

**STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES**

**PUBLIC NOTICE OF INTENT TO APPROVE A MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) WATER QUALITY TRADING PLAN**

**Permittees:** Waukesha County (MS4 General Permit WPDES No. WI-S050075-03), 515 Moreland Blvd Waukesha, WI 53188

Village of Butler (MS4 Menomonee River Group Permit WPDES No. WI-S065404-02), 12621 W Hampton Ave, Butler, WI 53007

**Facility Where Discharge Occurs:** Storm water discharges to waters of the state from the MS4 that is owned, operated and maintained by Waukesha County.

Storm water discharges to waters of the state from the MS4 that is owned, operated and maintained by the Village of Butler.

**Receiving Water:** Milwaukee River Basin Watershed

**Summary of the Proposed Water Quality Trading Plan:** Waukesha County and the Village of Butler own and operate MS4s that discharge to the Milwaukee River Basin watershed. In 2018, the Wisconsin Department of Natural Resources (DNR) and the United States Environmental Protection Agency (US-EPA) approved a Total Maximum Daily Load (TMDL) for the Milwaukee River Basin. In developing the TMDL, DNR evaluated the amount of Total Suspended Solids (TSS) and Total Phosphorus (TP) that would need to be prevented from entering the Milwaukee River Basin each year to return the watershed to a healthy, fishable, swimmable condition. The MS4 permit requires that permittees (i.e., Waukesha County and Village of Butler) discharging to approved TMDL(s) must reduce their discharges of pollutants causing impairments to improve water quality and achieve water quality standards. Therefore, Waukesha County developed a streambank stabilization project to be implemented within the Village of Butler that meet the requirements for Water Quality Trading to demonstrate progress towards the Milwaukee River Basin TMDL Waste Load Allocations (WLAs).

The County MS4 within reachshed MN-10 discharges to the Menomonee River. Therefore, to generate WQT credits, the County intends to perform streambank stabilization in Frontier Park located in the Village of Butler (i.e., HUC-12 #040400030403). The plan, referenced as WQT-2025-0005, describes the streambank stabilization project which will utilize grading and a combination of toe wood and boulder toe to prevent the erosion of sediment from the streambanks. For more details regarding the plan, it is posted on the DNR's public notice page: <http://dnr.wi.gov/topic/wastewater/PublicNotices.html>.

The WDNR has conditionally approved this plan. Monitoring requirements for the Waukesha County – Village of Butler Water Quality Trade will be specified in the reissuance of the MS4 General Permit and MS4 Menomonee Group Permit which will be public noticed separately.

**Storm Water Specialist:** Elexius (Lexi) Montes, 1027 W St. Paul Ave, Milwaukee, WI 53233, [Elexius.montes@wisconsin.gov](mailto:Elexius.montes@wisconsin.gov)

**Proposed Modification:** Approval of the Waukesha County – Village of Butler Streambank Stabilization Water Quality Trading to generate credits to use toward its MS4 Wasteload Allocations for Total Suspended Solids and Total Phosphorus in the Milwaukee River Basin TMDL.<sup>1</sup>

The DNR has tentatively decided that the MS4 General Permit and MS4 Menomonee Group MS4 Permit will be modified at reissuance to include the Water Quality Trade.

Persons wishing to comment on or object to the proposed approval, or to request a public hearing, may write to the Department of Natural Resources at the above-named storm water specialist's address. All comments or suggestions received no later than 30 days after the publication date of this public notice will be considered along with other information on file in making a final decision regarding the permit. Anyone providing comments in response to this public notice will receive a notification of the DNR's final decision when the permit is issued.

The DNR may schedule a public informational hearing if requested by any person and shall schedule a public informational hearing if a petition requesting a hearing is received from 5 or more persons or if response to this notice indicates significant public interest pursuant to s. 283.49, Stats. Requests for a public informational hearing shall state the following: the name and address of the person(s) requesting the hearing; the interest in the proposed permit of the person(s) requesting the hearing; the reasons for the request; and the issues proposed to be considered at the hearing.

Information on file for this approval action, including the water quality trading plan and conditional approval letter, may be inspected and copied at either the above-named storm water specialist's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call the storm water specialist for directions to their office location, if necessary. Information on this permit action may also be obtained by calling the storm water specialist at

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<sup>1</sup> Total credits will be divided between Waukesha County and Village of Butler.

(608) 445-3078 or by writing to the DNR. Reasonable costs (15 cents per page for copies and 7 cents per page for scanning) will be charged for information in the file other than the water quality trading plan or conditional approval letter. Trading plan information is also available on the internet at: <http://dnr.wi.gov/topic/wastewater/PublicNotices.html>. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

NAME AND ADDRESS OF PUBLISHING NEWSPAPER: Waukesha Freeman, 801 N Barstow Street, PO Box 7, Waukesha, WI, 53187

Date Notice Issued: Friday, March 21, 2025