

Stormwater Management Plan

MUNICIPAL STORMWATER (MS4) PROGRAM



PREPARED FOR THE

VILLAGE OF COMBINED LOCKS

OUTAGAMIE COUNTY, WISCONSIN

MARCH 1, 2021

McM. No. C0006-9-21-00226

NAV:PTK:car

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1.0 – INTRODUCTION

The Village of Combined Locks’s Stormwater Management Plan was prepared by McMahon Associates, Inc. The purpose of the plan is to provide the Village with the long-term guidance necessary to comply with NR 216 stormwater regulations and improve water quality within receiving waters.

Pursuant to NR 216, the Village of Combined Locks was required to obtain a WPDES Municipal Stormwater Discharge Permit. The purpose of the permit is to control urban non-point source pollution by regulating discharges from municipal separate storm sewer systems (MS4). A copy of the WPDES Permit is provided in Appendix A. As part of the municipal permit, the Village is responsible for developing a stormwater management plan and implementing six minimum control measures. The six minimum control measures consist of:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Pollutant Control
- Post-Construction Site Stormwater Management
- Municipal Pollution Prevention

This stormwater management plan is organized in a manner similar to the WPDES Municipal Stormwater Discharge Permit. The plan identifies the goals and objectives for each of the six minimum control measures, explains how the program was developed, and describes how the Village intends to implement each aspect of the stormwater program, including measurable goals.

2.0 – OVERVIEW OF STUDY AREA

The Village of Combined Locks is in Outagamie County, Wisconsin. The Village is projected to have a 2020 population of 3,592. The study area for this Stormwater Management Plan is depicted in Figure 1. The Village of Combined Locks is part of the Appleton Urbanized Area as determined by the U.S. Census Bureau. As shown in Figure 2, several Municipal Separate Storm Sewer System (MS4) jurisdictions are located within and directly adjacent to the Village.

Basins

The Wisconsin DNR divided the state into 24 basins or Water Management Units (WMU). The Village’s study area is in the Lower Fox River Basin. The basin boundaries are similar to the federally designated 8-digit Hydrologic Unit Code (HUC) boundaries.



Exhibit 2-1: Lower Fox Basin

Watersheds

The Wisconsin DNR divided the Lower Fox River Basin into six watersheds and the study area is in one of these watersheds: Plum and Kankapot Creeks (LF03-13).

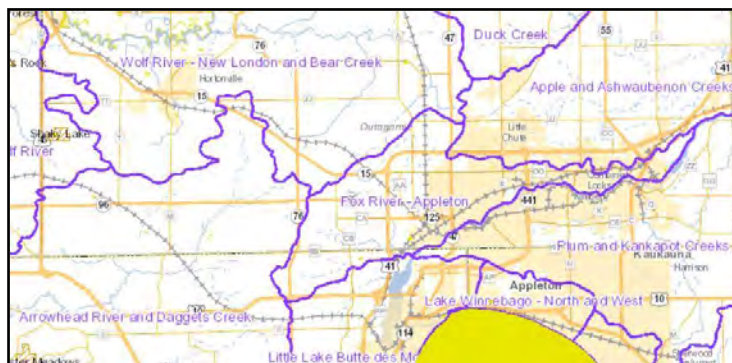


Exhibit 2-2: Plum & Kankapot Creeks Watersheds

Sub-Watersheds

For purposes of this stormwater management plan, the Village was divided into two sub-watersheds. The sub-watersheds are depicted in Figure 3 and summarized in Table 2-1. The sub-watersheds were delineated after considering the locally designated stormwater planning boundaries, federally designated 12-digit HUC boundaries, and state designated Total Maximum Daily Load (TMDL) sub-basin boundaries.

Table 2-1

Sub-Watersheds

| Sub-Watershed | HUC-12 | TMDL Sub-Basin Name |
|---------------|--|----------------------|
| Garners Creek | Garners Creek-Fox River (040302040205) | Garners Creek |
| Fox River | Garners Creek-Fox River (040302040205) | Lower Fox River Main |

Natural Resources

Natural resource features include surface waters (lakes, rivers, streams), wetlands, and endangered or threatened resources. Natural resource features located in the study area are depicted in Figure 4. Some of these natural resource features are protected with a special regulatory designation such as outstanding resource water, exceptional resource water, 303(d) impaired water, endangered species, and threatened species. Natural resource features located in the study area with one of these special regulatory designations are identified below.

Outstanding and exceptional resource waters are pristine surface waters which are not significantly impacted by human activities and provide valuable fisheries, unique hydrological or geological features, outstanding recreational opportunities, or unique environmental settings. For example, cold water trout streams and natural waterfalls are typically classified as outstanding or exceptional resource waters. The Village does not discharge stormwater runoff into any outstanding resource waters or exceptional resource waters.

Impaired water bodies are degraded surface waters which are not meeting water quality standards or their potential uses, such as fishing and swimming, due to pollutants and poor water quality. The US EPA requires each state to update its 303(d) impaired waters list every two years, including Wisconsin. The Village's study area discharges stormwater runoff into two 303(d) impaired waters:

- Garners Creek: Garners Creek is a 303(d) impaired water body due to non-point source pollution. Pollutants of concern include total phosphorus and total suspended solids. Impairments include degraded biological community and degraded habitat. The attainable use for Garners Creek is warmwater sport fishery and the designated use is warmwater sport fishery. Sediment and phosphorus TMDLs have been approved for Garners Creek.
- Fox River: The Fox River is a 303(d) impaired water body due to a blend of point source and non-point source pollution. Pollutants of concern include total phosphorus and polychlorobiphenyls (PCBs). Impairments include low dissolved oxygen and contaminated fish tissue. The attainable use and designated use for the Fox River is warmwater sport fishery. Sediment and phosphorus TMDLs have been approved for the Fox River.

Endangered and threatened resources are wild animal and plant species which are either in danger of extinction throughout all or a significant portion of its range or likely to become endangered in the foreseeable future. Typically, the location of an endangered or threatened species is tracked in Wisconsin's Natural Heritage Inventory and is only identified by township. Sensitive species that are particularly vulnerable to collection or disturbance are only identified by county.

Cultural Resources

Cultural resources are places of cultural significance. Some cultural resources are protected with a special regulatory designation such as historical sites and archeological sites. There are no cultural resource feature's located in the study area.

Archeological sites may be located within the study area but cannot be disclosed by law. The State of Wisconsin maintains maps and a computer database on the location and nature of archaeological sites. Special permission is required to view these maps and databases. The location of archaeological sites is exempt from public disclosure to prevent collection or disturbance of valuable artifacts.

Soils

Soil information is from the *Outagamie County Soil Survey*, Natural Resource Conservation Service, U.S. Department of Agriculture. The U.S. Department of Agriculture has classified soil types into four hydrologic soil groups (HSG). The four hydrologic soil groups (i.e. A, B, C and D) are classified according to the minimum infiltration rate of the soil column. Group A soils have the highest permeability rate or lowest runoff potential, whereas Group D soils have the lowest permeability rate or highest runoff potential. The 1996 update to the Outagamie County hydrologic soil groups is used. Hydrologic soil groups are depicted in Figure 5.

