



STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM WPDES PERMIT NO. WI-S049930-03

In compliance with the provisions of Ch. 283, Wis. stats., and chs. NR 151 and 216, Wis.
Adm. Code, for the following:

WISCONSIN STATE FAIR PARK

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:

HONEY CREEK

This permit to discharge takes effect on August 1, 2025, and expires at midnight, July 31, 2030. 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 _____
Elexius (Lexi) Montes
Storm Water Specialist

Date Permit Signed

PERMIT EFFECTIVE DATE: August 1, 2025

EXPIRATION DATE: July 31, 2030

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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 discharges from the Wisconsin State Fair Park. In this permit, the Wisconsin State Fair Park is referred to as the Permittee. This permit covers all areas within the jurisdiction of the Permittee. This permit is issued in accordance with chapter 283, Wis. Stats. and chs. NR 151 and NR 216, Wis. Adm. Code.
- B. **AUTHORIZED DISCHARGES:** This permit authorizes storm water point source discharges to waters of the state from the MS4 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 other WPDES permits or are discharges which are not considered illicit discharges pursuant to Section II.C.1 of this permit.
- C. **INDIVIDUAL RESPONSIBILITY:** State Fair Park 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, completion of TMDL benchmarks, and implementation of the storm water management program establishes this MEP requirement.
- D. **SHARED RESPONSIBILITY**
1. The implementation of one or more of the conditions of this permit by the Permittee may incorporate cooperative efforts with other MS4 regulated permittees or efforts by other groups or organizations if the shared responsibility is approved by the Department. The Permittee may rely on another municipality or contract with another entity to satisfy a condition of this permit if all the following are met:
 - 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 or 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 ch. NR 102 through 105 and NR 140, and NR 207, Wis. Adm. Code. During this 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. **WETLANDS:** Permittee MS4 discharges shall comply with the applicable wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.
- G. **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.
- H. **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.
- I. **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 discharges. The Permittee shall:
1. Review the applicable pollutants of concern on the 2020 303(d) list, or the most recent United States Environmental Protection Agency (EPA) approved list that are relevant to the Permittee's MS4 discharge and determine whether any part of its MS4 discharges to a listed impaired waterbody. Review shall occur within 12 months each time the 303(d) list is revised.
 2. Include a written section in their 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 <http://dnr.wi.gov/water/impairedSearch.aspx>.
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.
- J. **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.

K. 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 each Permittee’s responsibility to regulate construction sites within its jurisdiction in accordance with Sections II. E. and F. 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 within Indian Country to obtain permit coverage directly from the EPA.

II. STORM WATER MANAGEMENT PROGRAMS

The 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, the 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 PROGRAM

The Permittee shall continue to implement a public education and outreach program 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. At a minimum, the Permittee shall comply with the following:

1. **Written Program Procedure:** By **January 1, 2028**, the Permittee shall submit a written program that describes in detail how the Permittee intends to implement its program consistent with the following:

At a minimum, the Permittee shall provide storm water education and outreach on an annual basis consistent with the following conditions. For each topic area, the written program shall identify the targeted audience, delivery mechanism and person(s) responsible for implementation:

a) Broad Target Audience: General Public

- i. Continue to promote detection and elimination of illicit discharges and water quality impacts associated with discharges of pollution into its municipal separate storm sewer system during the Wisconsin State Fair. This may include activities such as storm water inlet stenciling, runoff management signs constructed near manure management areas, employee alert bulletins, and cooperative efforts with State, local governments, and non-governmental organizations.
- ii. Continue to promote infiltration of storm water runoff from rooftop downspouts, driveways and sidewalks during the Wisconsin State Fair. The Permittee shall continue to promote rain barrel and rain garden use through signage for these facilities within the Fair Park.
- iii. Continue to promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides.
- iv. Continue to promote the management of stream banks and shorelines to minimize erosion and restore and enhance the ecological value of waterways.

b) Specific Target Audience: Fair Park Employees, Contractors, Vendors, Exhibitors, and Campers

- i. The Permittee shall continue to educate vendors, exhibitors, campers, and other users of the Fair Park who have a direct impact on storm water runoff with printed material such as a brochure regarding storm water runoff. This material shall be distributed at their arrival at the Fair Park annually, as part of the vendor contract packet and at the camper welcome station.
- ii. The Permittee shall continue to educate WSFP Employees about storm water pollution from sources at the WSFP and how to prevent or reduce pollutant

runoff from areas that may generate storm water pollution. At minimum, education shall be provided through training activities including proper material management and disposal of sanitary wash water and solid waste, locations of storm sewer drains and outfalls, and general good housekeeping/pollution prevention practices.

2. **Measurable Goal:** The Permittee shall establish a measurable goal for its Public Education and Outreach program. By **January 1, 2028**, the Permittee shall submit a document that describes:
 - a) The 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) Metrics that will be used for measuring progress after the education event or activities has been held.
3. **Reapplication Materials:** Submit as part of the permit reapplication (due **February 1, 2030**), a proposed measurable goal for the Public Education and Outreach program in the next permit term.

