



***STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES***

**PERMIT TO DISCHARGE UNDER THE WISCONSIN  
POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WPDES PERMIT NO. WI- WI-S050105-4**

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

**CITY OF PEWAUKEE – CITY OF WAUKESHA – TOWN OF BROOKFIELD  
TOWN OF DELAFIELD – VILLAGE OF LISBON – VILLAGE OF WAUKESHA  
VILLAGE OF PEWAUKEE – VILLAGE OF SUSSEX**

are permitted to discharge storm water from all portions of the

**MUNICIPAL SEPARATE STORM SEWER SYSTEM**

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

**FOX RIVER – SUSSEX CREEK – SPRING CREEK  
LANNON CREEK – DEER CREEK – PEBBLE CREEK  
BRANDY BROOK – POPLAR CREEK – PEWAUKEE RIVER  
GENESEE CREEK – MILL BROOK – MILL CREEK  
BARK RIVER – SCUPPERNONG CREEK – FRAME PARK CREEK  
ZION CREEK – PEWAUKEE LAKE – SARATOGA LAKE**

This permit to discharge takes effect on **November 1, 2024**, and expires at midnight, **October 31, 2029**.

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:** November 1, 2024    **EXPIRATION DATE:** October 31, 2029

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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 Pewaukee
- City of Waukesha
- Town of Brookfield
- Town of Delafield
- Village of Lisbon
- Village of Waukesha
- Village of Pewaukee
- Village of Sussex

In this permit, these municipalities are referred to as the Permittee or Permittees. This permit covers all areas within the jurisdiction of the Permittee. 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. 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 establishes this MEP requirement.
3. Completing the Total Maximum Daily Load (TMDL) requirements in Section III.

### **D. SHARED RESPONSIBILITY**

1. The implementation of one or more of the conditions of this permit by the Permittees 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:
  - a) The other municipality or entity implements the required control measure or permit requirements.

- b) A particular control measure, or component thereof, is at least as stringent as the corresponding permit requirements.
- c) The other municipality or entity agrees to implement a control measure or permit requirement on the Permittee's behalf. This shall be shown by 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.

#### **E. 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 not effective to achieve the aforementioned goals and standards.
2. This permit does not authorize 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 storm water management programs required under this permit will include appropriate controls and implementation procedures designed to bring the storm water discharge into compliance with water quality standards.

#### **F. 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 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.
- c) 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.

#### **G. WETLANDS**

Permittee MS4 discharges shall comply with the applicable wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

#### **H. ENDANGERED AND THREATENED SPECIES**

Permittee MS4 discharges shall comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.

#### **I. HISTORIC PROPERTY**

Permittee MS4 discharges may not affect any historic property that is listed property, or 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.

#### **J. IMPAIRED WATERBODIES**

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

Each Permittee shall:

1. By March 31 of each even-numbered year thereafter, the Permittee shall determine 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

<https://dnr.wisconsin.gov/topic/SurfaceWater/ConditionLists.html>

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.

#### **K. 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.

#### **L. EXCLUSIONS**

The following 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.

## II. STORM WATER MANAGEMENT PROGRAMS

Each Permittee shall have written storm water management program documents that describes in detail how the Permittee intends to comply with the permit requirements for each minimum control measure. By the dates listed in each program section, each Permittee shall submit its written program documents electronically to the Department's electronic reporting system and begin implementing any updates to its storm water management programs.

**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 CONDITIONS

Each Permittee shall 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.

**1. WRITTEN PROGRAM:** By November 1, 2027, each Permittee shall submit a written program that describes in detail how the Permittee intends to implement its program. At a minimum, the written program to be implemented shall:

