the MS4 uses for TSS and TP treatment.

B.4.2 Within 36 months of the approval date of the TMDL, the permittee shall submit a tabular summary that includes the following for each MS4 drainage boundary associated with each TMDL reachshed as identified under section D.4.1 and for each TMDL WLA:

B.4.2.1 The permittee's percent reduction needed to comply with its TMDL WLA from the no-controls modeling condition. The no-controls modeling condition means taking no (zero) credit for storm water control measures that reduce the discharge of pollutants.

B.4.2.2 The modeled annual average pollutant load without any storm water control measures for each subbasin which the MS4 discharges to as previously identified in section B.4.1.

B.4.2.3 The modeled annual average pollutant load with existing storm water control measures for each subbasin with the MS4 discharges to as previously identified in section B.4.1.

B.4.2.4 The percent reduction in pollutant load achieved from the no-controls condition and the existing controls condition.

B.4.2.5 The existing storm water control measures include the type of measure, area treated in acres, the pollutant load reduction efficiency, and documentation of the permittee's authority for long-term maintenance of each practice.

B.4.2.6 If applicable, the remaining pollutant load reduction for each pollutant of concern and reachshed to meet the TMDL reduction goals.

B.4.3 Within 48 months of the approval date of the TMDL, if the tabular summary required under section D.4.2 shows that the permittee is not achieving the applicable percent reductions needed to comply with its TMDL WLA for each TMDL reachshed, then the permittee shall submit a written TMDL Implementation Plan to the Department that describes how the permittee will make progress toward achieving compliance with the TMDL WLA. The plan shall include the following information:

B.4.3.1 Recommendations and options for storm water control measures that will be considered to reduce the discharge of each pollutant of concern. At a minimum, the following shall be evaluated: all post-construction BMPs for which the Department has a technical standard, optimizing or retrofitting all existing public and private storm water control practices, regional practices, optimization or improvements to existing BMPs, incorporation of storm water control for all road reconstruction projects, more restrictive post-construction ordinances, updated development and redevelopment standards. Focus should be placed on those areas identified in section B.4.2 without any controls.

B.4.3.2 A proposed schedule for implementation of the alternatives identified under section B.4.3.1. The proposed schedule may extend beyond the expiration date of this permit. The schedule should aim to achieve, to the maximum extent practicable, a 20% reduction in sediment or total suspended solids and a 10% reduction in total phosphorus over the next permit term. The percent reductions shall be applied to the difference measured between the current loadings to the total reductions listed in the TMDL. The reductions can be achieved utilizing an averaged reduction calculated from individual reductions achieved in one or multiple reachsheds and spanning the entire MS4 area impacted by a TMDL.

Note: *The reductions stipulated under section B.4.3.2 are interim compliance targets set as a planning target for the next permit term. Future permit reduction targets may taper off or vary between municipalities based on individual plans as it is expected that municipalities will rely more on reductions obtained through redevelopment. In some cases, reductions that occur through redevelopment activities may provide the most economical and practical method toward achieving the reduction goals.*

B.4.3.3 A cost effectiveness analysis for implementation of the recommendations and options identified under section B.4.4.1.

Note: *The Department has developed the guidance document “TMDL Guidance for MS4 Permits: Planning, Implementation, and Modeling Guidance.” The guidance is available on the Department’s Internet site:*

https://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html, and is available to assist a permittee with complying with the requirements of section B.4.

Note: Reductions obtained through a permittee’s participation in a water quality trading project, in accordance with s. 283.84, Wis. Stats., and that has been reviewed and approved by the Department, can be counted toward credit in meeting the requirements stipulated under section B.2.2. Additional information on water quality trading is available from the Department’s Internet site at:

<https://dnr.wisconsin.gov/topic/Wastewater/WaterQualityTrading.html>.

B.5 Annual Reporting

For requirements outlined under sections D.3 and D.4 the permittee shall include a description and the status of progress toward implementing the identified actions and activities in their MS4 annual reports due by March 31 of each year.

Appendix C. Water Quality Trading

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 or progress made towards the Waste Load Allocations (WLAs) identified in this appendix. In accordance with s. 283.84, Wis. Stats., the Permittees listed in Table C.1 have chosen to participate in Water Quality Trades that have been approved by the Department.

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 public notice and opportunity for public comment. Any change in the number of available credits requires a permit modification.

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 progress toward or achieving WLAs for TP and or TSS contained in this appendix. The sum of available credits shown in Table C.1 may be used to demonstrate compliance or progress for a given year.

C.1 Water Quality Trading Requirements

When using water quality trading to demonstrate compliance with or progress towards achieving WLAs for TSS and TP, the Permittee shall comply with the following:

C.1.1 Inspections. At least once a year, the Permittee or the Permittee's agent shall inspect each management practice that generates pollutant reduction credits to confirm the implementation of the management practice and their appropriate operation and maintenance. The Permittee shall notify its regional storm water staff at least 7 days prior to the inspection schedule and allow staff to be present during inspection, if requested.

