



STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

**PERMIT TO DISCHARGE UNDER THE WISCONSIN
POLLUTANT DISCHARGE ELIMINATION SYSTEM
WPDES PERMIT NO. WI- S065404-3**

In compliance with the provisions of ch. 283, Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code, the **Menomonee River Watershed Permittees** (comprised of the following municipalities):

**CITY OF BROOKFIELD – CITY OF GREENFIELD – CITY OF MILWAUKEE
CITY OF WAUWATOSA – CITY OF WEST ALLIS
VILLAGE OF BUTLER – VILLAGE OF ELM GROVE – VILLAGE OF
GERMANTOWN – VILLAGE OF MENOMONEE FALLS
VILLAGE OF WEST MILWAUKEE – MILWAUKEE COUNTY**

are permitted to discharge storm water from all portions of the
MUNICIPAL SEPARATE STORM SEWER SYSTEM

owned or operated by the Permittees to waters of the state in the following watersheds:

**MILWAUKEE RIVER, MENOMONEE RIVER, KINNICKINNIC RIVER, FOX RIVER, ROOT
RIVER, CEDAR CREEK, OAK CREEK, AND LAKE MICHIGAN WATERSHEDS**

This permit to discharge takes effect on August 1, 2026, and expires at midnight, July 31, 2031. 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

By _____
Samantha Katt
Urban Storm Water Specialist

Date Permit Signed

PERMIT EFFECTIVE DATE: August 1, 2026

EXPIRATION DATE: July 31, 2031

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I. APPLICABILITY

A. PERMITTED AREA

This Wisconsin Pollution Discharge Elimination System (WPDES) permit regulates municipal separate storm sewer system (MS4) discharges from the following municipalities:

- City of Brookfield
- Village of Butler
- Village of Elm Grove
- Village of Germantown
- City of Greenfield
- Village of Menomonee Falls
- City of Milwaukee
- Milwaukee County
- City of West Allis
- Village of West Milwaukee
- City of Wauwatosa

In this permit, these municipalities are referred to individually as a Permittee, and collectively as the Permittees. This permit covers all areas within the jurisdiction of the Permittees. This permit is issued in accordance with ch. 283, Wis. Stats. and chs. NR 151 and NR 216, Wis. Adm. Code.

B. 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 co-mingled with flows contributed by process wastewater, non-process wastewater, and storm water associated with industrial activity, provided the discharges are regulated by and in compliance with other WPDES permits or are discharges which are not considered illicit discharges pursuant to Section II. C. 1 of this permit.

C. UNAUTHORIZED DISCHARGES

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.
2. Discharges violating wetlands. This permit does not authorize discharges resulting in noncompliance with the applicable wetland water quality standard provisions in ch. NR 103, Wis. Adm. Code.
3. Discharges violating endangered and threatened 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.
4. Discharges violating 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.

D. WATER QUALITY STANDARDS

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. During the permit term, compliance with water quality standards will be addressed by adherence to the requirements of this permit,

implementation of storm water management programs and practices, and modifications to practices when practices are determined to be not effective in achieving the aforementioned goals and standards.

2. This permit does not authorize storm water discharges that the Department, prior to authorization of coverage under this permit, 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 prior to authorization, the Department may authorize coverage under this permit where the Permittee's 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.

E. OUTSTANDING AND EXCEPTIONAL RESOURCE WATERS

1. The Permittee shall determine whether any part 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>.

2. The Permittee may not establish a new MS4 discharge of a pollutant to an ORW or an ERW unless the storm water management programs required under this permit are designed to ensure that any new MS4 discharge of a pollutant to an ORW or ERW will not exceed background concentration levels within the ORW or ERW.

3. If the Permittee has an existing MS4 discharge to an ORW, it may increase the discharge of pollutants, either at the existing point of discharge or at a new location, provided all of the following are met:

a) The pollutant concentration within the receiving water and under the influence of the existing discharge would not increase as compared to the level that existed prior to coverage under this permit.

b) The increased discharge would not result in a violation of water quality standards.

4. If the Permittee has an existing MS4 discharge to an ERW, it may increase the discharge of pollutants if the increased discharge would not result in a violation of water quality standards.

F. IMPAIRED WATERBODIES

The requirements of this section apply to receiving waters listed as impaired on the 303(d) list without established TMDL wasteload allocations (WLAs) to which the Permittee discharges. Each Permittee shall:

1. Determine by March 31 of each even-numbered year thereafter, whether any part of its MS4 discharges to an impaired water body 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 US Environmental Protection Agency, 40 CFR §130.7(c)(1).

2. 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 each pollutant of concern that contributes to the impairment of the waterbody. This section of the Permittee's program shall specifically identify control measures and practices that will collectively be used to eliminate the MS4's discharge of pollutant(s) 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. Pollutant(s) of concern means a pollutant that is causing impairment of a waterbody.

Note: The Department maintains a searchable database of impaired waterways. This publicly accessible database is available at [Water Condition Lists | Impaired Waters, Waters in Restoration, and Waters Attaining Standards | Wisconsin DNR](#)

3. After the start date of coverage under 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 new discharge is consistent with an EPA-approved TMDL.

G. EXCLUSIONS

The following discharges are excluded from coverage under this permit:

1. Combined Sewer and Sanitary Sewer Systems: Discharges of water from a wastewater treatment facility, 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 a separate individual permit.
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.
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 from an MS4, this permit does not satisfy the need 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 II. D. and E. of this permit.
4. Indian Country: Storm water discharges within Indian Country. The federal Clean Water Act requires that owners and operators of storm water discharges to surface waters within Indian Country to obtain permit coverage directly from the EPA.

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

II. PERMIT CONDITIONS

Each Permittee shall have written storm water management program documents that describe in detail how the Permittee intends to comply with the permit requirements for each minimum control measure. Each Permittee shall evaluate its written programs to ensure it accurately reflects current implementation and demonstrates permit compliance. Unless otherwise specified, each Permittee shall submit its updated written program documents electronically, to the Department's electronic reporting system, no later than August 1, 2028, and shall begin implementing any updates to its storm water management programs no later than August 1, 2028.

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>

A. PUBLIC EDUCATION AND OUTREACH

The Menomonee River Watershed Permittees shall continue to implement a public education and outreach program, consistent with permit conditions, to increase the awareness of how the combined actions of human behavior influence storm water pollution and its effects on the environment. The public education and outreach program may incorporate cooperative efforts with other entities not regulated by this permit provided a mechanism is developed and implemented to track and report the results of these cooperative efforts and reported annually.

The Menomonee River Watershed Permittees may collaborate and satisfy these conditions collectively. The option to collaborate does not prohibit the Menomonee River Watershed Permittees from continuing to develop and implement unique programs within their respective jurisdictional municipal boundaries.

1. **WRITTEN PROGRAM:** Each Permittee shall evaluate its written program and update where needed. By August 1, 2028, each Permittee shall submit its written program that describes in detail how the Permittee intends to implement its program and comply with the following conditions:
 - a) Address all topics in Table 1 at least once during the permit term, with a minimum of 3 topics being addressed each year. Topics may be repeated as necessary.
 - b) Use at least two Active/Interactive Mechanisms provided in Table 2 each year.
 - c) For each topic addressed, identify the targeted pollutants of concern, the targeted audience, delivery mechanism, and the entity responsible for implementation.

Table 1: Public Education and Outreach Topics

#	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.
9	Snow and Ice Control	Promote BMPs for snow and ice removal and inform specific audiences such as snow removal/deicing companies, private residences, industrial and commercial facilities, and residents about resources that provide further information on methods of reducing application of chemical deicers while maintaining public safety.

Table 2: Public Education and Outreach Delivery Mechanisms

Active/Interactive Mechanisms	Passive Mechanisms
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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

B. PUBLIC INVOLVEMENT AND PARTICIPATION

Each Permittee shall continue to implement a public involvement and participation program, consistent with permit conditions, that provides opportunities for the public to effectively participate in the development, implementation, and modification of the Permittee's storm water management program. The program shall include provisions for receiving and considering public comments on the following permit activities: annual reports, SWMP revisions, adoption of storm water related ordinances, and TMDL pollutant load reduction benchmark development, if applicable.

- 1. WRITTEN PROGRAM:** Each Permittee shall evaluate its written program and update where needed. By August 1, 2028, each Permittee shall submit its written program that describes in detail how the Permittee intends to implement its program and comply with the following conditions:
 - a) For the associated permit activity, identify the delivery mechanism, target participants, and entity responsible for implementation. Delivery mechanisms may include public workshops, presentations of storm water information, government events (public hearings, council meetings, etc.), citizen committee meetings, or the use of websites.

C. ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

Each Permittee shall continue to implement and enforce a program, consistent with permit conditions, to detect, remove, and eliminate illicit connections and discharges to the municipal separate storm sewer system. At a minimum, the program shall comply with the following conditions:

- 1. ORDINANCE:** Each Permittee shall have and enforce a municipal ordinance or other regulatory mechanism that, at a minimum:
 - a) Prohibits illicit discharge, spilling, or dumping of non-storm water substances or material into the Permittee's MS4 or waters of the state.
 - b) Identifies non-storm water discharges or flows that are not considered illicit discharges. 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, firefighting, and discharges authorized under a WPDES permit, unless identified by the Permittee or the Department as significant source of pollutants to waters of the state.
 - c) Establishes the Permittee's 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. WRITTEN PROGRAM: Each Permittee shall evaluate its written program and update where needed. By August 1, 2028, each Permittee shall submit its written program that describes in detail how the Permittee intends to implement its program and comply with the following conditions:

a) **Dry Weather Outfall Screening:** Consistent with the following permit conditions, each Permittee shall conduct dry weather outfall screenings to determine the presence of illicit discharges or connections and assist in the tracking, location, and elimination of sources. At minimum, the written program to be implemented shall include the following:

(1) The name or title and contact information of the individual(s) responsible for outfall screening activities.