B. PUBLIC INVOLVMENT AND PARTICIPATION PROGRAM

The Permittee shall continue to implement a public involvement and participation program 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: MS4 annual reports, Storm Water Management Program revisions, and TMDL pollutant load reduction benchmark development.

1. **Written Program Procedure:** By **January 1, 2028**, the 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) The Permittee must notify the public of activities required by this permit and to encourage input and participation from the public regarding these activities. Therefore, the Permittee shall 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. The Permittee may coordinate use of the Department's pavilion for featuring storm water related topics, and to solicit comments from the public regarding the activities required under this permit.

2. **Measurable Goal:** The Permittee shall establish a measurable goal for its Public Involvement and Participation program. By **January 1, 2028**, the Permittee shall submit a document that describes:
 - a) The 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) Metrics that will be used for measuring progress after the actions are conducted.
3. **Permit Reapplication:** As part of the permit reapplication (due **February 1, 2030**), a summary of the actions taken to identify the measurable goal, actions taken to reach the measurable goal, metrics used to measure success, evaluation results, and proposed measurable goal for the Public Involvement and Participation program in the next permit term shall be submitted.

C. ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

The Permittee shall continue to implement a program to detect, remove, and eliminate illicit connections and discharges to the municipal separate storm sewer system. At a minimum, the program must include:

1. **Legal Authority:** The Permittee shall continue to enforce signed agreements with existing vendors and exhibitors and initiate new agreements with new vendors and exhibitors. Agreements shall require all liquid and solid waste be properly disposed. Failure to comply with agreements held shall be cause for closing the concession involved. All vendors and exhibitors generating waste solids or substances shall be subject to written agreement and subsequent contract provisions. The Permittee must have all existing, signed vendor and exhibitor agreements available upon request.

At a minimum, the legal authority established through signed vendor agreements shall:

- a) Prohibit the discharge, spill, leaking, pumping, pouring, emitting, emptying, or dumping of non-storm water substances or material into waters of the state or the MS4.
- b) Identify 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 as significant source of pollutants to waters of the state.
- c) Establish inspection and enforcement responsibilities.

Note: All potential sources of illicit discharge may be addressed through enforcement of the aforementioned vendor agreements.

2. **Written Program Procedure:** By **August 1, 2027**, the Permittee shall submit a written program that describes in detail how the Permittee intends to implement the following permit

conditions:

a) **Dry-Weather and Wet-Weather Major Outfall Screenings**

i. **Major Outfalls HO-B1 and HO-17**

- 1) **Dry-weather field screenings:** The Permittee shall conduct dry-weather field screenings at major outfalls HO-B1 and HO-17 at least once during operating hours and again during non-operational hours of the Wisconsin State Fair on an annual basis. Dry-weather field screenings shall occur during dry weather periods (typically 72 hours after any measurable rainfall).

ii. **Major Outfall HO-03 (84-inch diameter outfall)**

- 1) **Dry-weather field screenings:** The Permittee shall conduct dry-weather field screenings at manhole locations SHC05A and SHC05B upstream of HO-03 at least once during operating hours and again during non-operational hours of the Wisconsin State Fair on an annual basis. Dry-weather field screenings shall occur during dry weather periods.
- 2) **Wet-weather field screenings:** The Permittee shall conduct wet-weather field screenings at manhole locations SHC05A and SHC05B at least once during operating hours and again during non-operational hours of the Wisconsin State Fair on an annual basis.
 - a. If wet weather does not occur during the duration of the Wisconsin State Fair (during operational hours and during non-operational hours) the Permittee shall document wet weather screening could not occur.
 - b. If the Permittee is unable to take a sample due to insufficient rain or staff limitations during non-operational hours, an explanation describing why wet weather screening did not occur shall be provided and submitted with that year's annual report as required by Section J.

Note: Wet weather sampling should be conducted within the first 30 minutes or as soon thereafter as practical, but not to exceed 60 minutes, after runoff begins discharging at the outfall.

- b) **Major Outfall Screening Requirements:** Each outfall screening shall be documented and maintained for at least 5 years. The Permittee shall conduct and document the following actions for each outfall screening under dry-weather and wet-weather conditions:

i. **Visual and Sensory Observations:**

A narrative description of visual observations including color, odor, turbidity, oil sheen or surface scum, trash, flow rate, condition of conveyance system or outfall, and any other relevant observations regarding the potential presence of

non-storm water discharges or illicit dumping shall be completed for each outfall visited.

ii. Field Analysis:

In addition to visual and sensory observations, if flow is observed, a field analysis shall be conducted to determine the presence of illicit non-storm water discharges or illegal dumping. 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 such as ammonia, potassium, and fluoride. Other alternative indicator parameters may be 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.

- 1) ***E. coli* Testing:** For major outfall HO-03, the Permittee must continue to test for the presence of *E. coli*, an indicator of fecal bacteria, at manholes SHC05A and SHC05B during dry and wet weather outfall screenings as stated in Section II.C.2.a.