MS4 System

The municipal separate storm sewer system (MS4) consists of publicly owned or operated conveyance systems including streets, curbs, gutters, catch basins, storm sewers, swales, channels, culverts, and bridges. The MS4 system is depicted in Figure 6. The MS4 system map is based on available records and limited field investigations.

The MS4 system contains numerous bridges and culverts. The bridges and culverts are depicted in Figure 7. An inventory of the bridges and culverts is provided in Appendix B. The inventory does not include every bridge and culvert since it is based on available records and limited field investigations.

The MS4 system contains numerous known stormwater outfalls. The outfall locations are depicted in Figure 6. An outfall is the point at which stormwater is discharged to a lake, river, navigable stream, or adjacent MS4 system. Major outfalls include the following:

- A MS4 pipe with a 36-inch diameter or larger.
- A MS4 conveyance with a cross sectional area of 1,018 square inches or larger which is associated with a drainage area of 50 acres or larger.
- A MS4 conveyance with 2 acres or larger of industrial land use.

The MS4 system contains several structural best management practices (BMPs). The structural BMPs are depicted in Figure 7 and summarized below in Table 2-3. Structural BMPs include wet detention ponds, dry detention ponds biofilters and proprietary devices. Some of these structural BMPs are publicly owned and others are privately owned. As part of their stormwater program, the Village typically obtains maintenance authority for privately owned BMP's through maintenance agreements or language on the recorded plats / CSM's. Table 2-3 identifies the private BMP's the Village has

maintenance authority over based on available records. For purposes of this plan, only Village owned BMP's or private BMP's with maintenance authority as of 2012 (Fox River Sub-Watershed) 2015 (Garners Creek Sub-Watershed) were considered for the stormwater quality analysis.

Table 2-3: Structural BMPs

| BMP ID | BMP Name | Year Constructed | Type of BMP | BMP Owner | Maintenance Authority | Record Drawing Available | O&M Plan Available |
|--------|---------------------------------|------------------|-------------|-----------|-----------------------|--------------------------|--------------------|
| C1 | Villas of Combined Locks | 2007 | Wet Pond | Private | Yes | Yes | No |
| C2 | St Pauls Catholic Church | 2009 | Biofilter | Private | Yes | No | No |
| C3 | Civic Center | 1990 | Dry Pond | Village | Yes | No | No |
| C4 | Hidden Ridges | 2000 | Dry Pond | Private | Yes | No | No |
| C5 | Kimberly High School | 1999 | Dry Pond | Private | Yes | No | No |
| C6 | Public Works Garage | 2008 | Proprietary | Village | Yes | Yes | No |
| C7 | Coonen Pond A | 2005 | Wet Pond | Village | Yes | Yes | Yes |
| C8 | Coonen Pond B | 2005 | Wet Pond | Village | Yes | Yes | Yes |
| C9 | Coonen Pond C | 2005 | Wet Pond | Village | Yes | Yes | Yes |
| C10 | Coonen Pond D | 2005 | Wet Pond | Village | Yes | Yes | Yes |
| C11 | Hideaway Ridges | 2004 | Wet Pond | Village | Yes | Yes | Yes |
| C12 | Ruys Woods | 2017 | Wet Pond | Village | Yes | No | Yes |
| C13 | Christ the King Lutheran Church | 2016 | Wet Pond | Private | No | No | No |
| C14 | Riverview Ridge | 2019 | Wet Pond | Private | Yes | No | Yes |
| C15 | Janssen Elementary School | 2017 | Biofilter | Private | No | No | No |

The Village's MS4 system contains two different types of surface drainage: grass swales and curb & gutter. The type of surface drainage within the MS4 system is depicted in Figure 8.

Drinking Water System

The Village of Combined Locks obtains its drinking water from the Village of Kimberly. The Village of Kimberly is responsible for protecting the drinking water system.

WPDES Industrial Permits

Several industrial operations with coverage under a WPDES Industrial Permit are located within the Village. The WPDES Industrial Permits are regulated by the Wisconsin Department of Natural Resources (DNR). Some of the WPDES Industrial Permits may allow discharges into the MS4 system during dry weather. Understanding the location of the WPDES Industrial Permits is important to effective implementation of the Village's stormwater program. WPDES Industrial Permits are depicted in Figure 9 and summarized in Table 2-2.

Table 2-2
WPDES Industrial Permits

| I.D. | Facility Name | Facility Address | WPDES Permit No. |
|------|--|-----------------------|------------------|
| 1 | US Oil Co Inc Motor Oil Blending Plant | 425 S. Washington St. | S067849 |
| 2 | Appleton Coated LLC | 540 Prospect | S067849 |

Land Uses

The location of publicly owned parks, recreational areas, open lands, and municipal facilities are depicted in Figure 9. Understanding the location of publicly owned land is important to effective implementation of the municipal stormwater program.

Land uses on or before October 1, 2004 are depicted in Figure 10. Undeveloped in-fill sites less than 5 acres are shown to be developed based on adjoining land uses. For purposes of the NR 151 pollutant analysis, undeveloped sites less than 5 acres are shown to be developed based on adjoining land uses. Undeveloped sites greater than 5 acres are shown as agriculture, woods, grass, or another undeveloped open space, as appropriate.

2012 land uses are depicted in Figure 11. For purposes of the Total Maximum Daily Load (TMDL) pollutant analysis, the undeveloped in-fill sites are shown as agriculture, grass, woods, wetland, or another undeveloped open space, as appropriate.

Future land uses are depicted in Figure 12. For purposes of the Total Maximum Daily Load (TMDL) pollutant analysis, the future land uses generally match the 2018 land uses, except the appropriate undeveloped sites are converted to a future land use based on adjoining land uses and information from the Village’s Comprehensive Plan.

CHAPTER 3 - PUBLIC EDUCATION & OUTREACH

Goals & Objectives

Develop a public education and outreach program to increase awareness of stormwater pollution impacts and to encourage changes in public behavior. An informed and knowledgeable community is important to the success of a stormwater program. An informed community has a better understanding of why stormwater management is important and what individual actions they can take to improve water quality within receiving waters.

The key to a successful public education and outreach program is to form partnerships, develop a strategy, and reach a diverse audience. A public education program should also target specific audiences that have a higher potential for stormwater pollution. For some audiences, particularly businesses, incentives may be needed to encourage behavior change. Potential incentives may include awards, rewards, public recognition, certifications, licenses, rebates, fees, and credit policies (stormwater utility fee).

The Wisconsin Department of Natural Resources (DNR) requires that a public education and outreach program include, at a minimum, the following 8 topics.