- 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 through implementation of green infrastructure best management practices (BMPs) such as rain barrels, rain gardens, and permeable pavements.
6	Construction Sites and Post-Construction Storm Water Management	Inform and educate those responsible for the 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	Storm water runoff from commercial properties and, where appropriate, educate specific businesses such as lawn care companies, golf courses, carwashes, and restaurants on storm water pollution prevention planning to reduce pollutant sources.
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"> <li>• Educational activities (school presentations, summer camps)</li> <li>• Informational booth at event</li> <li>• Targeted group training (contractors, consultants, etc.)</li> <li>• Government event (public hearing, council meeting)</li> <li>• Workshops</li> <li>• Tours</li> <li>• Other</li> </ul>	<ul style="list-style-type: none"> <li>• Passive print media (brochures at front desk, posters, etc.)</li> <li>• Distribution of print media (mailings, newsletters, etc.) via mail or email</li> <li>• Media offerings (radio and TV ads, press release, etc.)</li> <li>• Social media posts</li> <li>• Signage</li> <li>• Website</li> <li>• Other</li> </ul>

2. **MEASURABLE GOAL:** Each Permittee shall establish a measurable goal for its Public Education and Outreach program. By November 1, 2027, each Permittee shall submit a document that includes:
  - a) Its public education and outreach program measurable goal.
  - b) The method used to identify its measurable goal.
  - c) Intended education event or specific actions to work towards achieving the measurable goal.
  - d) Intended metrics that will be used for measuring progress on the measurable goal after the education event or specific actions are completed.
  
3. **REAPPLICATION MATERIALS:** Submit as part of the permit reapplication (due May 4, 2029), a summary actions taken to reach the measurable goal, metrics used to measure success, evaluation results, and proposed measurable goal for the next permit term.

**B. PUBLIC INVOLVEMENT AND PARTICIPATION**

Each Permittee shall 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.

1. **WRITTEN PROGRAM:** By November 1, 2027, each Permittee shall submit a written program that describes in detail how the Permittee intends to implement its program. At a minimum, the written program to be implemented shall:
  - 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.

**2. MEASURABLE GOAL:** Each Permittee shall establish a measurable goal for its Public Involvement and Participation program. By November 1, 2027, each Permittee shall submit a document that includes:

- a) Its public involvement and participation program measurable goal.
- b) The method used to identify its measurable goal.
- c) Intended actions to work towards achieving the measurable goal.
- d) Intended metrics that will be used for measuring progress on the measurable goal after actions are conducted.

**3. REAPPLICATION MATERIALS:** Submit as part of the permit reapplication (due May 4, 2029), a summary of the actions taken to reach the measurable goal, metrics used to measure success, evaluation results, and proposed measurable goal for the next permit term.

### **C. ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)**

Each Permittee shall 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:

**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:** By May 1, 2027, each Permittee shall submit a written program that describes in detail how the Permittee intends to implement the following permit conditions. The written program to be implemented shall describe the Permittee's Dry Weather Outfall Screenings, Investigation and Elimination Procedures, Enforcement Response, and Training.

- 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:
- (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.
  - (3) A list of MS4 outfalls the Permittee identified as priority outfalls. Rationale used to determine priority shall also be provided within the written program.
  - (4) During dry weather periods, the Permittee shall conduct screening at MS4 outfalls.
    - (a) **Screening Location:** At minimum, the Permittee shall screen outfalls using the following criteria. Documentation of each outfall screened shall be recorded:
      1. Annually, at least 20 percent of all priority outfalls shall be screened, on a rolling basis, so that at the end of the permit term all priority outfalls have been screened.
      2. 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. Field analysis results shall be recorded for each outfall visited. The Permittee may propose alternative field analysis procedures for review and approval. The Permittee shall follow the field analysis procedures identified in this subsection unless alternative procedures are approved in writing by the Department.

- (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. A summary of outfall screening results shall be included with the annual report.
- b) **Investigation and Elimination Procedures.** The Permittee shall investigate and respond to known or suspected illicit discharges. At minimum, the written program to be implemented shall include:
- (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) Immediately 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) Responding to spills that discharge into and/or from the MS4, including tracking the source of the spill, if unknown.
  - (4) Preventing and containing spills that may discharge into or are already within the MS4.
  - (5) 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) Elimination of the illicit discharge.
    - (a) Once the source of an illicit discharge is determined, the Permittee must take appropriate action to expeditiously eliminate the illicit discharge. If elimination of the illicit discharge is not feasible 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, logistical or other reasonable issues, 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) 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) Providing the Department with advance notice of the time and location of dye testing proposed by the Permittee within a MS4.
- (9) 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.** The 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 implementing the IDDE program shall receive training on the Permittee's procedure to ensure it is being adequately implemented at least once per permit term. This may include staff conducting dry-weather screenings, investigating known or suspected illicit discharges, staff receiving complaints, and staff communicating with emergency response such as police and fire departments or others such as public works staff. A summary of the training and participants shall be described in the written procedure.