(2) A map identifying all major and minor MS4 outfalls and storm water drainage basin boundaries for each MS4 outfall. Priority outfalls shall be uniquely identified.

Note: Required by permit section II.H.3, Permittees are required to identify all municipal storm sewer system outfalls discharging to waters of the state, indicate the pipe size, and identify those outfalls which are considered major outfalls. Permittees may identify priority outfalls on their Storm Sewer System map(s) to satisfy this requirement.

(3) A list of MS4 outfalls the Permittee identified as priority outfalls. The rationale used to determine priority shall also be provided within the written program.

Note: The Human Illicit Discharge Potential methodology was developed during a permit term to assist Permittees identify priority outfalls. While Permittees may continue to use this methodology, Permittees may consider other factors to identify priority outfalls such as the considerations provided in the Department's MS4 Illicit Discharge Detection and Elimination (IDDE) guidance document: <https://dnr.wisconsin.gov/topic/Stormwater/publications.html>.

(4) The procedures for conducting MS4 outfall screening during dry weather periods. At minimum, Permittees shall:

(a) Screen outfalls at the following frequencies:

1. Screen at least 20 percent of all major outfalls each year, so that at the end of the permit term all major outfalls have been screened.
2. Screen at least 20 percent of all priority outfalls each year, so that at the end of the permit term all priority outfalls have been screened.
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.

(b) **Visual Observation.** A narrative description of visual observations during field screening activities, including color, odor, turbidity, oil sheen or surface scum, trash, flow rate, condition of conveyance system or outfall, and any other relevant observations in performing field screening activities regarding the potential presence of non-storm water discharges or illicit dumping shall be recorded for each outfall visited.

(c) **Field Analysis.** If flow is observed at the screening locations during dry weather periods, a field analysis shall be conducted to determine the cause of the dry weather flow. The field analysis shall include sampling for pH, total chlorine, total copper, total phenol, and detergents unless the Permittee elects to use alternative indicator parameters authorized by the Department in writing. Where appropriate, pollutant parameter action levels identified by the Permittee must be considered. Field analysis procedures shall describe when other investigation methods such as dye testing or televising will be used. The Permittee may propose alternative field analysis procedures for review and approval by the Department. The Permittee shall follow the field analysis procedures identified in this subsection unless alternative procedures are approved in writing by the Department.

(d) **Pollutant parameter action levels** that will be used as part of the field analysis shall identify concentrations for identified pollutants that, if exceeded, will require further investigation, which may include laboratory analysis, to identify the source the illicit discharge.

(e) **Laboratory Analysis.** If visual observations or field analysis 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. The name and location of the laboratory the Permittee intends to use shall also be included in the written program. Laboratory analysis results shall be recorded and kept for 5 years.

(5) **Documentation.** Visual observation and field screening results shall be recorded for each outfall and kept for 5 years. A summary of outfall screening results shall be included with the MS4 Annual Report.

b) **Investigation and Elimination Procedures.** Each Permittee shall investigate and respond to known or suspected illicit discharges. At minimum, the written program to be implemented shall include the following:

(1) The name or title and contact information of the individual(s) responsible for investigating and responding to reports of illicit discharges and spills.

- (2) A procedure for expeditiously investigating portions of the MS4 that, based on the results of visual observation, field analysis, laboratory analysis, or other relevant information, such as a complaint or referral, indicates a reasonable potential for containing illicit discharges.
- (3) A procedure for responding to spills that discharge into and/or from the MS4, including tracking the source of the spill, if unknown.
- (4) A procedure for preventing and containing spills that may discharge into, or are already within, the MS4.
- (5) A procedure to immediately notify the Department in accordance with ch. NR 706, Wis. Adm. Code, if the Permittee identifies a spill or release of a hazardous substance into or from its MS4, which results in the discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour toll free 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.
- (6) A procedure for elimination of illicit discharges.
 - (a) Once the source of an illicit discharge is determined, the Permittee must take appropriate action to expeditiously eliminate the illicit discharge within 30 days. If elimination of the illicit discharge is not feasible to eliminate within 30 days, the Permittee shall notify its local Department storm water specialist.

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>.
 - (b) If the Permittee determines the elimination of the illicit discharge will take more than 30 days due to technical or logistical issues, or other 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.
- (7) A procedure for elimination of any leakage or discharge from sanitary conveyance systems into the MS4 as required in s. NR 216.07 (3) (h), Wis. Adm. Code.
- (8) A procedure for providing the Department with advance notice of the time and location of dye testing proposed by the Permittee within a MS4.
- (9) A procedure for notification with adjacent municipality.
 - (a) In the case of an illicit discharge that originates from the Permittee's permitted area and discharges directly to a storm sewer system or property under the jurisdiction of an adjacent municipality, the Permittee shall notify the affected municipality within one working day of the discovery of the discharge.

(b) In the case of an illicit discharge that originates from an adjacent municipality's permitted area and discharges directly to the Permittee's storm sewer system or property under its jurisdiction, the Permittee shall notify the originating municipality within one working day of the discovery of the discharge.

(10) Documentation. The Permittee shall maintain a system for documenting complaints, referrals, and any actions taken to investigate or eliminate an illicit discharge. A summary of illicit discharge activities for each year shall be included in the annual report.

c) **Enforcement Response.** Each Permittee shall have an enforcement response plan or similar document describing how the Permittee enforces its ordinance when an illicit discharge investigation identifies a responsible party. At a minimum, the enforcement response plan to be implemented shall:

(1) Identify all available enforcement mechanisms the Permittee may utilize to compel compliance.

(2) Provide the name or title and contact information of the individual(s) responsible for utilizing enforcement mechanisms. If individuals vary by mechanism, describe the variation.

(3) Describe the typical enforcement procedures and associated timeframe.

d) **Training:** Staff responsible for implementation of the IDDE program shall receive training at least once per permit term. This includes office staff, field staff, and emergency response staff (police and fire departments).

D. CONSTRUCTION SITE POLLUTION CONTROL

Each Permittee shall continue to implement and enforce a program, consistent with permit conditions, to reduce the discharge of sediment and construction materials from construction sites. At a minimum, the program shall comply with the following conditions:

1. ORDINANCE: Each Permittee shall have and enforce a municipal ordinance or other regulatory mechanism regarding construction site storm water discharges on all sites, including municipal projects that, at a minimum, establishes and includes:

Note: The County has identified in their permit application that in lieu of a County ordinance, the County defers to the applicable municipal construction erosion control ordinance for all county projects. Construction activities undertaken by Milwaukee County, as well as all other construction activities occurring on Milwaukee County owned lands, are required to follow the construction erosion control ordinance of the applicable municipality that the project is within.

a) 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.

- b) Design criteria, standards and specifications equivalent to the technical standards approved by the Department. The Department approved technical standards are available at <http://dnr.wi.gov/topic/stormwater/standards/index.html>.
- c) Performance standards equivalent to, or more restrictive than, those under ss. NR 151.11(6m), (7), and (8), and 151.23(4m), (5), and (6), Wis. Adm. Code.
- d) Erosion and sediment control plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.46, Wis. Adm. Code.
- e) Inspection and enforcement authority, including sanctions, to ensure compliance to the extent authorized by law.
- f) 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.

2. WRITTEN PROGRAM. Each Permittee shall evaluate its written program and update where needed. By August 1, 2028, each Permittee shall submit its written program that describes in detail how the Permittee intends to implement its program and comply with the following conditions:

- a) **Plan Review and Permitting:** Each Permittee shall implement procedures for conducting erosion and sediment control plan reviews to ensure site planning considers potential water quality impacts. Erosion and sediment control best management practices must comply with design, installation, and maintenance standards that meet or exceed the Department's technical standards and the Permittee's ordinance. At minimum, the written procedure shall include the following information for construction sites, including municipal projects, 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:
 - (1) A description of construction site applications which are reviewed and permitted for erosion and sediment control.
 - (2) The name or title and contact information of the individual(s) responsible for plan review and permitting. If individuals responsible for review and permitting vary based on factors such as site applicant, project acreage, or location, the written program shall describe these differences.
 - (3) A description of administration activities including, but not limited to, construction site plan receipt, the process for obtaining local approval, and consideration of information submitted by the public.

(4) Permit coverage termination requirements for landowners of construction sites equivalent to those contained in s. NR 216.55, Wis. Adm. Code, including removal of all temporary erosion and sediment control best management practices and complete site restoration with perennial vegetative cover.

b) **Inspection Procedures:** Each Permittee shall complete erosion control inspections at sites, including municipal projects, 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. The Permittee shall develop and implement procedures for ensuring municipally conducted inspections at these sites are recorded. At minimum, the procedure shall:

- (1) Provide the name or title and contact information of the individual(s) responsible for municipally conducted erosion control inspections. If individuals responsible for inspections vary based on factors such as site type or type of inspection, the written program shall describe these differences.
- (2) Describe how inspections are recorded and maintained.
- (3) Specify the Permittee’s inspection frequencies and prioritize inspections considering the nature of construction activity, topography, the characteristics of soil, and receiving water quality. At minimum, the Permittee shall ensure completion of erosion control inspections at sites in accordance with Table 3.

Table 3: Construction Sites Inspection Frequency

For any 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.