1. Promote detection and elimination of illicit discharges and water quality impacts associated with such discharges from municipal separate storm sewer systems.
2. Inform and educate the public about the proper management of materials that may cause stormwater pollution from sources including automobiles, pet waste, household hazardous waste and household practices.
3. Promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides.
4. Promote the management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways.
5. Promote infiltration of residential stormwater runoff from rooftop downspouts, driveways and sidewalks.
6. Inform and educate those responsible for the design, installation, and maintenance of construction site erosion control practices and stormwater management facilities on how to design, install and maintain the practices.

7. Identify businesses and activities that may pose a stormwater contamination concern, and where appropriate, educate specific audiences on methods of stormwater pollution prevention.
8. Promote environmentally sensitive land development designs by developers and designers (e.g. low impact development, conservation design, etc.).

The DNR requires the Village to address all eight topics at least once during the 5-year permit term. Since the Village's population is less than 5,000, they are required to address a minimum of four topics each year. The DNR requires the Village to use at least four different public education delivery mechanisms each year. The Village is required to use at least one active/interactive mechanisms each year since their population is less than 5,000.

- Passive: Website (# of hits), Brochures (# distributed/taken), Newsletters (# distributed/taken), Poster/Sign (# of posters/signs), Radio or TV (# of ads), Social Media (# of posts), or Other.
- Active: School Presentation (# students), Information Booth (# interactions), Training Event (# participants), Village Meeting (# attendees), Tour (# attendees), Volunteer Event (# participants), or Other.

Program Development

The Village is a member of the Northeast Wisconsin Stormwater Consortium (NEWSC), which is a regional organization. NEWSC is essentially a partnership of municipalities, regulatory agencies, engineers, and vendors. The group's mission is to facilitate efficient implementation of local stormwater programs by: fostering partnerships, sharing information, seeking administrative efficiencies, and pooling financial resources. For example, NEWSC develops various educational brochures and manages regional public education and involvements efforts for the benefit of its membership and the region.

The Village has a Citizen Advisory Task Force, which provides public participation and input to the Village on as needed basis. Members of the Village's Task Force are continually changing, but often consist of residential landowners and representatives from local businesses and non-profit organizations. The Task Force provides feedback and input on various Village initiatives and programs, including the Village's municipal stormwater program. During meetings, the Task Force is provided background information (i.e. goals, regulatory requirements, etc) and then asked to provide advisory input, which helps shape the Village's programs, plans, initiatives or projects.

The Village created a dedicated funding source or stormwater utility fee to financially support the municipal stormwater program, including public education and outreach. The stormwater utility fee was adopted by the Village Board on November 1, 2005. The public was invited to participate and provide input during the November 1, 2005 meeting. A copy of the Village's stormwater utility fee and ordinance is provided in Appendix I.

The Village developed various policies and procedures to assist with implementation of the public education and outreach program. The policies and procedures include the following:

1. The Village Administrator, Clerks Office, and Public Works Director are jointly responsible for the public education and outreach program, including implementation.
2. The Village intends to maintain its membership and partnership with the Northeast Wisconsin Stormwater Consortium (NEWSC). The NEWSC public education initiatives are part of the Village’s public education and outreach plan.
3. The Village plans to convene the Citizen Advisory Task Force on an as needed basis to discuss stormwater related items, such as the TMDL stormwater quality management plan.

Program Implementation

Each element of the public education and outreach program is described below including Best Management Practices (BMP) and measurable goals. As indicated below, the public education program is integrated with the other five minimum control measures. The proposed BMPs and measurable goals were selected after considering the permit requirements and the uniqueness of the Village. The purpose of the measurable goals is to track program implementation and gauge effectiveness of the overall public education and outreach program.

| Public Education & Outreach | Year |
|---|-------------|
| Topic 1: Detection and elimination of illicit discharges and water quality impacts associated with such discharges from municipal separate storm sewer systems. Audience: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| <u>Passive:</u> Website (# hits), Raindrop Poster VH (# posters), Radio/TV (# ads), Social Media (# posts). | 2021-25 |
| <u>Passive:</u> Brochure VH - Fish Don’t Swim in Chlorine (# taken). | 2021-25 |
| <u>Passive:</u> Newsletter - Household Hazardous Waste (# distributed). | 2021-25 |
| <u>Active:</u> Presentation – Government Meeting for Annual Report, Plan or Project (# attendees). | 2021-25 |
| <u>Active:</u> NEWSC Exhibiting at Village Event or School (# interactions or students). | 2023 |
| Topic 2: Management of materials that may cause stormwater pollution from automobiles, pet waste, household hazardous waste and household practices. Audience: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| <u>Passive:</u> Website (# hits), Raindrop Poster VH (# posters), Radio/TV (# ads), Social Media (# posts). | 2021-25 |
| <u>Passive:</u> Brochure VH - Good Dog / Good Owner (# taken & # distributed with pet license). | 2021-25 |
| <u>Passive:</u> Newsletter - Household Hazardous Waste & Pet Waste (# distributed). | 2021-25 |
| <u>Active:</u> NEWSC Exhibiting at Village Event or School (# interactions or students). | 2023 |

| Public Education & Outreach | Year |
|--|---------|
| Topic 3: Beneficial onsite reuse of leaves / grass clippings and proper use of fertilizers and pesticides. Audience: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| <u>Passive:</u> Website (# hits), Raindrop Poster VH (# posters), Radio/TV (# ads), Social Media (# posts). | 2021-25 |
| <u>Passive:</u> Newsletter - The Perfect Lawn (# distributed) | 2021 |
| <u>Passive:</u> Newsletter - Kids Can Help (# distributed) | 2022 |
| <u>Active:</u> NEWSC Exhibiting at Village Event or School (# interactions or students) | 2023 |
| <u>Passive:</u> Newsletter – Leave Your Leaves (# distributed) | 2025 |
| Topic 4: Management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways. Audience: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| <u>Passive:</u> Website (# hits), Raindrop Poster VH (# posters), Radio/TV (# ads), Social Media (# posts). | 2021-25 |
| <u>Passive:</u> Brochure VH - Restore Your Shore (# taken & # distributed with shoreland permit) | 2021-25 |
| <u>Passive:</u> Newsletter - Restore Your Shore (# distributed) | 2023 |
| <u>Active:</u> NEWSC Exhibiting at Village Event or School (# interactions or students) | 2023 |
| Topic 5: Infiltration of residential stormwater runoff from rooftop downspouts, driveways and sidewalks. Audience: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| <u>Passive:</u> Website (# hits), Raindrop Poster VH (# posters), Radio/TV/Social Media (# posts). | 2021-25 |
| <u>Passive:</u> Brochure - Perfect Landscape (# taken & # distributed with residential home permit) | 2021-25 |
| <u>Active:</u> NEWSC Exhibiting at Village Event or School (# interactions or students) | 2023 |
| <u>Passive:</u> Newsletter - Perfect Landscape (# distributed) | 2024 |
| Topic 6: Inform and educate those responsible for design, installation, and maintenance of construction site erosion controls and stormwater management facilities on how to design, install and maintain. Audience: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| <u>Passive:</u> Website (# hits), Plan Review Letters (# distributed), Inspection Report (# distributed). | 2021-25 |
| <u>Active:</u> Discuss Permit Requirements at Pre-Construction Meetings (# attendees). | 2021-25 |
| <u>Active:</u> Presentation at Government Meeting for Annual Report, Plan or Project (# attendees). | 2021-25 |
| <u>Active:</u> Host Training on Post-Construction Stormwater Facility Maintenance (# attendees). | TBD |
| Topic 7: Identify businesses and activities that may pose a stormwater contamination concern, and where appropriate, educate specific audiences on methods of stormwater pollution prevention Audience: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| <u>Passive:</u> Website (# hits), Radio/TV/Social Media (# posts). | 2021-25 |
| <u>Active:</u> McMahon Train Village Staff on Municipal Pollution Prevention (# attendees). | 2021 |
| <u>Active:</u> NEWSC Exhibiting at Village Event or School (# interactions or students) | 2023 |
| Topic 8: Promote environmentally sensitive land development designs by developers and designers (e.g. low impact development, conservation design, etc.). Audience: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| <u>Passive:</u> Website (# hits), Radio/TV/Social Media (# posts). | 2021-25 |