**3. MEASURABLE GOAL:** Each Permittee shall establish a measurable goal for its IDDE program. By May 1, 2027, each Permittee shall submit a document that includes:

- a) Its IDDE program measurable goal.
- b) The method used to identify its measurable goal.
- c) Intended actions to work towards achieving the measurable goal.
- d) Intended metrics that will be used for measuring progress on the measurable goal after actions are conducted.

**4. REAPPLICATION MATERIALS:** As part of the permit reapplication (due May 4, 2029), a summary of the actions taken to reach the measurable goal, metrics used to measure success, evaluation results, and proposed measurable goal for the next permit term.

#### **D. CONSTRUCTION SITE POLLUTION CONTROL**

Each Permittee shall 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:

**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:

- 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.

**Note:** 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 so to reduce adverse impacts to waters of the state.

**2. WRITTEN PROGRAM.** By November 1, 2026, each Permittee shall submit a written program that describes in detail how the Permittee intends to implement the following permit conditions. The written program to be implemented shall describe the Permittee's Erosion and Sediment Control Plan Review and Permitting Procedures, Inspection Procedures, Enforcement Procedures, and Training.

- a) **Plan Review and Permitting:** 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 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) Enforce 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. Each 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 site disturbing 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) All sites with one or more acres of disturbance	<ul style="list-style-type: none"> <li>• New projects shall be inspected within the first two weeks of commencement of land disturbing activity.</li> <li>• All active sites shall be inspected at least once every 45 days.</li> <li>• All temporarily stabilized and inactive sites shall be inspected at least once every 60 days.</li> </ul>
(2) Follow-up inspection	<ul style="list-style-type: none"> <li>• Follow-up inspections are required within 7 days of any sediment discharge or inadequate control measure, unless corrections were made and observed by the inspector during initial inspection or corrections were verified via photographs submitted to the inspector.</li> </ul>
(3) Final inspection	<ul style="list-style-type: none"> <li>• 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.</li> </ul>

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.

d) **Training.** All staff responsible for implementing the Construction Site Pollution Control Program shall receive training, at least once per permit term, on the Permittee's procedures to ensure the program is adequately implemented. A summary of the training and participants shall be described in the written procedure.

**3. MEASURABLE GOAL:** Each Permittee shall establish a measurable goal for its Construction Site Pollution Control program. By November 1, 2026, each Permittee shall submit a document that includes:

- a) Its construction site pollution control program measurable goal.
- b) The method used to identify its measurable goal.
- c) Intended actions to work towards achieving the measurable goal.
- d) Intended metrics that will be used for measuring progress on the measurable goal after actions were conducted.

**4. REAPPLICATION MATERIALS:** As part of the permit reapplication (due May 4, 2029), a summary of the actions taken to reach the measurable goal, metrics used to measure success, evaluation results, and proposed measurable goal for the next permit term.

## **E. POST-CONSTRUCTION STORM WATER MANAGEMENT**

Each Permittee shall implement and enforce a program 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:

**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:

- a) Applicability and jurisdiction. The ordinance 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.

- 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:** By November 1, 2026, each Permittee shall submit a written program that describes in detail how the Permittee intends to implement the following permit conditions. The written program to be implemented shall describe the Permittee's Post-Construction Storm Water Management Plan Review and Permitting Procedures, Inspection and Maintenance Procedures, Enforcement Procedures, and include a BMP Inventory.

- a) **Plan Review and Permitting:** 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 March 31, 2005. 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 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) Provide 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) Describe the general procedure and associated timeframe to compel compliance with the long-term maintenance requirements.
- (3) Document and maintain records of the Permittee's findings, response, and corrective actions taken.