Site	Inspection Frequency
(1) Permitted sites with one or more acres of disturbance	<ul style="list-style-type: none"> • 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. • Inactive and temporarily stabilized sites shall be inspected at least once every 60 days. Sites that are not temporarily stabilized are considered active.
(2) Corrective Action Confirmation	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Confirm that all graded areas have reached final stabilization and that all temporary control measures are removed, and permanent storm water management BMPs are installed as designed.

c) **Enforcement Procedure:** Each Permittee shall enforce erosion and sediment control plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.46, Wis. Adm. Code, including municipal projects applicable under the

Permittee's ordinance. The written program shall describe the enforcement procedure the Permittee will follow when addressing issues at construction sites to ensure construction activities are in compliance with its ordinance. At a minimum, the enforcement plan shall:

- (1) Identify all available enforcement mechanisms to compel compliance. Mechanisms should include informal mechanisms such as verbal warnings and formal mechanisms such as citations.
- (2) Provide 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.
- (3) Describe the typical enforcement procedures including associated timeframes for a construction site to return to compliance.
- (4) Implement procedures for responding to information submitted by the public, including complaints.
- (5) Record and maintain any follow-up actions or enforcement utilized on sites out of compliance with their site-specific erosion control plans, as identified in the Permittee's program.

3. MEASURABLE GOAL – Storm Water Education for Private Developers: Beginning no later than August 1, 2028, each Permittee, excluding Milwaukee County, shall provide education to private construction site developers within its community that require a Department Notice of Intent (NOI). The education efforts are determined by the Permittee but should be designed to address specific storm water quality issues and/or commonly observed noncompliance issues within the Permittee's community.

a) Required by section II.D.4, Permittees shall submit documentation describing their education effort(s) and the Permittee's determination on whether its education efforts were successful in addressing a specific storm water quality issue and/or noncompliance issue.

Note: Milwaukee County defers to the applicable municipal construction erosion control ordinances, and therefore it does not have private construction site developers requiring a Department NOI to provide education.

4. REAPPLICATION MATERIALS: Each Permittee, excluding Milwaukee County, shall submit as part of the permit reapplication (due February 1, 2031), documentation describing the conducted education effort(s) and the Permittee's determination about its efforts, as required by section II.D.3.a).

E. POST-CONSTRUCTION STORM WATER MANAGEMENT

Each Permittee shall continue to implement and enforce a program, consistent with permit conditions, to control the quantity and quality of discharges from areas of new development, infill,

and redevelopment, after construction is completed. At a minimum, the program shall comply with the following conditions:

1. **ORDINANCE:** Each Permittee shall have and enforce a municipal ordinance or other regulatory mechanism to regulate post-construction storm water discharges from new development and redevelopment that, at a minimum, establishes and includes:

Note: Milwaukee County has identified in their permit application that in lieu of a County ordinance, the County defers to the applicable municipal post-construction storm water discharge ordinance for all county projects. Construction activities undertaken by Milwaukee County, as well as all other construction activities occurring on Milwaukee County owned lands, are required to follow the post-construction storm water discharge ordinance of the applicable municipality that the project is within. To fulfill this permit requirement, the County may submit to the Department a declaration or other written policy that identifies this procedure.

- a) Applicability and jurisdiction that shall apply to new development and redevelopment projects 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 within the jurisdiction of the Permittee. The jurisdiction shall include any adjacent developing areas that are planned to have a minimum density of 500 people per square mile, the urbanized area, and developing areas whose runoff will connect to the MS4.
- b) Design criteria, standards and specifications equivalent to the technical standards approved by the Department.

Note: The Department approved technical standards are available at <http://dnr.wi.gov/topic/stormwater/standards/index.html>.

- c) For new development and infill, post-construction performance standards equivalent to those 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.

- d) For redevelopment, post-construction performance standards equivalent to or more restrictive than those 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 postconstruction storm water treatment.
- e) Storm water management plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.47, Wis. Adm. Code.
- f) Long-term maintenance requirements that meet s. NR 216.47(5) for landowners and other persons responsible for long-term maintenance of post-construction storm water control measures, including the requirement for routine inspection and maintenance of

privately owned, post-construction storm water control measures that discharge into the MS4 to maintain their pollutant removal operating efficiency.

g) Inspection and enforcement authority.

2. WRITTEN PROGRAM: Each Permittee shall evaluate its written program and update where needed. By August 1, 2028, each Permittee shall submit its written program that describes in detail how the Permittee intends to implement its program and comply with the following conditions:

a) **Plan Review and Permitting:** Each Permittee shall submit written procedures for post-construction site plan review and permitting that incorporate consideration of potential water quality impacts, including source water protection areas where applicable. Post-construction reviews must be conducted for all construction sites with one or more acres of land disturbance. At minimum, the written procedure to be implemented shall include the following:

(1) A description of applications which are reviewed and permitted for post-construction stormwater management.

(2) The name or title and contact information of the individual(s) responsible for plan review and permitting. If individuals responsible for review and permitting vary based on factors such as site applicant, project acreage, or location, the written program shall describe these differences.

(3) A description of administration activities including but not limited to construction site plan receipt, the process for obtaining local approval, and consideration of information submitted by the public.

(4) A description of documents required as part of the permitting process including long-term maintenance requirements equivalent to those contained in s. NR 216.47(5) for private BMPs.

b) **Post-Construction BMP Inventory:** Each Permittee shall include in its written program an inventory 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. This inventory shall identify all post-construction BMPs identified in section II.E.2.b) and provide the following information:

(1) BMP name, location, BMP type, year constructed, and ownership.

(2) Confirmation of whether each of the following exists for each BMP:

(a) Record drawing.

(b) An operation and maintenance plan with BMP inspection procedures and inspection schedule.

(c) Long-term maintenance authority (e.g., long-term maintenance agreement) for privately owned BMPs.

c) **Post-Construction BMPs Inspection and Maintenance Procedure.** Each Permittee, through its ordinance jurisdiction, approval process, and legal authority, shall ensure all municipally owned or operated post-construction BMPs are inspected and maintained. Inspections shall be done at least once every five years and inspections shall be documented. The written procedure to be implemented shall, at a minimum:

(1) Describe the inspection and maintenance procedure for **municipally owned** post-construction BMPs. At minimum, the procedure shall:

(a) Provide the name or title and contact information of the individual(s) responsible for inspecting and pursuing maintenance for municipally owned BMPs. If individuals responsible for inspections or pursuing maintenance vary, the written program shall describe these differences.

(b) Identify the inspection frequency for all municipally owned BMPs.

(c) Require long-term maintenance inspections at least once every five years.

(d) Maintain records of BMP inspections and maintenance activities.

(2) Describe the inspection and maintenance procedure for **municipally operated** post-construction BMPs. At minimum, the procedure shall:

(a) Describe who is responsible for inspecting and maintaining municipally operated BMPs.

(b) Describe the Permittee's procedure to verify municipally operated BMPs are inspected and maintained as required by the long-term maintenance requirement.

(c) Identify the inspection frequency for all municipally operated BMPs.

(d) Require long-term maintenance inspections at least once every five years.

(e) Maintain records of BMP inspections and maintenance activities.

d) **Enforcement of Long-Term Maintenance Requirements for Municipally Operated BMPs:** Each Permittee shall have an enforcement plan or other similar document describing how the Permittee will enforce its long-term maintenance requirements when noncompliance is discovered. At a minimum, the written enforcement plan shall address and include:

- (1) 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, describe the variation.
 - (2) A description of the general procedure and associated timeframe to compel compliance with the long-term maintenance requirements.
 - (3) The method for documenting and maintaining records of the Permittee's findings, responses, and corrective actions taken.
- 3. MEASURABLE GOAL:** Each Permittee shall establish a measurable goal for its Post-Construction Storm Water Management Program. By August 1, 2027, each Permittee shall submit a document that describes:
- a) The Post-Construction Storm Water Management Program measurable goal.
 - b) Intended action(s) to work towards achieving the measurable goal.
 - c) Metrics that will be used for measuring progress after completing the action(s).
- 4. REAPPLICATION MATERIALS:** Each Permittee shall submit as part of the permit reapplication (due February 1, 2031), a summary of the actions taken to reach the measurable goal, metrics used to measure success, and evaluation results.

F. POLLUTION PREVENTION

The Permittees shall continue to implement a pollution prevention program, consistent with permit conditions, to prevent or reduce the discharge of pollutants in storm water runoff. Each Permittee shall evaluate its written program documents for each of the following pollution prevention sub-programs and update where needed.

- 1. Winter Road Management:** By August 1, 2028, each Permittee shall submit its written procedure that describes in detail how the Permittee intends to implement the following conditions:
 - a) Road salt or other deicer shall not be applied in quantities larger than required to maintain public safety. The Permittee shall develop and implement a written salt application or salt reduction strategy to minimize overapplication of deicers. The strategy shall include a description of the temperature, precipitation event, road conditions, and other factors which warrant different management techniques. The plan shall also include a description of the equipment and products used and the roads and other areas, such as parking lots, that are managed by the Permittee in winter.
 - b) All salt application equipment shall be calibrated at least annually. Calibration methods shall be described in the written procedure. The Permittee shall document each calibration event and maintain the calibration records for 5 years.

- c) The quantity of salt and other deicing products shall be tracked and reported on the annual report. The method to track the quantity of salt and other deicing products used shall be described in the written procedure.
- d) Training on the Permittee's salt reduction strategy shall be provided at a frequency no less than every other year, unless otherwise approved in writing by the Department. A description of the training and participants shall be described in the written procedure.

Note: The Permittee may propose reducing the required salt reduction strategy training frequency for review and approval by the Department. The Permittee shall continue to provide training at a frequency no less than every other year until changes are approved in writing by the Department.

2. Nutrient Management: Permittees applying nutrients or fertilizers to a pervious area on a municipally controlled property that is five acres or more (such as a park, athletic facility, or golf course), shall conduct applications in accordance with a site-specific nutrient application schedule based on appropriate soil tests. The nutrient application schedule shall be designed to maintain the optimal health of the turf or garden vegetation.