CHAPTER 4 - PUBLIC INVOLVEMENT & PARTICIPATION

Goals & Objectives

Develop a public involvement and participation program to notify the public of activities required by the permit and encourage public input. An active and involved community is important to the success of a stormwater program. A community involved in program development may be less likely to create obstacles and raise legal challenges during implementation. Citizens who participate in the decision making process are partially responsible for the program.

The key to a successful public involvement and participation program is to know your audience and think creatively about how to gain their attention. Traditional methods of soliciting public involvement are not always successful in generating interest. The goal is to involve a diverse group of people who offer a multitude of concerns, ideas, and networking connections.

The Wisconsin Department of Natural Resources (DNR) requires that the public involvement and participation program include the following measurable goals:

1. The Village shall provide a minimum of one opportunity annually for the public to provide input of each of the following permit activities: annual report, storm water management program, and if applicable, the adoption or amendment of stormwater related ordinances.
2. The Village shall identify the public involvement and participation delivery mechanism for each permit activity. Delivery mechanisms may include public workshop, presentation of storm water information, government event (public hearing, council meeting, etc.), citizen committee meeting or website.
3. The Village shall implement at a minimum one of the following volunteer activities per year: group best management practice (BMP) installation or maintenance, storm drain stenciling, planting community rain garden, clean up event, stream monitoring, citizen committee meeting, public workshop, presentation of storm water information or other hands-on event.
4. The Village shall identify the targeted participants for each permit activities and volunteer activity. Participants may include general public, public employees, residents, businesses, contractors, developers, industries, and/or other appropriate audience.

Program Development

The Village is a member of the Northeast Wisconsin Stormwater Consortium (NEWSC), which is a regional organization. NEWSC is essentially a partnership of municipalities, regulatory agencies, engineers, and vendors. The group's mission is to facilitate efficient implementation of local stormwater programs by: fostering partnerships, sharing information, seeking administrative efficiencies, and pooling

financial resources. For example, NEWSC develops various educational brochures and manages regional public education and involvements efforts for the benefit of its membership and the region.

The Village has numerous public meetings each year. During each meeting, the public is provided an opportunity to provide public input and participate. Public education and public involvement opportunities are provided during a Village public meeting, whenever stormwater ordinances are modified, funding sources are modified, capital improvement projects are implemented for TMDL stormwater quality compliance, Village's MS4 Annual Report is submitted to DNR each year, etc.

The Village has a Citizen Advisory Task Force, which provides public participation and input to the Village on an as needed basis. Members of the Village's Task Force are continually changing, but often consist of residential landowners and representatives from local businesses and non-profit organizations. The Task Force provides feedback and input on various Village initiatives and programs, including the Village's municipal stormwater program. During meetings, the Task Force is provided background information (i.e. goals, regulatory requirements, etc) and then asked to provide advisory input, which helps shape the Village's programs, plans, initiatives or projects.

The Village created a dedicated funding source or stormwater utility fee to financially support the municipal stormwater program, including public involvement and participation. A copy of the Village's stormwater utility fee and ordinance is provided in Appendix I.

The Village developed various policies and procedures to assist with implementation of the public involvement and participation program. The policies and procedures include the following:

1. The Village Administrator, Clerks Office, and Public Works Director are jointly responsible for implementation of the public involvement and participation program.
2. The Village intends to maintain its membership and partnership with the Northeast Wisconsin Stormwater Consortium (NEWSC). The NEWSC partnership is part of the Village's public involvement plan.
3. The Village plans to convene the Citizen Advisory Task Force on an as needed basis to discuss stormwater related items, such as the TMDL stormwater quality management plan.
4. Each year, the Village presents a summary of the MS4 Annual Report to elected officials and the general public during a Village Board meeting. Elected officials and the general public are invited to comment or ask questions. A sample MS4 Annual Report presentation is provided in Appendix D.
5. The Village plans to reach out to local groups that may be interested in partnering in volunteer activities. The Village Department of Public Works currently assists the Kimberly High School with an annual clean up event along Garners Creek within the Village's Memorial Park. The Village plans to continue participating in this volunteer event throughout the permit term.

Program Implementation

Each element of the public involvement and participation program is described below including Best Management Practices (BMP) and measurable goals. As indicated below, the public involvement program is integrated with the other five minimum control measures. The proposed BMPs and measurable goals were selected after considering the permit requirements and uniqueness of the Village. The purpose of the measurable goals is to track program implementation and gauge effectiveness of the overall public involvement and participation program.

| Public Involvement & Participation | Year |
|---|---------|
| Topic 1: Stormwater Management Plan and/or Updates. Participants: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| Public or Landowner Meetings (# meetings when stormwater topic is discussed). | 2021-25 |
| Topic 2: Stormwater Related Ordinance and/or Updates. Participants: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| Public Meetings (# meetings when stormwater ordinance is discussed, created or amended). | 2021-25 |
| Topic 3: MS4 Annual Report. Participants: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| Public Meetings (# attendees for MS4 Annual Report presentation to elected officials). | 2021-25 |
| Topic 4: Volunteer Opportunities. Participants: Contractor, Public, Village Employee, Resident, School, Business, Developer, Industry, Other Delivery Mechanism: | |
| Volunteer Events (# events, # participants). | 2021-25 |

CHAPTER 5 – ILLICIT DISCHARGE DETECTION & ELIMINATION

Goals & Objectives

Develop an illicit discharge detection and elimination program to remove illicit connections and discharges from the municipal separate storm sewer system (MS4). A thorough awareness of the MS4 system is important to the success of an illicit discharge program. Awareness allows the MS4 operator to locate problem areas, find the source, and eliminate the discharge.