Note: The Permittee may propose alternative field analysis procedures for review and approval. The permittee shall follow the field analysis procedures identified in subsection (ii) unless alternative procedures are approved in writing by the Department.

iii. Pollutant Parameter Action Levels:

The Permittee must establish parameter action levels as part of the field screening and analysis under Section II. C. 2.b(ii) for each pollutant parameter tested. If the sample exceeds the parameter action levels established, the Permittee is required to further investigate, which may include laboratory analysis, to identify the source the illicit discharge.

iv. Laboratory Analysis:

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

v. Documentation:

Visual and sensory observation and field screening results shall be recorded for each outfall and kept for 5 years. A summary of results shall be included with the annual report.

- c) **Investigation and Elimination Procedures:** Within 24 hours after a known or suspected illicit discharge is detected or reported, a field investigation shall be conducted in the contributing drainage area to identify and eliminate the source.

At a minimum, the Permittee must:

- i. Immediately investigate portions of the MS4 that, based on the results of visual and sensory observations, parameter action level exceedances, and/or other information, such as a complaint or referral, indicates a reasonable potential for containing illicit discharges.
 - 1) **Manhole SHC05A:** Regardless of visual and sensory observations or action level exceedances, if flow is observed during dry weather field screenings at SHC05A, the Permittee must begin upstream investigation immediately to find the source.
- ii. Responding to spills that discharge into and/or from the MS4 including tracking the source of the spill; and preventing and containing spills that may discharge into or are already within the MS4.
- iii. Immediately notifying the Department in accordance with ch. NR 706, Wis. Adm. Code, if the Permittee identifies a spill or release of a hazardous substance, 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.
- iv. Elimination of the illicit discharge as soon as practicable.
- v. Once the source of an illicit discharge is determined, the Permittee must take appropriate action to expeditiously eliminate the illicit discharges within 30 days. This includes an initial evaluation of the feasibility to eliminate the discharge within 30 days. If the illicit discharge cannot be eliminated within 30 days, the Permittee shall contact the Department.
- vi. 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.
- vii. 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.
- viii. Elimination of sanitary and gray water discharge from vendor trailers, other temporary trailers or units used during the Wisconsin State Fair or other events, and portable restrooms.
- ix. Elimination of direct runoff from feedlots, manure storage facilities, or animal washing areas into the MS4. At no time can manure be stored or piled in an unconfined manner.
- x. Elimination of direct runoff from the refuse collection and refuse compaction area into the MS4.

- xi. Provide the Department with advance notice of the time and location of dye testing within a MS4.
- xii. Notification with adjacent municipality.
 - 1) 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.
 - 2) 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.
- d) **Enforcement Response:** The Permittee shall have an enforcement response plan or similar document as part of its written program on how the Permittee enforces its vendor agreements when an illicit discharge investigation identifies a responsible party. At a minimum, the enforcement response plan to be implemented shall:
 - i. Identify all available enforcement mechanisms the Permittee may utilize to compel compliance.
 - ii. 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.
 - iii. Describe the typical enforcement procedures and associated timeframe.
- e) **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.
- 3. **Measurable Goal:** The Permittee shall establish a measurable goal for its Illicit Discharge Detection and Elimination Program. By **August 1, 2027**, the Permittee shall submit a document that describes:
 - a. The Illicit Discharge Detection and Elimination Program measurable goal.
 - b. The method used to identify its measurable goal.
 - c. Intended actions to work towards achieving the measurable goal.
 - d. Metrics that will be used for measuring progress after the actions have been conducted.
- 4. **Permit Reapplication:** As part of the permit reapplication (due **February 1, 2030**), a summary of the actions taken to identify the measurable goal, actions taken to reach the measurable goal, metrics used to measure success, evaluation results, and proposed Illicit Discharge Detection and Elimination program measurable goal for the next permit term shall be submitted.

D. CONSTRUCTION SITE POLLUTANT CONTROL PROGRAM

The Permittee shall continue to manage erosion and sediment from construction site activities through implementation and maintenance of source area controls and structural best management practices. At a minimum, the program must include:

1. **Legal Authority:** The Permittee shall continue to rely on the Department of Administration (DOA) – Division of State Facilities' Development (DFD) master specifications and design guidelines for all construction and remodeling projects undertaken by the Permittee, particularly Section 31 10 00 Site Clearing; Section 31 20 00 Earthmoving; Section 31 23.16.13 Trenching; Section 31 23 19 Dewatering; and Section 31 25 00 Erosion Control.
2. **Written Program Procedure:** By **August 1, 2028**, the 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:

Note: When DOA/DFD is the regulating entity for construction projects at WSFP, DOA/DFD must follow state and local requirements and is responsible for plan review and permitting, inspections and enforcement mechanisms. Therefore, WSFP shall comply with the following permit conditions.