**3. MEASURABLE GOAL:** Each Permittee shall establish a measurable goal for its Post-Construction Storm Water Management program. By November 1, 2026, each Permittee shall submit a document that includes:

- a) Its post-construction storm water management program measurable goal.
- b) The method used to identify its measurable goal.
- c) Intended actions to work towards achieving the measurable goal.
- d) Intended metrics that will be used for measuring progress on the measurable goal after actions are conducted.

**4. REAPPLICATION MATERIALS:** As part of the permit reapplication (due May 4, 2029), a summary of the actions taken to reach the measurable goal, metrics used to measure success, evaluation results, and proposed measurable goal for the next permit term.

## **F. POLLUTION PREVENTION**

Each Permittee shall implement a pollution prevention program consistent with permit conditions, to prevent or reduce the discharge of pollutants in storm water runoff.

**1. Winter Road Management:** By May 1, 2027, each Permittee shall submit its written procedure that describes in detail how the Permittee intends to implement the following:

- 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 over application of deicers. The strategy shall include a description of the temperature, precipitation event, and road conditions, and other factors which warrant different management techniques. The plan

shall also include a description of the equipment, products used, and 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 keep 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 strategy shall be provided at a frequency no less than every other year. A description of the training and participants shall be described in the written procedure.

**2. Nutrient Management:** If a Permittee applies nutrients or fertilizers to a pervious area that is five acres or more on a municipally controlled property (such as a park, athletic facility, golf course), the Permittee 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.

**3. Street Sweeping and Catch Basin Cleaning:** If a Permittee conducts street sweeping or catch basin cleanings, by May 1, 2027, the Permittee shall submit a written procedure that, at a minimum, describes the following:

- a) A description of the street sweeping and/or catch basin cleaning program, including the methodology and equipment used, 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 or a previous permit, sweeping and catch basin cleaning shall continue at the frequency specified in the Permittee's Storm Water Management Plan.
- c) 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, including how to request a low hazard exemption from solid waste regulations, is available on the Department's Internet site at: <https://dnr.wisconsin.gov/topic/Waste/Solid.html>

- d) The number of lane miles swept, and number of catch basins cleaned shall be tracked and submitted with the annual report.
- e) Staff responsible for 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:** If a Permittee provides leave and/or grass clipping collection, by May 1, 2027, the Permittee shall submit a written procedure that, at minimum, includes the following:

- a) A description of the collection program, including pick-up methodology and equipment used, timing of associated street cleaning, standard operating procedures, schedule and frequency, 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 responsible for leave 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 facilities 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 facility 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 facility.
- (3) A map of each facility, drawn to scale, and 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) Spills prevention and response standard for each facility.
- (6) A maintenance plan with inspection procedures and schedule for the facility to identify deficiencies, necessary improvements and/or repairs, assess effectiveness, and address new or unaddressed potential sources of storm water contamination. At minimum, one annual facility compliance inspection shall be conducted, and documented, each year.
- (7) Contains 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 facility, 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.

- 6. MEASURABLE GOAL:** Each Permittee shall establish a measurable goal for its Pollution Prevention program. By May 1, 2027, each Permittee shall submit a document that includes:
- a) Its pollution prevention program measurable goal.
  - b) The method used to identify its measurable goal.
  - c) Intended actions to work towards achieving the measurable goal.
  - d) Intended metrics that will be used for measuring progress on the measurable goal after actions are conducted.

- 7. REAPPLICATION MATERIALS:** As part of the permit reapplication (due May 4, 2029), a summary of the actions taken to reach the measurable goal, metrics used to measure success, evaluation results, and proposed measurable goal for the next permit term.

#### **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, to achieve a total suspended solids reduction of more than 20 percent as compared to 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 of s. NR 216.07(7), Wis. Adm. Code. Updated maps shall be submitted with the annual report of that reporting year.