Note: If the Permittee does not have any applicable sites requiring a site-specific nutrient application schedule, a statement explaining this should be provided to more clearly demonstrate compliance.

3. Street Sweeping and Catch Basin Cleaning: Permittees conducting street sweeping and/or catch basin cleanings shall evaluate its written program and update where needed. By August 1, 2028, each Permittee shall submit its written procedure that, at a minimum, includes the following:

Note: If street sweeping and/or catch basin cleaning activities are not conducted within the Permittee's community, a statement explaining this should be provided to more clearly demonstrate compliance.

- a) A description of the street sweeping and/or catch basin cleaning program, including the methodology and equipment used, the schedule and frequency of street sweeping and catch basin cleaning, and the location(s) of collected material storage and final disposal.
- b) If street sweeping or catch basin cleaning is utilized to meet a water quality requirement under this permit or a previous permit, the Permittee shall continue at the frequency specified in its Storm Water Management Plan and provide the frequency specified in its Storm Water Management Plan within its written program.
- c) A condition stating that 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 or beneficially reused under a written exemption from solid waste regulations issued by the Department.

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>.

- d) The number of lane miles swept and the number of catch basins cleaned shall be tracked and submitted with the MS4 Annual Report.
- e) Staff involved in implementing street sweeping and catch basin cleaning shall receive training at least once per permit term. A description of the training and participants shall be described in the written procedure.

4. Management of Leaves and Grass Clippings: Permittees conducting leaf and/or grass clipping collection shall evaluate its written program and update where needed. By August 1, 2028, the Permittee shall submit its written procedure that, at minimum, includes the following:

Note: If leaf and/or grass clipping collection does not occur within the Permittee's community, a statement explaining this should be provided to more clearly demonstrate compliance.

- a) A description of the collection program, including pick-up methodology and equipment used, the timing of associated street cleaning, standard operating procedures, the schedule and frequency of collections, instructions for residents and property owners, and the location(s) utilized during material storage and final disposal.

Note: A SWPPP is required for any municipally owned or operated properties with composting activities. MS4 Permittees composting leaves, grass clippings, or other yard waste at a municipally owned or operated property shall comply with composting requirements. Information on Wisconsin's composting rules and regulations is available on the Department's Internet site at: <https://dnr.wisconsin.gov/topic/Recycling/regs.html>.

- b) Staff involved in implementing leaf and grass clipping collection shall receive training at least once per permit term. A description of the training and participants shall be described in the written procedure.

5. Storm Water Pollution Prevention Planning: All municipal garages, municipal storage areas, and other public works related municipal properties with a potential to generate storm water pollution shall have a Storm Water Pollution Prevention Plan (SWPPP).

- a) Each SWPPP shall include:

- (1) The physical locations of each property with a key corresponding to the locations on the storm sewer system map required under Section II.H.
- (2) The name or title and contact information of the individual(s) with overall responsibility for each property.
- (3) A map of each property, drawn to scale, including the following features:

- (a) The locations and descriptions of major activities and storage areas.
 - (b) Identification of drainage patterns, potential sources of storm water contamination, and discharge points.
 - (c) Identification of nearby receiving waters or wetlands.
 - (d) Identification of connections to the Permittee's MS4.
- (4) A description of procedures, good housekeeping activities, and any BMPs installed to reduce or eliminate storm water contamination.
- (5) The spills prevention and response standard for each property.
- (6) A maintenance plan with inspection procedures and schedule for the property to identify deficiencies and necessary improvements and/or repairs, to assess effectiveness, and to address new or unaddressed potential sources of storm water contamination.
- (a) At minimum, one annual facility compliance inspection and quarterly visual inspections shall be conducted and documented, each year.
- (7) Procedures for annual training of municipal staff on implementation of the SWPPP.
- b) SWPPPs shall be revised, as needed, to be consistent with permit conditions, if 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.
 - c) Each SWPPP shall be evaluated once per permit term and the results of the evaluation shall be documented within the SWPPP.
 - d) For any new municipally operated sites which require a SWPPP, the Permittee shall develop and implement a SWPPP.
 - e) New or revised SWPPPs shall be submitted to the Department upon completion or submitted with the annual report of that reporting year.

G. STORM WATER QUALITY MANAGEMENT

Each Permittee shall continue to implement its municipal storm water management program that controls the discharge of total suspended solids from the MS4 system to waters of the state.

1. The storm water management program shall maintain compliance with the developed urban area performance standards of s. NR 151.13(2), 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, Wis. Adm. Code. (Note: projects prior to Oct. 1, 2004).

2. Each Permittee shall ensure continued operation and maintenance of all best management practices implemented on or before July 1, 2011, in order to achieve a total suspended solids reduction of more than 20 percent, as compared to having no controls.

H. STORM SEWER SYSTEM MAP

Each Permittee shall maintain a municipal separate storm sewer system map and update it as necessary to meet all of the following requirements. Permittees may develop multiple maps to more easily identify the required information. Updated maps shall be submitted with the annual report of that reporting year. The municipal separate storm sewer system map shall include the following:

1. Identification and outline of the storm water drainage basins, the watersheds and municipal separate storm sewer systems. Other major municipal, government or privately owned storm water conveyance systems lying within, but not owned or operated by the Permittee shall also be identified.
2. A boundary defining the urban storm water planning area and all municipal borders in the area.
3. A list and location of all municipal storm sewer system outfalls discharging to waters of the state. Indicate the pipe size and identify those outfalls which are considered major outfalls.
4. The location and permit number of any discharge to the municipal separate storm sewer system that has been issued a WPDES permit or has filed a permit application with the department.

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://dnrmaps.wi.gov/H5/?Viewer=SWDV>

5. The location of major structural controls for storm water discharges including retention basins, detention basins and major infiltration devices.
6. Identification of publicly owned parks, recreational areas and other similar open lands.
7. The location of publicly owned public works properties.
8. Other potential sources of pollutants.
9. If the Permittee is subject to a US EPA-approved TMDL, boundaries of applicable watersheds associated with a TMDL wasteload allocation.

I. AMENDMENTS

Each 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 amendment.

J. ANNUAL REPORT

Each Permittee shall submit an annual report by **March 31st of the following year** for each calendar year. The municipal governing body, interest groups, and the general public shall be provided opportunity to review and comment on the annual report as required by Section II.B. The following information must be submitted electronically on Department-provided forms:

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>

1. The status of implementing the permit requirements and compliance with permit schedules.
2. A summary of the number and nature of inspections, investigations, and enforcement actions related to the stormwater management programs.
3. An evaluation of the effectiveness of the components of the Permittee's storm water management programs.
4. A summary of any proposed changes to the Permittee's storm water management programs created to comply with permit requirements.
5. Updated storm sewer system maps, where necessary, to identify any new outfalls, structural controls, or other noteworthy changes.
6. Identification of water quality improvements or degradation. Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water.
7. Pollutant loading removal rates and the status of meeting performance standards.
8. If applicable, a summary of the progress toward implementing the TMDL Implementation Plan and, if applicable, any changes to the TMDL implementation plan.
9. If applicable, a 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.
10. A fiscal analysis which includes the annual expenditures and budget for the reporting year, and the budget for the next year.
11. 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.

K. REAPPLICATION FOR PERMIT COVERAGE

To remain covered after the expiration date of this permit, pursuant to s. NR 216.09, Wis. Adm. Code, each Permittee shall submit a reapplication package to the Department by February 1, 2031, for continued coverage under a reissued version of this permit. The reapplication package shall include the following:

Note: Any number of Permittees may choose to collaborate and submit a joint reapplication package. However, where an individual Permittee's information is needed, the joint reapplication package shall clearly identify the

individual information or the Permittee may submit its individual information separate from the joint reapplication package.

1. The legal name, address, and telephone number of the municipal owner or operator or its authorized representative.
2. The measurable goal summary documentation, as required by permit section II.D.4, and II.E.4.
3. For each of the six storm water management programs, the proposed program modifications and measurable goals for the next permit term. This includes specific actions and activities or structural BMPs and the expected dates of implementation.
4. An assessment of the proposed storm water management programs' adequacy to reduce pollutants to the MEP. The assessment must include:
 - a) An explanation and rationale on how implementation of the programs provides the highest level of performance that is achievable during the next permit term considering other environmental problems, technical capability, current technology, and available resources.
 - b) An estimate of water quality benefits from the proposed action. This includes proposed BMPs for pollutants causing impairments not included in a TMDL.
5. A fiscal evaluation summarizing program expenditures for the current permit cycle and projected program allocations for the next permit cycle.
6. An updated estimate of annual storm water pollutant loads for TSS and TP within each TMDL reachshed. A description of how the pollutant loads were calculated shall be provided.
7. The established WLA Benchmark for TSS and TP, as required by Section III.C.1.
8. The proposed fecal bacteria indicator(s) and action level(s) for the next permit term, as required by Section III.D.3.
9. A summary of the fecal bacteria storm water education efforts conducted during the permit term, as required Section III.D.4.a).
10. Updated MS4 maps showing service boundary of the MS4, projected changes in land use and future growth, and industrial WPDES permittees which discharge to the MS4.

L. OBTAINING PERMIT COVERAGE

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. Coverage under this

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

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

M. 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.

N. COMPLIANCE WITH PERMIT REQUIREMENTS

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

O. INDIVIDUAL RESPONSIBILITY

Each Permittee is responsible for:

1. Effectively prohibiting non-storm water discharges into the MS4, unless otherwise permitted by Section I. B.
2. Reducing pollutants to the maximum extent practicable (MEP). Compliance with this permit and implementation of the storm water management program satisfies this MEP requirement.
3. Completing the Total Maximum Daily Load (TMDL) requirements in Section III.