Potential sources of illicit discharge include failing septic systems, illegal business discharges, improper disposal of marina and campground sewage, overflows from sanitary sewer systems, illegal plumbing connections, illegal dumping of waste materials, and spills associated with roadway accidents and industrial activity. Illicit discharges can contribute high levels of pollutants, toxins, oil, grease, solvents, nutrients, viruses, and bacteria to receiving waterbodies. Pollutant levels from illicit discharges are concentrated and may be high enough to significantly degrade receiving water quality and threaten aquatic, wildlife, and human health.

Non-stormwater discharges or flows 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 Village as a significant source of pollutants to waters of the state.

Program Development

The Village adopted an illicit discharge detection and elimination ordinance. The purpose of the ordinance is to prevent and eliminate illicit discharges to the municipal separate storm sewer system (MS4). A copy of the illicit discharge ordinance is provided in Appendix E. Generally, the illicit discharge ordinance requires the following:

- No discharging, spilling, or dumping of non-stormwater substances and materials into waters of the state or the MS4 system.
- Identifies non-stormwater discharges or flows that are not considered illicit discharges.
- Establishes inspection, monitoring, sampling and enforcement authority.

The Village established forfeitures and fines for the illicit discharge ordinance. The purpose of the forfeitures and fines is to encourage compliance with the ordinance. The Village created a dedicated funding source or stormwater utility fee to financially support the municipal stormwater program,

including illicit discharge. A copy of the Village's stormwater utility fee and ordinance is provided in Appendix I.

The Village developed various policies and procedures to assist with implementation of the illicit discharge detection and elimination program. The policies and procedures include the following:

1. On-Going Field Screening: Procedures for conducting on-going field screening of outfalls during dry weather periods are provided in Appendix E. The Public Works Director and/or Village Engineer are responsible for performing the on-going field screening of outfalls. Each of the major outfalls are to be screened at least one time during the 5-year permit term.
2. Routine Inspections: In addition to the on-going field screening, the Village searches for illegal connections and sanitary leakage by conducting routine plumbing, sanitary sewer, and storm sewer inspections. The Public Works Director, Building Inspector, and Water Utility are responsible for performing the routine plumbing, sanitary sewer and storm sewer inspections.
3. Responding to Illicit Discharges: Procedures for responding to known or suspected illicit discharges are provided in Appendix E. The Village Administrator, Public Works Director, Building Inspector, Fire Department and/or Village Engineer are responsible for responding to illicit discharges and spills. The procedures include investigating the source of an illicit discharge or spill, responding to spills, preventing and containing spills, notifying the DNR of spills that may discharge into waters of the state, eliminating sanitary leakage into the MS4, notifying the DNR of dye testing, and notifying adjacent municipalities of illicit discharges that may enter their MS4 system.
4. Enforcement Actions: When a non-compliance issue is identified, the municipal representative first attempts to call or speak with the responsible party. For a minor non-compliance issue, the inspector will provide a verbal "Warning Notice" or deadline for correcting the non-compliance. The majority of non-compliance issues will likely be corrected in this manner. If the verbal deadline is not met, the inspector will send a written "Warning Notice" or "Notice of Violation" to the responsible party. The written notice will outline the required actions to be completed by a specific date and time to avoid enforcement actions. Enforcement actions will depend on the type and severity of non-compliance. Typically, enforcement actions will include citations and forfeitures. Citations and forfeitures will continue until the municipal inspector determines the site is compliant. Each day of non-compliance will be considered a new violation. For blatant, intentional, repetitive or severe non-compliance issues, the Village has authority to immediately initiate enforcement actions, without prior notice. Other potential enforcement actions include "Cease and Desist Orders", suspending storm sewer access, suspending water supply access, suspending sanitary sewer access, and issuing a "Notice of Intent" that the Village intends to perform emergency work. Costs associated with emergency work will be billed to the responsible party or charged to the tax roll as a special assessment.

5. Information Submitted by the Public: Information submitted by the public can be recorded on the form provided in Appendix E and forwarded to the Village Clerk’s Office for documentation and follow-up. Follow-up activities may consist of reviewing the MS4 map, requesting a copy of plumbing plans, conducting site inspections, performing field tests, and/or initiating enforcement actions. Follow-up activities will be documented with written reports.

The Village prepared a municipal separate storm sewer system (MS4) map depicting the location of outfalls and receiving waterbodies. The MS4 system is depicted in Figures 6 through 8. Figure 6 also depicts the Village’s major and minor outfalls. Figures 6 through 8 also depict how the MS4 system is interconnected. Land uses which discharge into the MS4 system are depicted in Figures 10 through 12.

Program Implementation

Each element of the illicit discharge detection and elimination program is described below including Best Management Practices (BMP) and measurable goals. As indicated below, the illicit discharge program is integrated with the other five minimum control measures. The proposed BMPs and measurable goals were selected after considering the permit requirements and the uniqueness of the Village. The purpose of the measurable goals is to track program implementation and gauge effectiveness of the overall program.

| Illicit Discharge Detection & Elimination | Count |
|---|--------------|
| <p>BMP: Conduct on-going field screening of MS4 outfalls.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of total MS4 outfalls. ▪ Number of MS4 outfalls evaluated during routine ongoing field screening program. ▪ From routine field screening, number of MS4 outfalls with confirmed illicit discharges. ▪ Number of illicit discharge complaints received. ▪ From complaints received, number of MS4 outfalls with confirmed illicit discharges. ▪ Number of identified illicit discharges eliminated during reporting year. | |
| <p>BMP: Enforce the illicit discharge ordinance & remove illicit discharges from the MS4.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of verbal Warning Notices issued. ▪ Number of written Warning Notices issued, including emails. ▪ Number of Notices of Violation issued. ▪ Number of Civil Penalties / Citations issued. | |

CHAPTER 6 – CONSTRUCTION SITE POLLUTANT CONTROL

Goals & Objectives

Develop a construction site pollutant control program to reduce the discharge of sediment and construction materials into local streams, rivers and lakes. Common construction site pollutants include sediment, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste. Of these pollutants, sediment is typically of greatest concern. According to the US Environmental Protection Agency (EPA), the sediment load from a construction site is typically 10 to 20 times greater than farmland and 1,000 to 2,000 times greater than a forest. Sediment and pollutants from construction sites can cause physical, chemical and biological harm to our waterbodies.

Program Development

The Village adopted a construction site erosion control ordinance. The purpose of the ordinance is to require erosion and sediment controls at all construction sites and a permit application for sites with 4,000 square feet or more of land disturbance. A copy of the ordinance is provided in Appendix F. The ordinance establishes sanctions to ensure compliance and provides the necessary inspection and enforcement authority. Generally, the construction site erosion control ordinance requires best management practices to:

- Prevent or reduce deposition of soil from being tracked onto streets by vehicles.
- Prevent or reduce discharge of sediment from disturbed areas into stormwater inlets, adjacent waters of the state, drainageways that flow offsite, dewatering activities, and soil stockpiles existing for more than 7 days.
- Prevent or reduce discharge of onsite chemicals, cement, and other building materials into waters of the state or storm sewers.
- For sites with one acre or more of land disturbing construction activity, by design, discharge no more than five tons per acre per year of sediment from the site.
- Comply with DNR Technical Standards for best management practices.
- Prepare and implement an erosion and sediment control plan.