1. Identification of waters of the state, watershed boundaries, name and classification of receiving waters, and identification of whether the receiving water is listed as an impaired water under section 303 (d) of the Clean Water Act.
2. Identification of all known municipal storm sewer system outfalls discharging to waters of the state or other municipal separate storm sewer systems, stormwater drainage basin boundaries for each MS4 outfall, and municipal separate storm sewer conveyance systems with flow direction. Major outfalls shall be identified. Other major municipal, government, or privately owned storm water conveyance systems lying within, but not owned by the Permittee, shall also be identified.
3. A boundary defining the municipal border and the storm water planning area.
4. The location of any known discharge to the MS4 that has been issued a WPDES permit by the Department.
5. Location of municipally owned or operated structural storm water controls including detention basins, infiltration basins, and manufactured treatment devices. If the Permittee will be taking credit for pollutant removal from privately owned facilities, these facilities must be identified.
6. Identification of publicly owned parks, recreational areas, and other similar open lands.
7. Location of municipal garages and other public works facilities.
8. Identification of streets.
9. Identification of other potential sources of pollution.

#### **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 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 31<sup>st</sup> 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 status of meeting performance standards if updates were made during the reporting year.
8. A summary of the progress toward implementing the TMDL Implementation Plan and, if applicable, any changes to the TMDL implementation plan.
9. If applicable, notice that the Permittee is relying on another entity to satisfy some of the permit requirements as described in s. NR 216.075, Wis. Adm. Code.
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 May 4, 2029, for continued coverage under a reissued version of this permit. The reapplication package shall include the following:

**Note:** Any number of Co-Permittees may choose to collaborate and submit a joint reapplication package. However, where individual Permittee information is needed, the joint reapplication package shall clearly identify the individual information or, Permittees 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. For each of the six storm water management programs, a summary of the actions taken to identify the measurable goal, actions taken to reach the measurable goal, metrics used to measure success, and evaluation results.
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 expected dates of implementation.
4. An assessment of the proposed storm water management program's adequacy to reduce pollutants to the MEP. The assessment must include:
  - a) 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) Estimate 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. 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.

### **III. TOTAL MAXIMUM DAILY LOADS (TMDLs)**

The requirements of this section apply to discharges covered under the Rock River TMDL and Milwaukee River Basin (MRB) TMDL as approved by USEPA on September 28, 2011, and March 9, 2018, respectively. The following Permittees shall complete the following:

**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.

#### **A. The Village of Lisbon shall:**

1. Ensure continued operation and maintenance of all best management practices utilized to demonstrate compliance with its assigned Rock River TMDL WLAs.
2. Provide the following information with the fourth year MS4 Annual Report (due March 31, 2028) to confirm the TMDL WLAs are met in all TMDL reachsheds in which the Village's MS4 permitted area discharges.
  - a) A map identifying MS4 areas gained or lost due to annexation.

- b) The TMDL reached the changed area discharges.

**B. The Town of Brookfield shall:**

1. Obtain long-term maintenance authority on privately owned post-construction structural BMPs within the MRB TMDL drainage area.
2. By November 1, 2026, submit an updated MRB TMDL pollutant load reduction evaluation for TSS and TP to, at minimum, include the privately owned post-construction structural BMPs in which the Town obtained long-term maintenance authority. The updated evaluation must include:
  - a) The revised WinSLAMM input and output summary files (.txt). If additional information is necessary to conduct a review, the Department may request the modeling data.
  - b) In a tabular format, submit an updated MRB TMDL TSS and TP Tabular Summary.
    - i. An estimate of the current pollutant loading without considering implementation of BMPs (no controls load) and an estimate of the current pollutant loadings considering BMP implementation (with controls load).
    - ii. The difference between the no control load and with control load (existing load reduction) shall be expressed as a percent reduction.
    - iii. The assigned TMDL WLA percent reduction.
    - iv. The TMDL WLA percent reduction remaining.