C.1.2 Annual Water Quality Trading (WQT) Reports. Reports shall be submitted with each reporting year's MS4 Annual Report due March 31, and shall include the following information:

C.1.2.1 Verification that site inspection(s) occurred.

C.1.2.2 A brief summary of site inspection findings.

C.1.2.3 Identification of noncompliance or failure to implement any terms or conditions of the permit or trading plan that have not been reported to the Permittee's regional storm water staff.

C.1.2.4 Any applicable notices of termination or management practice registration.

C.1.2.5 A summary of credits used each annual reporting year.

C.1.2.6 A certification that the management practices installed to generate pollutant reduction credits are operated and maintained in a manner consistent with that specified in the approved water quality trading plan.

C.1.3 The Permittee shall notify WDNR within 24 hours, or the next business day, of the Permittee discovering 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 regarding the status of the Permittee's pollutant reduction credits shall be submitted to the Department within 5 days .

C.1.4 The Permittee shall provide WDNR written notice within 7 days if the trade agreement upon which the approved water quality trading plan is based is amended, modified, or revoked. This notification shall include the details of any amendment or modification in addition to the justification for the changes.

C.1.5 The Permittee shall not use pollutant reduction credits for the demonstration of compliance when pollutant reduction credits are not being generated.

C.1.6 Failure to implement any of the terms or conditions of the approved water quality trading plan is a violation of this permit.

C.2 Water Quality Trading Reopener Clause

Under any of the following conditions, as provided by s. 283.53(2), Wis. Stats. and ss. NR 203.135 and 203.136, Wis. Adm. Code, the Department may modify or require the Permittee to apply for coverage under an individual permit in order to modify or eliminate permit terms and conditions related to water quality trading:

C.2.1 The Permittee fails to implement the water quality trading plan as approved.

C.2.2 The Permittee fails to comply with permit terms and conditions related to water quality trading.

C.2.3 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.

C.3 Submittal of Permit Application for Next Reissuance and Pollutant Trading Plan

If the Permittee intends to pursue pollutant trading to achieve compliance in a future permit term, the Permittee shall submit any updates or amendment proposals for its Water Quality Trading Plan with the fourth year annual report. The Permittee has submitted a Water Quality Trading Plan that was approved by WDNR.

C.4 Annual Water Quality (WQT) Report

The Permittee shall comply with the following actions under Table C.1.

Table C.1 Required Reporting Schedule for Water Quality Trading Participants

Required Action	Due Date
Annual WQT Report: Submit an annual WQT report that shall cover the first year of the permit term. The WQT Report shall include: C.3.1 The number of pollutant reduction credits (lbs/year) used during the previous year to demonstrate compliance; C.3.2 The source of each year's pollutant reduction credits by identifying the approved water quality trading plan that details the source; C.3.3 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 C.3.4 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 annual reports.	03/31/2027
Annual WQT Report #2: Submit an annual WQT report that shall cover the previous year.	03/31/2028
Annual WQT Report #3: Submit an annual WQT report that shall cover the previous year.	03/31/2029
Annual WQT Report #4: Submit the 4th annual WQT report. If the Permittee wishes to continue to comply with pollutant limits through WQT in subsequent permit terms, the Permittee shall submit a revised WQT plan including a demonstration of credit need, compliance record of the existing WQT, and any additional practices needed to maintain compliance over time.	03/31/2030

C.4.1 Annual WQT Report Required After Permit Expiration: In the event that this permit is not reissued by the expiration date, the Permittee shall continue to submit annual WQT reports by March 31 each year covering the total number of pollutant credits used, the source of the pollution reduction credits, a summary of annual inspection reports performed, and identification of noncompliance or failure to implement any terms or conditions of the approved water quality trading plan for the previous calendar year.

Table C.2 Approved MS4 Water Quality Trades for Current Permit Term

Municipality	Water Quality Trading Plan	Reachshed(s)	Trade Ratio	Proposed reduction TSS	TSS credits LBS/YR	Proposed reduction TP	TP credits LBS/YR
City of Watertown	WQT-2024-0021	RR-28	1.2:1	20,904	17,420	87.9	73.25
City of Fort Atkinson	WQT-2024-0030	RR-60	1.1:1	37,440	31,200	406	376
Waukesha County*	WQT-2025-0002, 0003, 0004, and 0005	MN-11, MN-12, MN-6, MN-10	2:1	31,159.5	15,579	20.22	10.11

Note: Proposed reduction is the total reduction. The Credits column incorporates the trade ratio and the total reductions.