The Village created dedicated funding sources to financially support the construction site pollutant control program. The user fees are structured to provide permit applicants with a financial incentive to reduce the duration of land disturbance.

The Village developed various policies and procedures to assist with implementation of its construction site pollutant control program. The policies and procedures include the following:

1. Permit Application: The permit application, construction plan set, Erosion & Sediment Control Plan, sediment discharge calculations and application fee are submitted to the Village Clerk's Office. The applicant uses the permit application provided in Appendix F. Similar to private projects, municipal projects also need to comply with performance standards contained within the ordinance, though a formal permit application is not required, and a permit is not issued. The Village Clerk's Office processes the application and forwards to the Village Engineer for review.
2. Plan Review: Each permit application, construction plan set, Erosion & Sediment Control Plan, and sediment discharge calculations are reviewed for compliance with the construction site erosion control ordinance, Reference Guide, and DNR Technical Standards. The Village Engineer conducts the review for 1 and 2 family residential dwellings and all other sites, including subdivisions and commercial development sites. Plan review letters and the issued permit are forwarded to the permit applicant. The number of plan reviews will depend on the submittal quality. Meetings between the applicant, designer, and plan reviewer are encouraged during the pre-design, design, and plan review process. The meetings are used to educate each other about regulatory requirements, environmentally sensitive areas, and design challenges. The number of meetings is typically commensurate with the size and complexity of the project. Meetings can be face-to-face, virtual, or via telephone.
3. Financial Guarantee: A financial guarantee may be required for sites with 1 acre or more of land disturbance. The financial guarantee includes the estimated cost of erosion and sediment control practices, site inspections, project administration, and contingencies. The Village Clerks Office may release portions of the financial guarantee as the construction project progresses. The last portion of the financial guarantee is not typically released until the municipal inspector performs a final site inspection.
4. Permit Issuance: The Village Clerks Office issues an approval letter and/or certificate to the permit applicant, after the plans are approved. The applicant is required to post the permit in a conspicuous place at the site, until construction is completed.
5. Construction Site Inspections: The applicant is required to inspect the construction site each week and after a rainfall of ½ inch or more. In addition, the Village Engineer observes each site about once a month during the period starting March 29 and ending November 25 (at least once every 45 days for active sites and once every 60 days for inactive sites). Follow up inspections are performed by the Village inspector within 7 days of an inadequate control measure or a sediment discharge. In addition, a final inspection is performed by the Village Engineer to verify the site has reached final stabilization. The Village Engineer may inspect sites more frequently after storm events, during a mild winter, when adjacent to a sensitive area, and during enforcement actions. Both the applicant and Village Engineer document inspections with written reports. The Village Engineer inspects 1 and 2 family dwellings and other sites, including subdivisions.

6. Enforcement Actions: For a minor non-compliance issue, the Village Engineer will provide a verbal or written “Warning Notice” for correcting the non-compliance. Most non-compliance issues are corrected in this manner. If the non-compliance is blatant, intentional, or not corrected in a timely manner, the Village Clerks Office will post a “Stop Work Order” or send a written “Notice of Violation” which outlines the required actions to be completed by a specific date and time. Enforcement actions will depend on the type and severity of non-compliance. Typically, enforcement actions will include forfeitures. Stop work orders, citations, and forfeitures will continue until the Village inspector determines the site is compliant. Each day of non-compliance can be considered a new violation. Other potential enforcement actions include permit revocation, “Cease and Desist Orders”, and issuing a “Notice of Intent” that the Village intends to perform emergency work.

7. Information Submitted by the Public: Information submitted by the public can be recorded on the form provided in Appendix F and forwarded to the Village Clerks Office for documentation and follow-up. Follow-up activities may consist of contacting the landowner, verifying permit coverage, reviewing plans, requesting a copy of weekly inspection reports, conducting a Village inspection, and/or initiating enforcement actions. Follow-up activities will be documented with written reports and filed with the permit.

Program Implementation

Each element of the construction site pollutant control program is described below including Best Management Practices (BMP) and measurable goals. As indicated below, the construction site pollutant control program is integrated with the other five minimum control measures. The proposed BMPs and measurable goals were selected after considering the permit requirements. The purpose of the measurable goals is to track program implementation and gauge effectiveness of the overall program.

| Construction Site Pollutant Control | Count |
|--|--------------|
| BMP: Review permit applications and erosion control plans. Measurable Goals: <ul style="list-style-type: none"> ▪ Number of total active construction sites (> 1 acre) during reporting year. ▪ Number of constructions sites (> 1 acre) issued a permit during reporting year. | |
| BMP: Conduct municipal construction site erosion control inspections. Measurable Goals: <ul style="list-style-type: none"> ▪ Number of construction site inspections performed by the Village during reporting year. | |
| BMP: Enforce the construction site erosion control ordinance. Measurable Goals: <ul style="list-style-type: none"> ▪ Number of sites with no enforcement authority. ▪ Number of verbal Warning Notices issued. ▪ Number of written Warning Notices issued, including emails. ▪ Number of Notices of Violation issued. ▪ Number of Stop Work Orders issued. ▪ Number of Civil Penalties / Citations issued. ▪ Number of Forfeitures of Deposit (cash escrow, bond, letter of credit, etc.). | |

CHAPTER 7 – POST-CONSTRUCTION STORMWATER MANAGEMENT

Goals & Objectives

Develop a post-construction stormwater management program to control runoff quality and quantity from areas of new development and redevelopment, after construction is completed. Urban development increases the amount of impervious surfaces as farmland, forests and grasslands are converted to buildings, parking lots and streets. Impervious surfaces reduce subsurface infiltration and increase surface water runoff. As stormwater washes over impervious surfaces, pollutants are picked up and the speed of runoff increases. The resulting stormwater flows are higher in flow rate, volume, pollutants and temperature. Uncontrolled runoff may cause stream erosion, flooding, algae, bacteria and aesthetic problems within streams, rivers and lakes.

Program Development

The Village adopted a post-construction stormwater management ordinance. A copy of the stormwater ordinance is provided in Appendix G. The ordinance establishes sanctions to ensure compliance and provides the necessary inspection and enforcement authority. Generally, the post-construction stormwater management ordinance requires the following for sites with 20,000 square feet or more of impervious surface disturbance or 1 acre or more of land disturbance:

- Reduce sediment by 80% for new development and 40% for redevelopment. Also, if more stringent, reduce sediment and phosphorus in conformance with Total Maximum Daily Load.
- Control 1, 2, 10 and 100-year peak discharge rates based on a meadow or woodland land use.
- Infiltrate runoff for new development if one acre or more of land disturbance.
- Create buffers along streams, rivers, lakes, wetlands and channels.
- Prevent visible petroleum sheen in stormwater runoff.
- Comply with DNR Technical Standards.
- Prepare a Stormwater Management Plan and Operation & Maintenance Plan.
- Prepare a long-term maintenance agreement and record at Register of Deeds.