**Note:** An example tabular format is provided in Table 4 (below).
3. If the updated tabular summary shows the Town is not achieving its assigned MRB TMDL WLAs for TSS and TP, the Town shall submit its proposed MRB TMDL Benchmark(s) to be completed during the next permit term with its permit reapplication package (due May 4, 2029). For each proposed MRB TMDL Benchmark, this submittal shall also include:
  - a) A description of the MRB TMDL Benchmark including the type of BMP, location, estimated drainage area, anticipated TSS and TP pollutant reductions and, anticipated schedule for implementation.
4. During the permit term, conduct at least one public education and outreach event within the Town to increase awareness of fecal bacteria in stormwater such as fecal bacteria pollution problems, potential sources, proper pet waste management, and the impacts of urban wildlife and pests in stormwater. A summary of the event shall be submitted with the permit reapplication package (due May 4, 2029).
5. By May 4, 2029, propose action(s), project(s), and/or event(s) to implement during the following permit term which will address, to the maximum extent practicable, fecal coliform entering its MS4. The proposed activity(s) should also include the rationale for the proposed activity(s) and the expected outcome from implementing the activity(s).

**C. The Town of Delafield shall:**

1. Complete swale infiltration rate field testing in Rock River TMDL Reachshed 55 (RR-55). Submit the infiltration rate field testing results to the Department by November 1, 2026.
2. Revise the Town’s WinSLAMM modeling based on the results of the swale infiltration rate field testing. By May 1, 2027, submit an updated Rock River TMDL pollutant load reduction evaluation for TSS and TP. The updated evaluation must include:
  - a) The revised WinSLAMM input and output summary files (.txt). If additional information is necessary to conduct a review, the Department may request the modeling data.
  - b) In a tabular format, submit an updated Rock River TMDL TSS and TP Tabular Summary.
    - i. An estimate of the current pollutant loading without considering implementation of BMPs (no controls load) and an estimate of the current pollutant loadings considering BMP implementation (with controls load).
    - ii. The difference between the no control load and with control load (existing load reduction) shall be expressed as a percent reduction.
    - iii. The assigned TMDL WLA percent reduction.
    - iv. The TMDL WLA percent reduction remaining.

**Note:** An example tabular format is provided in Table 4 (below).

- c) If the updated tabular summary shows the Town is not achieving its assigned Rock River TMDL WLAs for TSS and TP, the Town shall submit its proposed Rock River TMDL Benchmark(s) to be completed during the next permit term with its permit reapplication package (due May 4, 2029). For each proposed Rock River TMDL Benchmark, this submittal shall also include:
  - i. A description of the Rock River TMDL Benchmark including the type of BMP, location, estimated drainage area, anticipated TSS and TP pollutant reductions and, anticipated schedule for implementation.

**Table 4: TSS and TP Tabular Summary Example Format**

TMDL Reachshed	No Controls Load (weight, e.g., lbs)		With Controls Load (weight, e.g., lbs)		Existing Load Reduction (%)		Assigned TMDL WLA (%)		TMDL WLA % Reduction Remaining <sup>1</sup>	
	TSS	TP	TSS	TP	TSS	TP	TSS	TP	TSS	TP
Reachshed - XX										

<sup>1</sup> If existing load reduction is greater than assigned TMDL WLA, enter 0 for TMDL WLA % Reduction Remaining.

## IV. IMPLEMENTATION SCHEDULE

Each Permittee shall comply with all permit conditions contained within the permit. Table 5 does not list all the requirements of the permit. Table 5 lists new or updated requirements which apply to all co-Permittees. Additional requirements may not be listed in Table 5. 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 5: Implementation Schedule for Permit Requirements**