- a) For active construction sites at the WSFP with a Department Notice of Intent (NOI), the Permittee shall assess if sediment or other construction-related materials are discharging off the project site and have the possibility to impact WSFP's storm sewer system, once every 45 days. WSFP shall document its assessments and maintain documentation for a minimum of 5 years. Records shall be made available upon request of the Department.
- b) Describe WSFP's response procedure when sediment or other construction-related materials are discharging off the project site and/or when there is an indication of erosion and sediment control noncompliance. At a minimum, the response plan shall:
 - i. Provide the name or title and contact information of the WSFP representative(s) responsible for the site assessment as required in Permit Condition II.D.2.a.
 - ii. Provide the name or title and contact information of the DOA/DFD representative(s) responsible for construction site compliance.
 - iii. Describe the communication and notification procedures between WSFP and DOA/DFD in the event noncompliance is observed or suspected during a site assessment.
 - iv. Describe how WSFP ensures the construction site is no longer impacting its storm sewer system.
- c) The Permittee shall describe in its written program procedure how it considers complaints and other information submitted from the public.
- d) For construction projects that do not require a Department NOI, the Permittee shall describe how the Permittee manages erosion and sediment from these sites.
 - a. If a construction project over an acre or more occurs and will not be managed

by the DOA/DFD, the Permittee shall contact the Department prior to submitting the Department NOI for more information on how best to proceed.

3. **Measurable Goal:** The Permittee shall establish a measurable goal for its Construction Site Pollutant Control Program. By **August 1, 2028**, the Permittee shall submit a document that describes:
 - a) The Construction Site Pollutant Control Program measurable goal.
 - b) The method used to identify its measurable goal.
 - c) Intended actions to work towards achieving the measurable goal.
 - d) Metrics that will be used for measuring progress after the actions has been conducted.
4. **Permit Reapplication:** As part of the permit reapplication (due **February 1, 2030**), a summary of the actions taken to identify the measurable goal, actions taken to reach the measurable goal, metrics used to measure success, evaluation results, and proposed measurable goal for the Construction Site Pollutant Control program in the next permit term shall be submitted.

E. POST-CONSTRUCTION STORM WATER MANAGEMENT PROGRAM

The Permittee shall continue to implement and enforce a program to control the quantity and quality of discharges from areas of new development and redevelopment, after construction is completed. At a minimum, the program must include:

1. **Legal Authority:** The Permittee shall continue to rely on the Department of Administration (DOA) – Division of State Facilities' Development (DFD) master specifications and design guidelines for all construction and remodeling projects undertaken by the Permittee.
2. **Written Program Procedure:** By **August 1, 2028**, the 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:

Note: The DOA/DFD is the regulating entity for construction projects. As such, DOA/DFD is responsible for plan review and permitting for construction sites which require post-construction storm water best management practices (BMPs). Therefore, WSFP shall comply with the following permit conditions.

- a) Develop and maintain a system for tracking and completing inspection and maintenance on WSFP owned post-construction storm water BMPs. At minimum, this system shall include:
 - i. An inventory of all post-construction BMPs. For each BMP inventoried, the following information must be provided:
 - 1) BMP name, type, location, and year constructed.
 - 2) Confirmation of whether each of the following exists:
 - 3) Record drawing.
 - 4) Storm water management plan, operation and maintenance plan, or similar document which describes inspection and maintenance procedures.
 - 5) The name or title and contact information of the individual(s)

- responsible for inspecting and pursuing maintenance for WSFP owned BMPs.
- 6) Inspection frequency. At minimum, each BMP shall be inspected at least once every 5 years.
 - 7) Location of inspection and maintenance record documentation.
- ii. Inspection and Maintenance Requirements for all WSFP owned post-construction BMPs. Inspection and maintenance activities shall be documented and maintained for at least 5 years.
3. **Measurable Goal:** The Permittee shall establish a measurable goal for its Post-Construction Storm Water Management Program. By **August 1, 2028**, the Permittee shall submit a document that describes:
- a) The 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) Metrics that will be used for measuring progress after the actions have been conducted.
4. **Permit Reapplication:** As part of the permit reapplication (**due February 1, 2030**), a summary of the actions taken to identify the measurable goal, actions taken to reach the measurable goal, metrics used to measure success, evaluation results, and proposed Post-Construction Storm Water Management program measurable goal for the next permit term shall be submitted.

F. POLLUTION PREVENTION PROGRAM

The Permittee shall continue to implement a program to prevent or reduce pollutant loading from areas that may generate storm water pollution. At a minimum, the program must include:

1. **Written Program Procedure:** By **August 1, 2027**, the 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 describe:
 - a) **Source Area Best Management Practices (BMPs)**
 - i. **Trash and Recycling Receptacles**

The Permittee shall:

 - 1) Implement BMPs to prevent generation of storm water pollution from trash and recycling receptacles. This program shall monitor and adjust the number and accessibility of available trash and recycling receptacles in the WSFP. The Permittee shall describe how often the Permittee will review the number of trash and recycling receptacles and its adequacy during operational hours of the Wisconsin State Fair and other events held within the WSFP throughout the year.
 - 2) Adjust written program procedures based on observation of WSFP representatives and event attendance. A summary of trash and

recycling receptacles review shall be available upon request.

ii. Trash Compactors and Grease Storage Containers

The Permittee shall:

- 1) Implement BMPs to prevent generation of storm water pollution from trash compactors and grease storage containers. The Permittee shall describe all BMPs, including staff training to ensure staff are properly trained on the use of equipment and minimize storm water pollution of such activities.
- 2) Continue to store trash compactors away from storm water inlets and on impervious surface where staff can sweep the areas after trash compactors are removed. Trash compactors shall be maintained, and the surrounding area shall be kept orderly.
- 3) Maintain documentation of trash compactor maintenance and training logs to be available upon request.
- 4) Continue to inspect grease containers daily to determine if cleaning is needed. Cleaning shall be conducted to mitigate potential overflow of the container. Grease container areas shall be maintained, and the surrounding area shall be kept orderly.
- 5) Identify the location of trash compactors and grease storage containers on its storm sewer map in Section II.H.10.

iii. Restrooms and Portable Restrooms

The Permittee shall:

- 1) Continue to implement a program to monitor and adjust the number and accessibility of restrooms in the WSFP parking lot and within the WSFP. Factors used to evaluate restrooms, such as the projected attendance, weather, and observation by WSFP representatives during events, shall be described.
- 2) Review the number of restrooms available for adequacy on an annual basis for the Wisconsin State Fair and other events held within the WSFP. A summary of restroom reviews shall be available upon request.
- 3) Identify the location of restrooms and portable restrooms on the Permittee's storm sewer map in Section II.H.10.

iv. Ag Village

The Permittee shall:

- 1) During any event when livestock is present at the WSFP, install inlet protection at any storm water inlets within or around animal barns that have the potential to receive contaminated storm water. During these events, inlet protections shall be inspected daily and maintained when full.
- 2) Continue to implement the Scooper Trooper program of staff who sweep debris multiple times throughout the day during operational hours of the Wisconsin State Fair. Factors such as determination of how many staff and task areas assigned should be described.
- 3) Continue to monitor existing storm water inlet passive education intended to discourage illicit dumping.
- 4) Continuously monitor the Swine Barn washing area throughout the Fair's operation to determine if BMPs are adequate in preventing storm water runoff contamination. If BMPs are found to be inadequate, the Permittee shall implement alternative BMPs.
 - 1) The concrete drainage swale shall be swept on a need be basis.
- 5) Maintain signage along western fence line of Swine Barn directing Fair exhibitors to wash animals and maintain pens in a manner as to minimize the introduction of waste materials and wash water into the storm sewer system.
- 6) Continuously monitor the west side of the Sheep and Goat Barn for illicit dumping into storm water inlets and provide storm water education to participating vendors.

v. Manure Management

The Permittee shall:

- 1) Continue to implement proper collection and disposal of manure located in feedlots, manure storage facilities and management of tracking, or animal washing areas.
- 2) Describe the storm water best management practices (BMPs) at manure feedlots and storage facilities.
- 3) Identify manure storage facilities on the Permittee's storm sewer map in Section II.H.10.

b) Storm Water Pollution Prevention Activities

A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and submitted to the Department by **August 1, 2027**, for the WSFP's two properties: the Primary Waste Yard and Eastern Side Racetrack Property. The SWPPP shall include a

description of procedures, good housekeeping activities, and any BMPs installed to reduce or eliminate storm water contamination. The SWPPP shall be updated when property conditions or operations change at the WSFP. The SWPPP shall include the following items:

- i. The physical locations of each facility with a key corresponding to the locations on the storm sewer system map required under section II.H.
- ii. The contact information for the individuals with overall responsibility for each facility.
- iii. A map of each facility, drawn to scale, and including the following features:
 - 1) The locations and descriptions of major activities and storage areas.
 - 2) Identification of drainage patterns, potential sources of storm water contamination, and discharge points.
 - 3) Identification of nearby receiving waters or wetlands.
 - 4) Identification of connections to the Permittee's MS4.
- iv. A description of procedures, good housekeeping activities, and any BMPs installed to reduce or eliminate storm water contamination.
- v. A maintenance plan with inspection procedures and schedule for each facility to identify deficiencies, necessary improvements and/or repairs, assess effectiveness, and address new or unaddressed potential sources of storm water contamination.
- vi. Spills prevention and response standard for each facility.
- vii. Quarterly visual inspections of the property and annual facility compliance inspections. Inspection reports shall be documented.
- viii. Contains procedures for annual training of municipal staff on implementation of the SWPPP.

c) Street Sweeping and Catch Basin Cleaning

- i. The Permittee must continue to implement its street sweeping and catch basin cleaning program frequency in areas of the WSFP that are actively utilized during operating hours of the Wisconsin State Fair and other events held within the WSFP throughout the year. Particular attention must be given to areas where manure or industrial-type waste, such as waste associated with race events, is likely to discharge to the storm sewer system.
- ii. 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.
- iii. The written procedures shall include a description of the methodology and equipment used, schedule and frequency of street sweeping and catch basin cleaning, and the location and associated Best Management Practices (BMPs) utilized during material storage and final disposal.
- iv. A map identifying streets that are swept and catch basins that are cleaned shall also be included.

d) Winter Road Management

- i. If road salt or other deicers are applied, no more shall be applied than the amount necessary to maintain public safety. The Permittee shall develop and implement a written salt application or salt reduction strategy to minimize overapplication of deicers.
- ii. 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.
- iii. Salt storage shall be in a manner consistent with State, Local, and Federal regulations.