*Reductions have been corrected to reflect the community-specific credits generated from MS4s under other permits collaboration within trades

Appendix D Adaptive Management

Only those reductions/improvements established by an adaptive management plan approved by the Department may be used to demonstrate progress under the approved adaptive management plan. In accordance with s. 283.13(7), Wis. Stats., and s. NR 217.18, Wis. Adm. Code, the Permittees listed in Table E.1 have chosen to participate in a Wastewater Treatment Plant-sponsored Adaptive Management Plan that has been approved by the Department.

If the Permittee wishes to use adaptive management to reduce a pollutant that is not identified in an approved adaptive management plan, the Permittee must work with the Wastewater Permittee leading the adaptive management plan effort to amend the plan in the same reachsheds and obtain Department approval of the amended plan.

Prior to Department approval, the amended or new adaptive management plan will be subject to notice and opportunity for public comment. Any substantive change in the plan requires a permit modification.

Note: Information on adaptive management is available from the Department's Internet site at: <https://dnr.wi.gov/topic/SurfaceWater/AdaptiveManagement.html>.

Table D.1 Approved Adaptive Management Plans

MS4 Permittee	Total anticipated reduction of TP lbs/year	AM Reachsheds	AM end date
City of Oconomowoc	2025-2029: 500 lbs/year 2030-2031: 1,500 lbs/year	RR-22, 23, 24, 25 and 26	2031
Yahara WINs Group: The Cities of Fitchburg, Madison, Middleton, Monona, Stoughton, Sun Prairie and Verona; the Villages of Cottage Grove, Deforest, Maple Bluff, McFarland, Shorewood Hills, Waunakee and Windsor; the Towns of Blooming Grove, Burke, Madison, Middleton and Westport; Dane County and the University of Wisconsin-Madison	2026-2031: 86,152 lbs/year 2032-2037: 95,724 lbs/year	RR-62, 63, 64, 65, 66, 67, 68, 69	2037

D.1.1. The Permittee shall continue to participate in the implementation of the Department-Approved Adaptive Management Plan and submit the following information:

D.1.1.1 Adaptive Management Reports. The most recent Adaptive Management Annual Report shall be submitted with each reporting year's MS4 Annual Report, due March 31 each year.

D.1.1.2. Map(s). By March 31, 2029, the Permittee shall submit a map(s) identifying the following:

D.1.1.2.1 The Permittee's MS4 Permitted area.

D.1.1.2.2 TMDL reachshed(s) within the Permittee's MS4 permitted area.

D.1.1.2.3 Adaptive Management Plan implementation area.

D.1.1.2.4 Location of previously implemented Adaptive Management practices.

D.1.1.2.5 Planned Adaptive Management practices.

D.1.1.2.6 Monitoring locations.

D.1.2 For TMDL reachshed(s) not included in the Department-approved Adaptive Management Plan, the Permittee shall submit the following information by March 31, 2029.

D.1.2.1 A tabular summary providing the following information for each TMDL reachshed identified in permit Section E.1.2.

D.1.2.2 An estimate of the current pollutant loading (expressed in pounds) without considering implementation of BMPs (i.e., no controls load) and an estimate of the current pollutant loading (expressed in pounds) considering BMP implementation (i.e., with controls load).

D.1.2.3 The difference between the no control load and with control load (i.e., the existing load reduction) shall be expressed as a percent reduction.

D.1.2.4 The assigned TSS and TP WLA percent reduction.

D.1.2.5 The TSS and TP TMDL WLA percent reduction remaining.

D.1.2.6 If additional information is necessary to conduct its review, the Department may request the modeling data.

D.1.3 Achieving WLAs by the end of this permit. For TMDL reachshed(s) the Permittee believes is fully achieving TSS and TP WLAs, provide documentation consistent with/required by permit section A.4.

D.1.4. Not achieving WLAs by the end of this permit. For TMDL reachshed(s) the Permittee is not fully achieving TSS and/or TP WLAs, the Permittee shall submit a written TMDL Implementation Plan to the Department describing how the Permittee will make progress toward achieving assigned TSS and TP WLAs. The plan shall be submitted by March 31, 2029 and include the information consistent with A.3.

D.1.5 Discontinuance. If the Permittee intends to withdraw from the Department Approved Adaptive Management Plan or the Permittee has been notified that the Adaptive Management Plan will be terminated, the Permittee shall complete the following:

D.1.5.1 Provide notification to the Department with 30 days prior to the effective date of the withdrawal or termination.

D.1.5.2 With the notification required under Section E.1.6.1, the Permittee shall also provide documentation consistent with E.1.5.

Note: Information on water quality trading and adaptive management is available from the Department's Internet site at: <https://dnr.wisconsin.gov/topic/Wastewater/WaterQualityTrading.html> and <https://dnr.wi.gov/topic/SurfaceWater/AdaptiveManagement.html> respectively.