P. SHARED RESPONSIBILITY

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:

1. The other municipality or entity implements the required control measure or permit requirements.
2. A particular control measure, or component thereof, is at least as stringent as the corresponding permit requirements.
3. The other municipality or entity agrees to implement a control measure or permit requirement on the Permittee's behalf. This shall be evidenced by a formal written agreement, signed by both parties' authorized representatives. The agreement shall be explicit as to which specific permit conditions are being covered by which municipality or other entity. Copies of current agreements shall be submitted with the annual report and to the Department upon request.

Q. GENERAL STORM WATER DISCHARGE LIMITATIONS

In accordance with s. NR 102.04, Wis. Adm. Code, the Permittee shall control storm water discharges so that all surface waters, including the mixing zone, meet the following conditions at all times and under all flow and water level conditions:

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. 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.
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.
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.

III. TOTAL MAXIMUM DAILY LOADS (TMDLs)

The Requirements of this section apply to discharges covered under the “Total Maximum Daily Loads for Total Phosphorus, Total Suspended Solids, and Fecal Coliform Milwaukee River Basin, Wisconsin” as approved by USEPA on March 9, 2018.

A. PRIOR DEPARTMENT CONCURRENCE THAT TSS AND TP WLAs HAVE BEEN MET

The following Permittee received written concurrence from the department prior to permit issuance that its TSS and TP MRB TMDL WLAs have been met in all reachsheds.

1. By February 1, 2031, the **Village of Elm Grove** shall either certify its discharges to areas subject to TMDL WLAs have not changed due to annexation or development, or shall submit the following information:

- a) A **map** identifying area gained or lost due to annexation or development and any corresponding impacted TMDL reachsheds.
- b) An **updated TSS and TP tabular summary** that includes the following for each TMDL reachshed:
 - a. The Permittee’s percent reduction needed to comply with its TMDL WLA from the no-controls modeling condition.
 - b. The modeled MS4 annual average pollutant load without any storm water control measures.
 - c. The modeled MS4 annual average pollutant load with existing storm water control measures.
 - d. The percent reduction in pollutant load achieved calculated from the no controls condition determined under section III.A.1.b)b. and the existing controls condition determined under section III.A.1.b)c.
 - e. The existing storm water control measures, including the type of measure, area treated in acres, the pollutant load reduction efficiency, and

confirmation of the Permittee's authority for long-term maintenance of each practice.

Note: Updates to modeling used to demonstrate compliance with TMDL WLAs may be required in future permit terms due to changes in areas, changes to BMPs, or changes to TMDLs

2. Water Quality Trade: Implement its approved Water Quality Trading Plan (WQT-2025-0003) and submit documentation required by the approved Water Quality Trade Plan.

Note: See Section VII: Water Quality Trading for reporting requirements and additional details.

Note: The Village of Elm Grove has entered into an agreement with Waukesha County as a pollutant trading credit generator.

B. IMPLEMENTATION OF INDIVIDUAL TMDL BENCHMARKS

The following requirements represent specific actions the following Permittee must complete. The requirements build upon the existing pollutant reductions and move these Permittees towards achieving future load reduction goals. The requirements are individual in nature because each MS4 has its own pollutant reduction goals and associated plans for achieving the reductions.

1. The **City of Brookfield** shall:

a) **Water Quality Trade:** Implement its approved Water Quality Trading Plan (WQT-2025-0002) and submit documentation required by the approved Water Quality Trade Plan.

Note: See Section VII: Water Quality Trading for reporting requirements and additional details.

b) **Enhance Street Sweeping Program:** By August 1, 2028, provide a document describing the City's enhanced street sweeping procedure and expected TSS and TP removal increase compared to the existing program.

c) **Municipally Owned BMPs:** By February 1, 2031, provide confirmation the Lily Heights Park wet pond has been maintained.

d) **Municipally Operated BMPs:** Incorporate privately owned BMPs with long-term maintenance agreements (e.g., LTMAAs) from new development and redevelopment that occurred in MRB TMDL areas after November 2017, into the City's MRB TMDL modeling. Consistent with permit condition II.K.6, the City shall submit an updated estimate of annual storm water pollutant loads for TSS and TP within each TMDL reachshed by February 1, 2031.

2. The **Village of Butler** shall:

a) **Water Quality Trade:** Implement its approved Water Quality Trading Plan (WQT-2025-0005) and submit documentation required by the approved Water Quality Trade Plan.

Note: See Section VII: Water Quality Trading for reporting requirements and additional details.

b) **Swale Infiltration Testing:** Submit the proposed swale infiltration testing plan to the Department for review prior to conducting the testing. By March 31, 2030, provide the results of the completed swale infiltration testing to the Department.

- c) **Updated Estimate:** Consistent with permit condition II.K.6, the Village shall submit an updated estimate of annual storm water pollutant loads for TSS and TP within each TMDL reachshed by February 1, 2031.
3. The **Village of Germantown** shall:
 - a) **Catch Basins:** Install catch basins with sumps during Village road reconstruction projects. The Village shall provide a status of implementation with each MS4 Annual Report.

Note: The Village's Road Program, found online at <https://www.germantownwi.gov/727/Road-Program>, identifies planned road reconstruction projects.
 - b) **Municipally Owned BMPs:** Implement at least two BMPs during the permit term. Consistent with permit condition II.K.6, the Village shall submit an updated estimate of annual storm water pollutant loads for TSS and TP within each TMDL reachshed by February 1, 2031.
 - c) **Municipally Operated BMPs:** By February 1, 2027, provide an update on the Village's plan to revise its ordinance to obtain long-term maintenance authority on privately owned BMPs within the Village.
 - (1) If adopting a revised ordinance is determined to not be feasible, the Village shall submit a document, by August 1, 2027, describing its plan to obtain long-term maintenance authority on privately owned BMPs (e.g., LTMA's). This plan, at minimum, shall identify all of the privately owned BMPs requiring LTMA's and anticipated dates for obtaining LTMA's for each BMP identified.
4. The **City of Greenfield** shall:
 - a) **Catch Basin Cleaning Program:** By August 1, 2028, provide a document describing the City's new catch basin cleaning program.
 - b) **Enhance Street Sweeping Program:** By August 1, 2028, provide a document describing the City's enhanced street sweeping procedure.
 - c) **Municipally Owned BMPs:** By February 1, 2031, provide notification to the Department that modifications to the City's Pondview Park stormwater wet pond are complete.
 - d) **Updated Estimate:** Consistent with permit condition II.K.6, the City shall submit an updated estimate of annual storm water pollutant loads for TSS and TP within each TMDL reachshed by February 1, 2031.
5. The **Village of Menomonee Falls** shall:
 - a) **Water Quality Trade:** Implement its approved Water Quality Trading Plan (WQT-2025-0004) and submit documentation required by the approved Water Quality Trade Plan.

Note: See Section VII: Water Quality Trading for reporting requirements and additional details.
 - b) **Municipally Owned BMPs:** Incorporate new and recently completed Village owned BMPs that occurred in MRB TMDL areas into the Village's MRB TMDL modeling. Consistent with permit condition II.K.6, the Village shall submit an updated estimate

of annual storm water pollutant loads for TSS and TP within each TMDL reachshed by February 1, 2031.

6. The **City of Milwaukee** shall:

- a) **Catch Basins:** Install 100 new catch basins each year of the permit term so that by the end of the permit term 500 new catch basins have been installed. The City shall provide a status of implementation with each MS4 Annual Report.
- b) **Municipally Owned BMPs:** Incorporate new and recently completed City owned BMPs that occurred in MRB TMDL areas into the City's MRB TMDL modeling. Consistent with permit condition II.K.6, the City shall submit an updated estimate of annual storm water pollutant loads for TSS and TP within each TMDL reachshed by February 1, 2031.

7. **Milwaukee County** shall:

- a) **Municipally Owned BMPs:** Incorporate new and recently completed County owned BMPs that occurred in MRB TMDL areas into the City's MRB TMDL modeling. Consistent with permit condition II.K.6, the County shall submit an updated estimate of annual storm water pollutant loads for TSS and TP within each TMDL reachshed by February 1, 2031.

8. The **City of Wauwatosa** shall:

- a) **Municipally Owned BMPs:** Incorporate new and recently completed City owned BMPs that occurred in MRB TMDL areas into the City's MRB TMDL modeling. Consistent with permit condition II.K.6, the City shall submit an updated estimate of annual storm water pollutant loads for TSS and TP within each TMDL reachshed by February 1, 2031.

9. The **City of West Allis** shall:

- a) **Municipally Owned BMPs:** Incorporate new and recently completed City owned BMPs that occurred in MRB TMDL areas into the City's MRB TMDL modeling. Consistent with permit condition II.K.6, the City shall submit an updated estimate of annual storm water pollutant loads for TSS and TP within each TMDL reachshed by February 1, 2031.

10. The **Village of West Milwaukee** shall:

- a) **Long-term Maintenance Agreements:** By March 31, 2028, submit a document describing the Village's plan of action to obtain all of its missing long-term maintenance agreements on privately owned BMPs (e.g., LTMA). This document shall, at a minimum, identify all of the privately owned BMPs that are missing the required LTMA and anticipated year for obtaining the LTMA for each BMP identified.

(1) By February 1, 2031, the Village shall obtain at least 2 long-term maintenance agreements on privately owned BMPs within the MRB TMDL area.

- b) **Municipally Operated BMPs:** Incorporate privately owned BMPs with long-term maintenance agreements (e.g., LTMA) from new development and redevelopment

that occurred in MRB TMDL areas into the Village's MRB TMDL modeling. Consistent with permit condition II.K.6, the Village shall submit an updated estimate of annual storm water pollutant loads for TSS and TP within each TMDL reachshed by February 1, 2031.