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

<https://wisconsindot.gov/Pages/doing-bus/local-gov/hwy-mnt/mntcmanual/chapter06.aspx>. The WisDOT highway salt storage requirements are contained in ch. Trans 277, Wis. Adm. Code.

e) Management of Leaves and Grass Clippings

If the Permittee provides leaves and grass clipping collection, the written program shall include the following:

- i. A description of how the Permittee collects leaves and grass clippings at the WSFP, including pick-up methodology and equipment used, timing of associated street cleaning, standard operating procedures, and schedule and frequency.
- ii. Identify the location and associated BMPs utilized during material storage and final disposal.

f) Nutrient Management

- i. If the Permittee applies nutrients to turf area that is five acres or more on WSFP controlled properties, nutrients shall be done 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. All properties subject to this section shall be identified on an MS4 map.

2. Measurable Goal: The Permittee shall establish a measurable goal for its Pollution Prevention Program. By **August 1, 2027**, the Permittee shall submit a document that describes:

- a) The 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) Metrics that will be used for measuring progress after the actions have been conducted.

3. Permit Reapplication: As part of the permit reapplication (due **February 1, 2030**), a summary of the actions taken to identify the measurable goal, actions taken to reach the

measurable goal, metrics used to measure success, evaluation results, and proposed Pollution Prevention program measurable goal for the next permit term shall be submitted.

G. STORM WATER QUALITY MANAGEMENT

The Permittee shall develop and implement a 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 achieve 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 s. NR 151.12 or 151.24, Wis. Adm. Code. (Note: projects prior to Oct. 1, 2004).
2. The 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

The Permittee shall maintain a current municipal separate storm sewer system map. The municipal storm sewer system map shall include:

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 s. 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. Each outfall shall be uniquely identified, and pipe size provided.
3. Storm water drainage basin boundaries for each MS4 outfall, municipal separate storm sewer conveyance systems with flow direction, and other major municipal, government, or privately-owned storm water conveyance systems lying within, but not owned by the permittee shall be identified.
4. Location of any known discharge to the municipal separate storm sewer system that has been issued WPDES permit coverage by the Department.
5. Location of WSFP owned structural storm water controls including detention basins, infiltration basins, and manufactured treatment devices.
6. Identification of recreational areas and other open lands.
7. Location of municipal garages and other public works facilities.
8. A boundary defining the municipal border and the storm water planning area.
9. Identification of streets.
10. Identification of other potential sources of pollution.

I. AMENDMENTS

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

J. ANNUAL REPORT

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

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

1. The status of implementing the permit requirements and compliance with permit schedules.
2. A summary of the number and nature of inspections, investigations, and enforcement actions related to the storm water 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.
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, the Permittee shall submit a reapplication package to the Department by **February 1, 2030**, for continued coverage under a reissued version of this permit. The reapplication package shall include:

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. An updated estimate of annual storm water pollutant loads for TSS and TP. A description of how the pollutant loads were calculated shall be provided.
7. The established TMDL pollutant load reduction benchmarks, as required by Section III. C.
8. The proposed fecal bacteria BMP efforts for the next permit term, as discussed in Section III.D.3.b.(ii).
9. 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 "Total Maximum Daily Loads for Total Phosphorus, Total Suspended Solids, and Fecal Coliform Milwaukee River Basin, Wisconsin" as approved by USEPA on March 9, 2018. The Permittee shall complete the following:

A. TMDL POLLUTANT LOAD REDUCTION EVALUATION FOR TSS AND TP

The progress towards reducing TMDL pollutant loads shall be evaluated by the Permittee through modeling analysis, or through substantially similar or equivalent methods as approved by the Department. The results of the pollutant reduction evaluation shall be described in a report and submitted to the Department by August 1, 2028. The report must contain the following items:

1. A map that identifies:

- a) The TMDL reachshed boundaries within the municipal boundary.
 - b) The MS4 drainage boundaries within each TMDL reachshed.
 - c) Identification of areas within the municipal boundary the Permittee believes should be excluded from its analysis to show progress towards reducing TMDL pollutant loads.
 - d) Structural BMPs and associated drainage area for each BMP used for pollutant reduction.
2. **Supplementary map information** that identifies:
- a) The associated area, in acres, for each of the lands identified in Section III.A.1 (a) through (d).
 - b) An explanation for why the area identified in Section III.A.1 (c) is to be excluded from analysis.
 - c) For each structural BMP identified in Section III.A.1 (d), a tabular summary which identifies the type of BMP, area treated in acres, and pollutant loading reduction efficiency.
 - d) A description of the effectiveness of non-structural BMPs, if applicable, and the rationale for the selected approach.
3. A **TSS and TP Tabular Summary** that includes the following for each TMDL Reachshed:
- a) An estimate of the current pollutant loading without considering implementation of BMPs (i.e., no controls load) and an estimate of the current pollutant loadings considering BMP implementation (i.e., with controls load).
 - b) The difference between the no control load and with control load (i.e., the existing load reduction) shall be expressed as a percent reduction.
 - c) The assigned TSS and TP WLA percent reduction.
 - d) The TSS and TP TMDL WLA percent reduction remaining.
4. If additional information is necessary to conduct its review, the Department may request the modeling data.
5. If the Permittee estimates that the TMDL WLAs are achieved with existing BMP implementation, the Permittee must provide a statement supporting this conclusion.