The Village created dedicated funding sources to financially support the post-construction stormwater management program. The user fees are structured to provide permit applicants with a financial incentive to reduce the amount of imperviousness.

The Village developed various policies and procedures to assist with implementation of the post-construction stormwater management program. The policies and procedures include the following:

1. Permit Application: The permit application, construction plan set, Stormwater Management Plan, Operation and Maintenance Plan, long-term maintenance agreement, and application fee are

submitted to the Village Clerk's Office. The Village Clerk's Office processes the application and forwards it to the Village Engineer for review and approval.

2. Plan Review: Each permit application, construction plan set, Stormwater Management Plan, Operation and Maintenance Plan and maintenance agreement is reviewed for compliance with the stormwater management ordinance, Reference Guide, and DNR Technical Standards. The Village Engineer conducts the review for all sites including 1 and 2 family residential dwellings, subdivisions and commercial development sites. Plan review letters and the issued permit are forwarded to the permit applicant. The number of plan reviews will depend on the submittal quality. Meetings between the applicant, designer, and plan reviewer are encouraged during the pre-design, design, and plan review process. The meetings are used to educate each other about regulatory requirements, environmentally sensitive areas, and design challenges. The number of meetings is typically commensurate with the size and complexity of the project. Meetings can be face-to-face, virtual, or via telephone.
3. Operation & Maintenance Agreement: A long-term operation and maintenance agreement is required for sites with 20,000 square feet or more of impervious surface disturbance or sites with 1 acre or more of land disturbance (unless draining to a Village-owned regional facility). Ideally, the maintenance agreement will be approved and executed prior to permit issuance. The Village Clerk's Office records the maintenance agreement at the County Register of Deeds. A copy of the Village's standard Maintenance Agreement is provided in Appendix G.
4. Financial Guarantee: A financial guarantee may be required for the estimated cost of stormwater management facilities and contingencies. The Village Clerks Office may release portions of the financial guarantee as the project progresses. The last portion of the financial guarantee may not be released until a final inspection is performed, the maintenance agreement is recorded, and the record / as-built drawings are approved.
5. Permit Issuance: The Village Clerks Office issues an approval letter and/or certificate to the permit applicant, after the plans are approved by the Village Engineer. The applicant is required to post the permit in a conspicuous place at the site, until construction is completed.
6. Project Completion Process: After the project is completed, the Director of Public Works and/or Village Engineer completes a final inspection of the property. A PE stamped record drawing is prepared by the owner and submitted to the Village Clerks Office and Village Engineer for review. The Village Engineer reviews the record drawing and issues an approval letter if the site satisfies the Village design and ordinance requirements.
7. Tracking Long-Term Operation & Maintenance: The Village Clerk's Office tracks long-term maintenance of private stormwater facilities. As required by the maintenance agreement, the facility owner is required to perform routine inspections, conduct maintenance, and document activities in annual maintenance logs. The facility owner is required to submit a postcard to the

Village each year, which certifies the maintenance was completed. The Village is working on a generic operation and maintenance plan for typical post-construction BMPs, including inspection procedures, to be able to distribute to private facility owners who may not have their original operation and maintenance plan. In addition, the Village Director of Public Works and/or Village Engineer conducts an inspection or audit of at least 5% of private stormwater facilities each year and prepares an inspection report. A copy of the Village's inspection report is provided to the private facility owner, with directions to correct deficiencies by a specified date.

8. **Enforcement Actions:** For a minor non-compliance issue, the Village inspector will provide a verbal or written "Warning Notice" for correcting the non-compliance. Most non-compliance issues will be corrected in this manner. The written notice will outline the required actions to be completed by a specific date and time to avoid enforcement action. Enforcement actions will depend on the type and severity of non-compliance. Typically, enforcement actions will include "Notices of Violation", citations and penalty fees. Violations, citations, and penalty fees will continue until the Village inspector determines the site is compliant. Each day of non-compliance can be considered a new violation. For blatant, intentional, repetitive, or severe non-compliance issues, the Village inspector has authority to immediately issue a written "Notice of Violation" and/or initiate enforcement actions without prior notice. Other potential enforcement actions may include permit revocation, "Cease and Desist Orders", and issuing a "Notice of Intent" that the Village intends to perform emergency work. Costs are billed to the responsible party or charged to the tax roll.

9. **Information Submitted by the Public:** Information submitted by the public can be recorded on the form provided in Appendix G and forwarded to the Village Clerks Office for documentation and follow-up. Follow-up activities may consist of contacting the facility owner, reviewing plans, requesting maintenance logs, reviewing inspection reports, conducting Village inspections, or initiating enforcement actions. Follow-up activities will be documented with written reports and filed with the permit.

Program Implementation

Each element of the post-construction stormwater management program is described below including Best Management Practices (BMP) and measurable goals. As indicated below, the post-construction program is integrated with the other five minimum control measures. The proposed BMPs and measurable goals were selected after considering the permit requirements. The purpose of the measurable goals is to track program implementation and gauge effectiveness of the overall post-construction stormwater management program.

| Post-Construction Stormwater Management | Count |
|--|-------|
| <p>BMP: Review permit applications, stormwater management plans, and maintenance agreements.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of sites that received approval for a new structural stormwater management facility. | |
| <p>BMP: Track long-term maintenance of stormwater management facilities.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of privately owned stormwater management facilities inspected in reporting year. | |
| <p>BMP: Enforce the post-construction stormwater management ordinance.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of sites with no enforcement authority. ▪ Number of verbal Warning Notices issued. ▪ Number of written Warning Notices issued, including emails. ▪ Number of Notices of Violation issued. ▪ Number of Civil Penalties / Citations issued. ▪ Number of Forfeitures of Deposit (cash escrow, bond, letter of credit, etc.). ▪ Number of sites with completed stormwater facility maintenance during reporting year. ▪ Number of sites that Village performed maintenance and billed the responsible party. | |

CHAPTER 8 - MUNICIPAL POLLUTION PREVENTION

Goals & Objectives

Develop a municipal pollution prevention program to reduce the amount and type of pollution that (1) collects on municipally owned streets, parking lots, open spaces, storage areas, and vehicle maintenance areas, and (2) results from poor maintenance of municipally owned flood control facilities and storm sewer systems. The goal is to modify existing municipal operations to improve stormwater quality and protect receiving waters.

Program Development

The Village has a pet waste, litter, and well head protection ordinance to support the municipal pollution prevention program. The ordinances establish sanctions to ensure compliance and provide the necessary enforcement authority. Generally, the ordinances provide the necessary legal authority to:

- Require cleanup and proper disposal of pet waste.
- Require cleanup and proper disposal of litter.

The Village created a dedicated funding source or stormwater utility fee to financially support the municipal stormwater program, including municipal pollution prevention. A copy of the Village's stormwater utility fee and ordinance is provided in Appendix I.