11. Benchmark Modification: If a Permittee has identified the need to modify its TMDL Benchmark during the current permit term, the Permittee shall notify the Department in writing within 60 days of this determination. The written notification shall include the reason for modification and a summary of the proposed alternative(s) which identifies:

- a) Impacted TMDL reachshed(s).
- b) Anticipated dates of implementation.
- c) Anticipated TSS and TP expected to be captured.
- d) An estimated cost of implementation.

12. Achieving TSS and TP WLAs: If the Permittee estimates that the TMDL WLAs are achieved with existing BMP implementation, the Permittee must provide a statement supporting this conclusion.

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

C. ESTABLISHMENT OF WLA BENCHMARKS FOR TSS AND TP:

Permittees who have not received written concurrence from the department that its TSS and TP TMDL WLAs have been met in all reachsheds must develop TMDL benchmark(s) for TSS and TP where existing BMP implementation is not achieving the WLA.

1. By February 1, 2031, Permittees shall submit its proposed TMDL Benchmark(s) to be implemented during the next permit term. For each TMDL Benchmark proposed, following information shall be provided:
 - a) A description of the TMDL Benchmark.
 - b) The location of TMDL Benchmark and impacted TMDL reachshed(s).
 - c) An estimate of the TSS and TP pollution reduction provided by the TMDL Benchmark.

D. FECAL COLIFORM REDUCTION EFFORTS:

The following requirements build upon the requirements of the previous permit. At minimum, fecal bacteria testing is required at any screened MS4 outfall discharging to the Milwaukee River Basin.

1. Dry Weather Outfall Screening: As part of its routine dry-weather outfall screening requirements in permit condition II.C.2.a), each Permittee shall continue to test for a fecal bacteria indicator(s), when flow is present, and begin its source investigation and elimination efforts when its bacteria indicator action level(s) is exceeded.

a) Consistent with permit condition II.C.2.a)(5), a summary of the fecal bacteria indicator screening and investigation results shall be submitted with each MS4 Annual Report

2. Indicator and Action Level: By September 1, 2026, each Permittee shall provide confirmation to the Department confirming the Permittee’s fecal bacteria indicator(s) and action level(s).

a) If, during the term of this permit, the Permittee intends to change its fecal bacteria indicator(s) and/or action level(s) the Permittee shall propose its changes for Department review and approval. Permittees shall continue to follow its existing procedure until changes are approved in writing by the Department.

3. Reapplication Materials: Consistent with permit condition II.K.8, the Permittee shall propose its fecal bacteria indicator(s) and action level(s) for the next permit term.

4. Fecal Bacteria Storm Water Education: Each Permittee shall conduct the fecal bacteria storm water education efforts identified in its concurred with Fecal Bacteria Source Elimination Plan. If the Permittee revises its plan based on newly identified known or potential fecal bacteria sources or, if the Permittee determines a previously identified source and/or action is no longer feasible, the Permittee shall explain the changes within its summary document as required by section III.D.4.a).

Note: All Permittees are subject to this section and submitted a Fecal Bacteria Source Elimination Plan during the previous permit term (WI-S050059-3, permit section II.A.4.c) which received Department concurrence.

a) Each Permittee shall submit as part of the permit reapplication (February 1, 2031), a summary of the fecal bacteria storm water education efforts conducted during the permit term as required by section II.K.9.

IV. IMPLEMENTATION SCHEDULE

Each Permittee shall comply with all permit conditions contained within the permit. Table 4 does not list all the requirements of the permit. Table 4 lists new or updated requirements. Additional requirements may not be listed in Table 4. All required 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: Implementation Schedule for Permit Requirements

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE
I.F.1	Identify discharges to an impaired waterbody.	By March 31 of each even-numbered year

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE
II and II.A.1, II.B.1, II.C.2, II.D.2, II.E.2, II.F.1, II.F.3, and II.F.4	Submit updated written program documents.	August 1, 2028
II.D.3	Each Permittee, excluding Milwaukee County, shall provide education to private construction site developers within its community that require a Department Notice of Intent (NOI).	August 1, 2028
II.D.3.a) and II.K.2	Each Permittee, excluding Milwaukee County, shall submit as part of the permit reapplication, documentation describing the conducted education effort(s) and the Permittee's determination about its efforts.	February 1, 2031
II.E.3	Submit measurable goal materials for its Post-Construction Storm Water Management Program.	August 1, 2027
II.E.4 and II.K.2	Submit as part of the permit reapplication, a summary of the actions taken to reach the Post Construction Storm Water Management program measurable goal, metrics used to measure success, and evaluation results.	February 1, 2031
II.F.1.b)	Calibrate all salt application equipment.	Annually
II.F.1.d)	Complete Salt Strategy Training.	Every other year
II.F.3.e) and II.F.4.b)	Complete Trainings for Street Sweeping & Catch Basin Cleaning and Leaf and Grass Collection.	At least once per permit term
II.F.5.c)	Evaluate and document the evaluation of each SWPPP.	At least once per permit term
II.J	Submit MS4 Annual Report	March 31 st each year
II.K	Submit a reapplication package (see permit condition for list of required information).	February 1, 2031
III.A.1 and III.A.2	The Village of Elm Grove shall implement and submit documentation as required by this section.	See permit section
III.B	The Cities of Brookfield, Greenfield, Milwaukee, West Allis, and Wauwatosa ; Villages of Butler, Germantown, Menomonee Falls, and West Milwaukee ; and Milwaukee County shall implement and submit documentation as required by this section.	See permit section

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE
III.C.1 and II.K.7	The Cities of Brookfield, Greenfield, Milwaukee, West Allis, and Wauwatosa ; Villages of Butler, Germantown, Menomonee Falls, and West Milwaukee ; and Milwaukee County shall submit proposed TMDL Benchmark(s) to be implemented during the next permit term.	February 1, 2031
III.D.2	Provide confirmation to the Department confirming the Permittee’s fecal bacteria indicator(s) and action level(s).	September 1, 2026
III.D.3 and II.K.8	Submit proposed fecal bacteria indicator(s) and action level(s) for the next permit term.	February 1, 2031
III.D.4.a) and II.K.9	Submit as part of the permit reapplication, a summary of the fecal bacteria storm water education efforts conducted during the permit term.	February 1, 2031

V. GENERAL CONDITIONS

The general conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated by reference in this permit. Each Permittee shall meet these requirements. Some of these requirements are outlined below in paragraphs A. to R. Requirements not specifically outlined below can be found in s. NR 205.07(1) and (3), Wis. Adm. Code.

A. DUTY TO COMPLY:

Each Permittee shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action, permit revocation or modification, or denial of a permit reissuance application.

B. COMPLIANCE SCHEDULES:

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 schedule 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 municipality's ability to meet the remaining schedule dates.

C. NONCOMPLIANCE NOTIFICATION:

1. Upon becoming aware of any permit noncompliance, including noncompliance that may endanger public health or the environment, the Permittee shall report this information by a telephone call to the Department within 24 hours. A written report describing the noncompliance shall be submitted to the Department within 5 days after the municipality became aware of the noncompliance. The Department may waive the requirement for a written report on a case-by-case basis based on the Permittee’s 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.

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

2. Reports of any other noncompliance not covered under Sections V.B, V.C.1, or V.E shall be submitted with the annual report. The reports shall contain all the information listed in Section V.C.1.

D. DUTY TO MITIGATE

Each 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.

E. SPILL REPORTING

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

Note: For additional details on state and federal reporting requirements, visit:
<https://dnr.wi.gov/topic/Spills/define.html>

F. PROPER OPERATION AND MAINTENANCE:

Each 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 program. 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.

G. BYPASS:

A Permittee may temporarily bypass storm water treatment facilities if necessary for maintenance, if runoff from a storm event which exceeds the design capacity of the treatment facility, or during an emergency.

H. DUTY TO HALT OR REDUCE ACTIVITY:

Upon failure or impairment of best 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 best management practices are restored, or an alternative method of storm water pollution control is provided.

I. 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 that prevents any pollutant from the materials from entering the waters of the state.

J. ADDITIONAL MONITORING:

If a Permittee monitors any pollutant more frequently than required by the permit, the results of that monitoring shall be recorded and reported in accordance with this chapter. Results of this additional monitoring shall be included in the calculation and reporting of the data submitted in the annual report.

K. INSPECTION AND ENTRY:

Each Permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:

1. Enter upon the municipal premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit.
2. Have access to and copy, at reasonable times, any records that are required under the conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit.
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

L. DUTY TO PROVIDE INFORMATION:

Each Permittee shall furnish the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking or reissuing the permit, or to determine compliance with the permit. The municipality shall also furnish the Department, upon request, copies of records required to be kept by the municipality.

M. 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.

N. DUTY TO REAPPLY:

If a Permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the municipality shall apply for a new permit at least 180 days prior to the expiration date of the permit, as required by permit section II.K. If a timely and complete application for

a new permit is filed and the permit is not reissued by the time the existing permit expires, the existing permit remains in effect until the application is acted upon.

O. OTHER INFORMATION:

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

P. RECORDS RETENTION:

Each Permittee shall retain records of all monitoring information, all reports required by the permit, and all data used to complete the permit application for a period of at least 5 years from the date of the sample, measurement, report, or application. The Department may request that this period be extended by issuing a public notice to modify the permit to extend this period.

Q. PERMIT ACTIONS:

As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing, the permit may be modified or revoked and reissued for cause. If a municipality files a request for a permit modification, revocation or reissuance, or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the municipality of any permit condition.