B. TSS AND TP WLA ASSESSMENT:

The Permittee shall complete an assessment of structural and non-structural storm water BMPs to reduce the discharge of TSS and TP. The results of the assessment must be submitted to the Department by **February 1, 2029**.

1. At a minimum, the following shall be included in this assessment:
 - a) all post-construction BMPs for which the Department has a technical standard,
 - b) optimizing or retrofitting all existing structural BMPs,
 - c) optimization or improvements to non-structural BMPs (e.g., street sweeping),
 - d) incorporation of post-construction BMPs for all road reconstruction projects,
2. For all BMPs evaluated in Section III.B.1 a) through d), provide a cost effectiveness analysis for implementation.

C. ESTABLISHMENT OF WLA BENCHMARKS FOR TSS AND TP

The Permittee must develop TMDL benchmark(s) for TSS and TP where existing BMP implementation is not achieving the WLA. By **February 1, 2030**, the Permittee shall submit its proposed TMDL Benchmark(s) to be implemented during the next permit term.

1. For each TMDL Benchmark proposed, the following information shall be provided:
 - a) Description of the TMDL Benchmark.

- b) Location of TMDL Benchmark and impacted TMDL reachshed(s).
- c) An estimate of the TSS and TP pollution reduction provided by the TMDL Benchmark.

D. FECAL COLIFORM REDUCTION EFFORTS

To reduce fecal bacteria loading, the Permittee must identify known or potential fecal bacteria sources. While the following permit conditions require the Permittee to address fecal bacteria sources during the permit term, these conditions are also intended to assist the Permittee better address fecal bacteria sources in future permit terms.

1. Dry Weather Screening Immediate Investigation at Manhole SHC05A:

- a) As required in Section II.C.2.c(i)(1), during dry weather field screening at SHC05A, the Permittee must immediately investigate the source if flow is observed at this manhole location regardless of other visual, sensory, or parameter results.

2. Sampling Data Evaluation:

The Permittee shall evaluate all of its *E. coli* sampling data results to better determine where additional efforts may be needed in the future. Submitted with the permit reapplication (due **February 1, 2030**), the Permittee shall submit a document that, at minimum, must include:

- a) A list and/or map identifying MS4 outfall manhole sampling locations that were screened for *E. coli*.
- b) For each MS4 outfall manhole sampling location screened for *E. coli*, provide:
 - ii. The *E. coli* sampling results, including the year samples were taken.
 - iii. A description of the drainage area. The description may include land use, potential fecal bacteria sources noted during screening and/or investigation efforts, existing practices such as structural and non-structural BMPs that may impact the *E. coli* sampling results, and/or other descriptions the Permittee finds pertinent.
- d) The Permittee's evaluation of its *E. coli* sampling data and associated outfall drainage area to determine where additional efforts could be implemented to mitigate and/or eliminate *E. coli* loading.

3. Fecal Bacteria Management Plan Tabular Summary

The Permittee shall identify areas within the Wisconsin State Fair Park which can contribute fecal bacteria in storm water runoff and provide a description of current BMPs implemented and proposed BMPs for the next permit term.

- a) At a minimum, the tabular summary shall be completed and submitted to the Department by **August 1, 2027**, and must include the following:
 - i. Identification of the type of fecal bacteria loading.
 - ii. Location of the fecal bacteria loading source.
 - iii. Description of the existing BMP(s) applicable to the source.
 - iv. How the Permittee ensures BMP(s) are effectively implemented.
 - v. Metrics used to evaluate BMP effectiveness.
- b) By **February 1, 2030**, the Permittee shall submit to the Department an updated tabular summary from Section III.D.3.a. The updated tabular summary shall include the following:
 - i. An evaluation of current BMP(s) implemented to address fecal bacteria loading. If new source areas have been identified, the tabular summary must be updated to include these areas.

- ii. A description of proposed new and/or revised BMP(s) to address each source area identified for the next permit term. These proposed BMP(s) shall provide anticipated implementation date.

IV. IMPLEMENTATION SCHEDULE

The Permittee shall comply with the specific permit conditions contained in Sections II and III according to the schedules in **Table 1**. The 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>

Table 1: Implementation Schedule for Permit Requirements.