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE
I.J.1	Each Permittee shall determine whether any part of its MS4 discharges to an impaired water body.	By March 31 of each even-numbered year
II.A.1 and II.A.2	<b>Submit</b> Public Education and Outreach Written Program and Measurable Goal materials.	November 1, 2027
II.B.1 and II.B.2	<b>Submit</b> Public Involvement and Participation Written Program and Measurable Goal materials.	November 1, 2027
II.C.2 and II.C.3	<b>Submit</b> IDDE Written Program and Measurable Goal materials.	May 1, 2027
II.C.2.d)	Complete IDDE Program training.	At least once during the permit term
II.D.2 and II.D.3	<b>Submit</b> Construction Site Pollution Control Written Program and Measurable Goal materials.	November 1, 2026
II.D.2.e)	Complete Construction Site Pollution Control Program training.	At least once during the permit term
II.E.2 and II.E.3	<b>Submit</b> Post-Construction Storm Water Management Written Program and Measurable Goal materials.	November 1, 2026
II.E.2.c)	Inspect all municipally owned or operated post-construction BMPs and document inspections.	At least once every five years
II.F.1 through II.F.6	<b>Submit</b> Pollution Prevention Written Programs and Measurable Goal materials.	May 1, 2027
II.F.1.b)	Calibrate salt application equipment.	Annually
II.F.1.d)	Complete training on the Permittee’s salt strategy.	No less than every other year

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE
II.F.3.e)	Complete Street Sweeping and Catch Basin Cleaning training.	At least once during the permit term
II.F.4.b)	Complete leave and grass clipping collection training.	At least once during the permit term
II.F.5.a)(6)	Conduct and document SWPPP annual facility compliance inspections for each facility.	Annually
II.F.5.c)	Evaluate all SWPPPs.	At least once per permit term
II.F.5.e)	<b>Submit</b> any new or revised SWPPPs.	Upon completion or with the annual report of that reporting year
II.A.3, II.B.3, II.C.4, II.D.4, II.E.4, II.F.7	<b>Submit</b> for each stormwater management program, a summary actions taken to reach the program's measurable goal, metrics used to measure success, evaluation results, and proposed measurable goals for the next permit term.	May 4, 2029
II.J	<b>Submit</b> MS4 Annual Report.	March 31 each year
II.K	<b>Submit</b> Reapplication for Permit Coverage Materials.	May 4, 2029
III.A through III.C	The <b>Village of Lisbon, Town of Brookfield, and Town of Delafield</b> complete and <b>submit</b> TMDL permit conditions.	See permit section III for compliance dates.

## V. STANDARD CONDITIONS

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated by reference in this permit. The Permittee shall meet these requirements. Some of these requirements are outlined below in paragraph 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:

The Permittee shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action, permit 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 written report on a case-by-case basis based on the oral report received within 24 hours. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

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

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

### **D. DUTY TO MITIGATE**

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

### **E. SPILL REPORTING**

The Permittee shall immediately notify the Department, in accordance with s. 292.11(2)(a), Wis. Stats., which requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the DNR immediately of any discharge not authorized by the permit. 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 the DNR's 24-hour HOTLINE at 1-800-943-0003.

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

### **F. PROPER OPERATION AND MAINTENANCE:**

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the municipality to achieve compliance

with the conditions of the permit and the storm water management 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:**

The Permittee may temporarily bypass storm water treatment facilities if necessary for maintenance, or due to 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 a manner to prevent any pollutant from the materials from entering the waters of the state, and to comply with all applicable Federal, State, and Local regulations.

**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:**

The 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:**

The 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 the 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. 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:**

When 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 in any report to the Department, it shall promptly submit such facts or correct information to the Department.

**P. RECORDS RETENTION:**

The Permittee shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the application for the permit 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 for by a ranking elected official, or other person authorized by them 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 and based on inquiry of the people directly under their supervision 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 are 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.
- 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. 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).
- 21. 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.
- 22. 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.
- 23. Pollutants of concern** means a pollutant that is causing impairment of a waterbody.

24. **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.
25. **Reach** means a specific stream segment, lake or reservoir as identified in a TMDL.
26. **Reachshed** means the drainage area contributing runoff to a given reach.
27. **Redevelopment** means areas where development is replacing older development.
28. **Riparian landowners** are the owners of lands bordering lakes and rivers.
29. **Sediment** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
30. **Start Date** is the date of permit coverage under this permit, which is specified in the Department letter authorizing coverage.
31. **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.
32. **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.
33. **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.
34. **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.
35. **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.
36. **Waters of the State** has the meaning given it in s. 283.01(20), Wis. Stats.
37. **WPDES permit** means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to ch. 283, Wis. Stats.