R. SIGNATORY REQUIREMENT:

All applications, reports, or information submitted to the Department shall be signed by a ranking elected official or other authorized representative who has responsibility for the overall operation of the municipal separate storm sewer system and storm water management program activities regulated by the permit. The representative shall certify that the information was gathered and prepared under their supervision or was based on an inquiry of the people directly under their supervision and that, to the best of their knowledge, the information is true, accurate, and complete.

S. ENFORCEMENT ACTION:

The Department is authorized under ss. 283.89 and 283.91, Wis. Stats., to use citations or referrals to the 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 violation.

T. ATTAINMENT OF WATER QUALITY STANDARDS AFTER AUTHORIZATION:

Except for situations where a TMDL has been approved by US EPA during the permit term, 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:

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

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

VI. DEFINITIONS

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

1. **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.
2. **Department** means the Wisconsin Department of Natural Resources.
3. **Development** means residential, commercial, industrial and institutional land uses and associated roads.
4. **Erosion** means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
5. **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.
6. **Illicit connection** means any man-made conveyance connecting an illicit discharge to a municipal separate storm sewer system.
7. **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.
8. **Impaired water** means a waterbody impaired in whole or in part and listed by the Department pursuant to 33 USC § 1313(d)(1)(A) and 40 CFR 130.7, for not meeting a water

quality standard, including a water quality standard for a specific substance or the waterbody's designated use.

- 9. Inactive site** a site that is stabilized prior to winter in which no construction activities will take place. For example, the site operator may complete mass grading and BMP construction in summer, stabilize the site, and resume construction the following spring. An inactive site could also be a site for which permits issued, but land disturbing activity has not yet started.
- 10. Infiltration** means the entry and movement of precipitation or runoff into or through soil.
- 11. 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.
- 12. 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.
- 13. Major outfall** means a municipal separate storm sewer outfall that meets one of the following criteria:

 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.
 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.
- 14. Minor Outfall** means a municipal separate storm sewer outfall that does not fit the criteria for major outfall.
- 15. 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 ensure the BMP is maintained under a maintenance agreement with the owner and takes credit for pollutants removed by the BMP.
- 16. Municipally Owned BMP** means a structural storm water management practice or BMP which is owned by the municipality (the Permittee).
- 17. 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:

1. Owned or operated by a municipality.
 2. Designed or used for collecting or conveying storm water.
 3. Which is not a combined sewer conveying both sanitary and storm water.
 4. Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- 18. Municipality** means any city, town, City, 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.
- 19. 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.
- 20. Notice of Intent (NOI)** means an application to request coverage under the Department's Construction Site Storm Water Runoff General Permit.
- 21. Outfall** means the point at which storm water is discharged to waters of the state or to a storm sewer (e.g., leaves one municipality and enters another).
- 22. Permittee** means a person who has applied for and received WPDES permit coverage for storm water discharge. For the purposes of this permit, Permittee is the owner or operator of a municipal separate storm sewer system authorized to discharge storm water into waters of the state.
- 23. 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.
- 24. Pollutants of concern** means a pollutant that is causing impairment of a waterbody.
- 25. Priority Outfall** means any MS4 outfall the Permittee determined is a priority. Where major and minor outfalls are based upon on pipe and/or drainage area, priority outfalls may be based upon contributing drainage area characteristics, land uses, or known or unknown likelihood of illicit discharges.
- 26. Reach** means a specific stream segment, lake or reservoir as identified in a TMDL.

27. **Reachshed** means the drainage area contributing runoff to a given reach.
28. **Redevelopment** means areas where development is replacing older development.
29. **Riparian landowners** are the owners of lands bordering lakes and rivers.
30. **Sediment** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
31. **Start Date** is the date of permit coverage under this permit, which is specified in the Department letter authorizing coverage.
32. **Storm water management practice or Best Management Practice (BMP)** means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in stormwater runoff to waters of the state.
33. **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.
34. **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.
35. **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.
36. **Wasteload Allocation or WLA** means the allocation resulting from the process of distributing or apportioning the total maximum daily load to each individual point source discharge.
37. **Waters of the State** has the meaning given it in s. 283.01(20), Wis. Stats.
38. **WPDES permit** means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to ch. 283, Wis. Stats.

VII. TMDL WASTELOAD ALLOCATIONS

The following tables identify the reduction goals for each reachshed identified in the “Total Maximum Daily Loads for Total Phosphorus, Total Suspended Solids, and Fecal Coliform Milwaukee River Basin, Wisconsin” Report. The total suspended solids (TSS) and total phosphorus (TP) values represent the load reductions required from a no-controls scenario.

Table 5: Kinnickinnic River Basin – TSS and TP

Reachshed (TMDL Subbasin)	Waterbody Name	Waterbody Extents	TSS % Reduction from No-controls	TP % Reduction from No-controls
KK-1	Lyons Park Creek	Entire Length	78.4%	68.1%
KK-2	Kinnickinnic River	From Wilson Park Creek to Lyons Park Creek	77.6%	68.1%
KK-3	South 43rd St. Ditch	Entire Length	76.8%	78.7%
KK-4	Edgerton Channel, Wilson Park Creek, Villa Mann Creek	Entire Length	84.0%	89.4%
KK-5	Holmes Avenue Creek	Entire Length	80.0%	78.7%
KK-6	Cherokee Park Creek	Entire Length	77.6%	69.0%
KK-7	Kinnickinnic River	Estuary to Wilson Park Creek	75.2%	45.0%

Table 6: Menomonee River Basin – TSS and TP

Reachshed (TMDL Subbasin)	Waterbody Name	Waterbody Extents	TSS % Reduction from No-controls	TP % Reduction from No-controls
MN-1	Menomonee River	From Nor-X-Way Channel to Headwaters	66.4%	63.6%
MN-2	Goldendale Creek	Entire Length	63.2%	47.7%
MN-3	West Branch Menomonee River	Entire Length	65.6%	60.1%
MN-4	Willow Creek	Entire Length	64.0%	51.2%
MN-5	Nor-X-Way Channel	Entire Length	70.4%	72.5%
MN-6	Menomonee River and Dretzka Park Creek	From Little Menomonee River to Nor-X-Way Channel	73.6%	69.0%
MN-7	Lilly Creek	Entire Length	70.4%	64.5%
MN-8	Butler Ditch	Entire Length	69.6%	58.3%
MN-9	Little Menomonee River	Entire Length	70.4%	64.5%
MN-10	Menomonee River	From Underwood Creek to Little Menomonee River	67.2%	31.7%

Reachshed (TMDL Subbasin)	Waterbody Name	Waterbody Extents	TSS % Reduction from No-controls	TP % Reduction from No-controls
MN-11	Underwood Creek and Dousman Ditch	From South Branch Underwood Creek to Headwaters	72.0%	62.7%
MN-12	Underwood Creek	From Menomonee River to South Branch Underwood Creek	80.0%	76.1%
MN-13	South Branch Underwood Creek	Entire Length	76.8%	69.8%
MN-14	Menomonee River	From Honey Creek to Underwood Creek	64.8%	49.4%
MN-15	Honey Creek	Entire Length	73.6%	67.2%
MN-16	Menomonee River	From Estuary to Honey Creek	72.0%	49.4%

Table 7: Milwaukee River Basin – TSS and TP

Note: In the Table below “**” signifies the TMDL did not assign a percent reduction for these reachsheds because modeling indicated that there is no direct MS4 discharge to this subbasin. If more detailed analysis conducted by the permittee indicates the presence of an MS4 discharge, contact your respective Department storm water engineer or specialist for more information on how best to proceed.

Reachshed (TMDL Subbasin)	Waterbody Name	Waterbody Extents	TSS % Reduction from No-controls	TP % Reduction from No-controls
MI-1	Upper Milwaukee River	From Campbellsport to Headwaters	**	**
MI-2	Upper Milwaukee River	From Kewaskum To Campbellsport and Auburn	73.6%	71.6%
MI-3	West Branch Milwaukee River	Entire Length	77.6%	48.6%
MI-4	Kewaskum Creek	Entire Length	76.8%	55.7%
MI-5	Watercress Creek and East Branch Milwaukee River	Entire Length	73.6%	51.2%
MI-6	Quass Creek and Milwaukee River	Near West Bend	73.6%	86.7%
MI-7	Myra Creek and Milwaukee River	From North Branch Milwaukee River to West Bend	79.2%	67.2%

Reachshed (TMDL Subbasin)	Waterbody Name	Waterbody Extents	TSS % Reduction from No-controls	TP % Reduction from No-controls
MI-8	North Branch Milwaukee River	from Adell Tributary to Headwaters	**	**
MI-9	Adell Tributary	Entire Length	**	**
MI-10	Chambers Creek, Batavia Creek, and North Branch Milwaukee River	Near Sherman	**	**
MI-11	Melius Creek	Entire Length	**	**
MI-12	Mink Creek	Entire Length	**	**
MI-13	Stony Creek, Wallace Creek, and North Branch Milwaukee River	Near Farmington	74.4%	46.8%
MI-14	Silver Creek	Entire Length	**	**
MI-15	Milwaukee River	Near Fredonia	**	**
MI-16	Milwaukee River	Near Saukville	75.2%	77.8%
MI-17	Milwaukee River	From Cedar Creek to Saukville	76.0%	83.1%
MI-18	Cedar Creek	From Jackson Creek to Headwaters	76.8%	71.6%
MI-19	Lehner Creek	Entire Length	77.6%	61.0%
MI-20	Jackson Creek	Entire Length	80.8%	77.8%
MI-21	Little Cedar Creek	Entire Length	80.8%	77.8%
MI-22	Cedar Creek	Near Jackson	76.8%	54.8%
MI-23	Evergreen Creek	Near Jackson	79.2%	53.0%
MI-24	North Branch Cedar Creek and Cedar Creek	From Milwaukee River to Myra Creek	73.6%	79.6%
MI-25	Milwaukee River	From Pigeon Creek to Cedar Creek	81.6%	43.2%
MI-26	Pigeon Creek	Entire Length	90.4%	88.5%
MI-27	Milwaukee River	From Lincoln Creek to Pigeon Creek	72.8%	53.9%
MI-28	Beaver Creek	Entire Length	72.8%	88.5%
MI-29	South Branch Creek	Entire Length	71.2%	87.6%
MI-30	Indian Creek	Entire Length	65.6%	76.1%
MI-31	Lincoln Creek	Entire Length	71.2%	85.8%

Reachshed (TMDL Subbasin)	Waterbody Name	Waterbody Extents	TSS % Reduction from No-controls	TP % Reduction from No-controls
MI-32	Milwaukee River	From Estuary to Lincoln Creek	58.4%	23.7%

Note: The TSS and TP percent (%) reduction provided in the table contain different values than what is provided in the MRB TMDL report. This is due to the MRB TMDL report using incorrect baselines for TSS and TP. The TSS and TP percent (%) reduction provided in the table are the corrected values. For additional information, please refer to the Department’s [MS4 TMDL Implementation Guidance](#) or contact your local stormwater specialist or engineer.