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE
Sec I.I.1	Identify discharges to an impaired waterbody.	12 months after 303(d) list is updated.
Sec I.I.2	Include a written section in their 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.	August 1, 2025*, and amend as needed. *Required by previous MS4 permit
Sec II.A.1	Submit its Public Education and Outreach written program procedures.	January 1, 2028
Sec II.A.2	Submit a measurable goal for its Public Education and Outreach program.	January 1, 2028
Sec II.B.1	Submit its Public Involvement and Participation written program procedures.	January 1, 2028
Sec II.B.2	Submit a measurable goal for its Public Involvement and Participation program.	January 1, 2028
Sec II.C.1	Continue to enforce signed agreements with existing vendors and exhibitors and initiate new agreements with new vendors and exhibitors which prohibit non-storm water discharges. The Permittee must have all existing, signed vendor and exhibitor agreements available	Ongoing

	upon request.	
Sec II.C.2	Submit its Illicit Discharge Detection and Elimination (IDDE) written program procedures.	August 1, 2027
Sec II.C.2.d	Develop an IDDE enforcement response plan to be incorporated into its written program.	August 1, 2027
Sec II.C.3	Submit a measurable goal for its IDDE program.	August 1, 2027
Sec II.D.2	Submit its Construction Pollutant Control written program procedures.	August 1, 2028
Sec II.D.3	Submit a measurable goal for its Construction Pollutant Control program.	August 1, 2028
Sec II.E.2	Submit its Post-Construction Storm Water Management written program procedures.	August 1, 2028
Sec II.E.3	Submit a measurable goal for its Post-Construction Storm Water Management program.	August 1, 2028
Sec II.F.1	Submit its Pollution Prevention written program procedures.	August 1, 2027
Sec II.F.1.d(ii)	Calibrate all salt application equipment.	Annually
Sec II.F.3	Submit a measurable goal for its Pollution Prevention program.	August 1, 2027
Sec II.K	Submit a reapplication package (see permit condition for list of required information).	February 1, 2030
Sec III.A	Submit TMDL Pollutant Load Reduction Evaluation for TSS and TP.	August 1, 2028
Sec III.B	Submit TSS and TP WLA Assessment.	February 1, 2029
Sec III.C	Submit WLA Benchmarks for TSS and TP.	February 1, 2030
Sec III.D.2	Submit Sampling Data Evaluation of <i>E. coli</i> results.	February 1, 2030
Sec III.D.3.a	Complete and submit the Fecal Bacteria Management Plan Tabular Summary.	August 1, 2027
Sec III.D.3.b	Update and submit the Fecal Bacteria	February 1, 2030

	Management Plan Tabular Summary.	
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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:

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.

1. Reports of any other noncompliance not covered under Standard 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 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 include 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 wish 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

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

1. **Construction Notice of Intent (NOI)** means for any land disturbance over an acre or more or part of a larger plan of common development a NOI must be submitted to obtain construction site storm water coverage from the Department. Signing the NOI is also certification that an applicant has read, understands and will implement the erosion control and storm water management plan(s) in accordance with the conditions of the construction site storm water general permit.
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:
 - a) 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.
 - b) 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. **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.
15. **Municipality 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. 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:
- a) Owned or operated by a municipality.
 - b) Designed or used for collecting or conveying storm water.
 - c) Which is not a combined sewer conveying both sanitary and storm water.
 - d) Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- 17. 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.
- 18. 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).
- 19. 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.
- 20. 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 NR 216, Wis. Adm. Code
- 21. Pollutants of concern** means a pollutant that is causing impairment of a waterbody.
- 22. Reach** means a specific stream segment, lake or reservoir as identified in a TMDL.
- 23. Reachshed** means the drainage area contributing runoff to a given reach.
- 24. Redevelopment** means areas where development is replacing older development.
- 25. Riparian landowners** are the owners of lands bordering lakes and rivers.
- 26. Sediment** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- 27. Start Date** is the date of permit coverage under this permit, which is specified in the Department letter authorizing coverage.
- 28. 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 storm water runoff to waters of the state.

- 29. Storm Water Pollution Prevention Plan or SWPPP** refers to the development of a sites specific plan that describes the measures and controls that will be used to prevent and/or minimize pollution of storm water.
- 30. 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.
- 31. TMDL Benchmark** means activities and/or best management practices (BMPs) that will be used to demonstrate continued progress towards achieving TMDL WLAs.
- 32. 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.
- 33. 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.
- 34. Waters of the State** has the meaning given it in s. 283.01(20), Wis. Stats.
- 35. Wisconsin State Fair Park Operational Hours** means when the Wisconsin State Fair Park is open to the public for the annual Wisconsin State Fair which occurs for 11 consecutive days during the summer.
- 36. Wisconsin State Fair Park Non-Operational Hours** means any hours not included in definition #35.
- 37. WPDES permit** means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to ch. 283, Wis. Stats.

VII. TSS AND TP WASTELOAD ALLOCATIONS

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

Table 2: Milwaukee River Basin.

REACHSHED (TMDL SUBBASIN)	TSS % REDUCTION FROM NO-CONTROLS	TP % REDUCTION FROM NO-CONTROLS
MN-15	76.8%	68.6%

Note: The MS4 percent reductions in the Milwaukee River Basin TMDL report assumed MS4 permittees were achieving baseline reduction levels of 20% for TSS and 15% for TP. However, as the Permittee was not achieving baseline reduction levels, corrections had to be made. The table provides the corrected values using the equations

from the Department's MS4 TMDL Modeling Guidance:
https://dnr.wisconsin.gov/topic/Stormwater/standards/ms4_modeling.html

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