Table 8: Kinnickinnic River Basin – Fecal Coliform (billion cells/day)

Municipality	Reach	Area (acres)	Low	Dry	Mid	Moist	Wet
Greenfield, City	KK-1	108	0.49	1.07	1.51	2.25	4.14
Greenfield, City	KK-2	111	0.51	1.09	1.53	2.30	4.26
Greenfield, City	KK-4	649	4.14	8.11	10.89	15.86	23.17
Greenfield, City	KK-6	556	2.51	5.26	7.47	10.88	20.87
Milwaukee, City	KK-1	745	3.38	7.40	10.37	15.52	28.49
Milwaukee, City	KK-2	1,218	5.58	11.96	16.82	25.17	46.66
Milwaukee, City	KK-3	60	0.45	0.86	1.18	1.71	2.62
Milwaukee, City	KK-4	3,671	23.39	45.86	61.57	89.64	130.97
Milwaukee, City	KK-5	1,099	8.49	13.91	21.62	30.07	44.75
Milwaukee, City	KK-6	59	0.27	0.56	0.79	1.15	2.20
Milwaukee, City	KK-7	2,536	18.45	29.91	38.41	53.88	90.29
West Allis, City	KK-2	340	1.56	3.34	4.70	7.03	13.03
West Allis, City	KK-3	734	5.57	10.57	14.52	20.94	32.12
West Milwaukee, Village	KK-3	304	2.30	4.38	6.01	8.67	13.30

Table 9: Menomonee River Basin – Fecal Coliform (billion cells/day)

Municipality	Reach	Area (acres)	Low	Dry	Mid	Moist	Wet
Brookfield, City	MN-08	2,540	8.23	18.59	30.68	41.22	72.82
Brookfield, City	MN-10	555	2.66	4.64	7.69	11.22	22.95
Brookfield, City	MN-11	4,172	13.40	26.62	41.62	65.29	144.21
Brookfield, City	MN-12	526	1.91	4.01	6.00	9.23	19.04

Municipality	Reach	Area (acres)	Low	Dry	Mid	Moist	Wet
Brookfield, City	MN-13	831	2.96	5.93	9.11	14.17	29.47
Butler, Village	MN-06	58	0.09	0.35	0.64	1.05	2.48
Butler, Village	MN-08	13	0.04	0.09	0.15	0.20	0.36
Butler, Village	MN-10	446	2.14	3.73	6.18	9.02	18.46
Elm Grove, Village	MN-11	435	1.40	2.78	4.34	6.81	15.05
Elm Grove, Village	MN-12	1,649	5.99	12.56	18.81	28.94	59.68
Elm Grove, Village	MN-13	15	0.05	0.11	0.17	0.26	0.54
Germantown, Village	MN-01	11,578	12.82	43.95	85.07	130.52	380.46
Germantown, Village	MN-02	1,119	0.97	4.40	8.32	13.36	37.90
Germantown, Village	MN-03	1,664	3.75	9.81	17.64	25.83	60.88
Germantown, Village	MN-04	2,149	1.84	8.27	15.77	24.93	70.44
Germantown, Village	MN-05	1,909	4.10	11.43	19.53	30.16	72.80
Germantown, Village	MN-06	134	0.20	0.81	1.48	2.41	5.70
Germantown, Village	MN-09	249	0.44	1.33	2.35	3.74	7.22
Greenfield, City	MN-15	1,840	6.73	15.50	20.79	34.03	57.34
Menomonee Falls, Village	MN-01	2,170	2.40	8.24	15.94	24.46	71.30
Menomonee Falls, Village	MN-04	539	0.46	2.07	3.96	6.25	17.67
Menomonee Falls, Village	MN-05	376	0.81	2.25	3.85	5.95	14.36
Menomonee Falls, Village	MN-06	4,031	6.09	24.46	44.56	72.51	171.85
Menomonee Falls, Village	MN-07	3,640	4.40	18.56	33.68	53.06	129.43
Menomonee Falls, Village	MN-08	1,070	3.47	7.83	12.93	17.37	30.68
Menomonee Falls, Village	MN-10	13	0.06	0.10	0.17	0.25	0.52
Milwaukee, City	MN-06	2,124	3.21	12.89	23.48	38.21	90.56

Municipality	Reach	Area (acres)	Low	Dry	Mid	Moist	Wet
Milwaukee, City	MN-09	7,305	12.90	38.88	68.90	109.50	211.48
Milwaukee, City	MN-10	2,501	12.01	20.94	34.66	50.57	103.49
Milwaukee, City	MN-12	53	0.19	0.40	0.61	0.93	1.92
Milwaukee, City	MN-13	198	0.70	1.41	2.17	3.37	7.01
Milwaukee, City	MN-14	67	0.55	0.95	1.30	2.00	4.38
Milwaukee, City	MN-15	2,185	7.99	18.41	24.70	40.42	68.10
Milwaukee, City	MN-16	2,002	17.62	27.46	38.12	54.18	106.60
Wauwatosa, City	MN-10	2,236	10.73	18.72	30.98	45.21	92.51
Wauwatosa, City	MN-12	2,445	8.87	18.61	27.88	42.89	88.44
Wauwatosa, City	MN-13	101	0.36	0.72	1.11	1.72	3.59
Wauwatosa, City	MN-14	705	5.80	9.95	13.71	21.06	46.13
Wauwatosa, City	MN-15	150	0.55	1.27	1.70	2.78	4.68
Wauwatosa, City	MN-16	2,827	24.87	38.78	53.82	76.50	150.52
West Allis, City	MN-13	1,766	6.29	12.60	19.37	30.12	62.66
West Allis, City	MN-15	2,258	8.26	19.03	25.52	41.78	70.38
West Allis, City	MN-16	316	2.78	4.33	6.01	8.55	16.82
West Milwaukee, Village	MN-16	413	3.63	5.66	7.86	11.17	21.97

Note: The Milwaukee River Basin TMDL report did not identify Monthly Fecal Coliform Wasteload Allocations for Milwaukee County. Thus, Monthly Fecal Coliform Wasteload Allocations for these MS4s are not provided.

Table 10: Milwaukee River Basin – Fecal Coliform (billion cells/day)

Municipality	Reach	Area (acres)	Low	Dry	Mid	Moist	Wet
Germantown, Village	MI-21	3,279	3.64	10.47	19.02	33.06	70.92
Milwaukee, City	MI-27	1,162	3.31	7.25	12.38	21.13	46.27
Milwaukee, City	MI-28	924	4.31	8.31	12.98	20.29	39.07
Milwaukee, City	MI-29	771	2.85	5.72	9.19	14.76	29.58
Milwaukee, City	MI-31	12,084	41.95	86.31	141.12	230.73	474.60

Note: The Milwaukee River Basin TMDL report did not identify Monthly Fecal Coliform Wasteload Allocations for Milwaukee County. Thus, Monthly Fecal Coliform Wasteload Allocations for these MS4s are not provided.

VIII. 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 its TMDL WLAs identified in this permit. In accordance with s. 283.84, Wis. Stats., the Permittees listed in Table 11 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 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 permit. The sum of available credits shown in Table 11 may be used to demonstrate compliance or progress for a given year.

Table 11: 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 Brookfield	WQT-2025-0002	MN-11	2:1	10,146	2,536.5	19.9	4.95
Village of Butler	WQT-2025-0005	MN-10	2:1	16,343	4,085.5	17.9	4.45
Village of Elm Grove <i>(credit generator)</i>	WQT-2025-0003	MN-12	2:1	9,780	2,445	11.1	2.75
Village of Menomonee Falls	WQT-2025-0004	MN-6	2:1	26,050	6,512.5	32	8

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.*

A. 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:

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.
2. **Annual Water Quality Trading (WQT) Reports.** Reports shall be submitted with each reporting year's MS4 Annual Report due March 31st, and shall include the following information:
 - a) Verification that site inspection(s) occurred.
 - b) A summary of site inspection findings.
 - c) 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.
 - d) Any applicable notices of termination or management practice registration.
 - e) A summary of credits used each annual reporting year.
 - f) 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.
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.
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.
5. The Permittee shall not use pollutant reduction credits for the demonstration of compliance when pollutant reduction credits are not being generated.

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

B. WATER QUALITY TRADING REOPENER CLAUSE

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 eliminate permit terms and conditions related to water quality trading under any of the following conditions:

1. The Permittee fails to implement the water quality trading plan as approved.
2. The Permittee fails to comply with permit terms and conditions related to water quality trading.
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. 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.

D. 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.