The Village developed various policies and procedures to assist with implementation of the municipal pollution prevention program. The policies and procedures include the following:

1. Structural BMPs: Structural BMPs are depicted in Figure 7 and summarized in a tabular format within Table 2-3 in Section 2 – Overview of Study Area. The Department of Public Works and/or the Village Engineer is responsible for routine inspection and maintenance of Village-owned or operated structural best management practices (BMP). The Department of Public Works and/or the Village Engineer utilizes the inspection and maintenance forms provided in Appendix H when conducting an inspection. See Chapter 7 – Post-Construction Stormwater Management for the Village's plan for tracking long-term maintenance and inspection procedures for private facilities. In the future, the Village may construct additional structural BMPs to achieve the TMDL sediment and phosphorus reductions.
2. Grass Swales: The Public Works Department is responsible for routine inspection and maintenance of Village owned or operated grass swales. The location of grass swales are depicted in Figure 8.
3. Street Sweeping: The Public Works Department is responsible for sweeping Village owned streets and properly disposing of waste materials. Waste materials are disposed at the Outagamie County

Landfill. The Village currently owns one 2003 Pelican (Elgin) mechanical sweeper for street sweeping. The Village performs street sweeping to improve aesthetics, reduce storm inlet clogging, cleanup leaves and grass clippings, and reduce non-point source pollution. Village owned streets are currently swept once per month, with the area that drains to the Fox River being swept twice per month. In the future, the Village may modify its street sweeping program, including adoption of a parking ordinance to restrict parking during sweeping operations.

4. Catch Basin Cleaning: The Village's MS4 system does not contain any catch basin sumps.
5. Snow Storage: The Public Works Department is responsible for snow storage. Snow is typically plowed and stored along streets until the spring melt. Some streets and public parking lots do not have adequate snow storage, particularly in downtown districts. In these areas, snow is loaded on trucks and hauled to the snow storage site in the old landfill site located across from the Village Garage (see Figure 9). During the spring melt, snowpiles can deliver "shock" loads of pollutants to streams, rivers, and lakes. In an effort to reduce impacts, the Village maintains a vegetated buffer between the snowpile and adjacent stream. The vegetated buffer improves water quality prior to discharge into the Fox River. After the snowmelt, debris and litter are picked up and hauled to the Outagamie County Landfill.
6. Deicers: The Public Works Department is responsible for proper application of road salt and other de-icers. Currently, the Village uses salt granules and brine for deicing. Typically, the Village only applies salt or brine at street intersections, along steep slopes and along curved streets. The Village stores salt in a covered shed at the Village Garage site. The salt storage shed is inspected each year by DNR Staff. Currently, the Village does not have a predetermined application rate for salt. Over the next five years, the Village plans to compare salt application rates and equipment calibration to guidance contained in Chapter 6 of the DOT "Highway Maintenance Manual" (see Appendix H for a copy).
7. Leaves & Grass Clippings: The Public Works Department is responsible for curbside leaf collection between October 15 and November 31. During this period, leaves are collected once a week. Leaves are stockpiled in the street and grass terraces by landowners until collection by the Village. Leaves collected by the Village are immediately taken to the Outagamie County Landfill. The Village does not charge homeowners a fee for leaf collection. Between April 1 and November 15, residents can also drop-off yard waste at the Village Garage. The Village yard waste site is collected and taken to the Outagamie County Landfill on a weekly or bi-weekly bases for composting.
8. Municipal Garage: The Public Works Department is responsible for managing stormwater pollution at the Village Garage. The Village Garage is located at 300 Park Street (see Figure 11). Municipal vehicles, municipal equipment, salt storage, soil stockpiles, yard waste, and other materials are stored at the Village Garage. A Storm Water Pollution Prevention Plan (SWPPP) was prepared for the Village Garage and is on file with the WDNR. Pollution prevention for the Village Garage consists of the following Best Management Practices (BMP):

- Buildings are locked to prevent unauthorized access.
- Vehicles and equipment are stored indoors, when feasible.
- Vehicles and equipment are washed indoors in the designated wash bay. Wash water is discharged to the sanitary sewer system. Soil clumps are removed from vehicles and equipment prior to washing.
- Vehicles and equipment are maintained indoors, when feasible. Drip pans are used for vehicle and equipment maintenance.
- Adsorbent cleanup materials are kept onsite at all times for potential spills.
- Fuel for smaller equipment is stored outdoors in a sealed 300 gallon tank. Fuel for larger equipment is purchased from a privately-owned gas station.
- Waste oil is stored outdoors in a sealed 300 gallon tank.
- Fertilizers, pesticides, chemicals, solvents, paints, & other hazardous materials are stored in clearly marked, sealed containers. Containers are stored indoors.
- Waste oil and other hazardous materials are properly disposed.
- Garbage & other wastes are stored in dumpsters. Dumpster lids are kept closed.
- Material stockpiles are kept away from concentrated flows and are encircled with containment barricades.

9. Fertilizers: The Public Works Department is responsible for conducting soil tests before applying fertilizer to Village controlled properties with more than 5 acres of turf area. Currently, the Village applies fertilizer to the following Village controlled properties with 5 acres or more of turf area: Memorial Park and Van Zeeland Park (see Figure 11). The Village plans to update its site specific Nutrient Management Plan for these two properties during this permit term. The Village plans to contract with a private business for soil testing.

10. Pet Waste: The Public Works Department is responsible for enforcing the Village's pet waste ordinance. Pet waste can be a source of nutrients and bacteria in stormwater runoff when allowed to accumulate on sidewalks and streets. To control pet waste, pet owners should pick up and properly dispose of pet waste by placing in the garbage, flushing down the toilet, or burying in the backyard.

11. Litter Control: The Public Works Department is responsible for enforcing the Village's litter ordinance. In addition to the ordinance, the Village provides the following municipal services to reduce the amount of litter entering streams, rivers, lakes, wetlands, wooded areas, and detention ponds:

- Litter in Village Parks is routinely picked up and trash cans are routinely emptied.
- Litter in municipally owned or operated ponds is routinely picked up.
- Residential garbage is collected curb-side once every week. The Village uses garbage receptacles that have a lid to reduce litter caused by animals and wind.

- Residential recycling is collected curb-side once every two weeks. Homeowners are responsible for placing glass, plastic, and metal recyclables in containers and bundling cardboard / paper recyclables to reduce litter caused by wind.
 - White goods and bulky household items are collected curb-side once per month. Appliances with Freon and bulky items are immediately brought to the Outagamie County Landfill for disposal. Metal recyclable items are stored in a large privately owned dumpster at the Village Garage and taken to Outagamie County Landfill of when the dumpster is full. The program prevents improper disposal of white goods and bulky items.
12. Employee Training: The Public Works Department and/or Village Engineer is responsible for training municipal employees and other personnel about municipal pollution prevention and good housekeeping practices. Potential training topics include structural BMP maintenance, grass swales, street sweeping, snow storage, deicers (salt & brine), leaves, grass clippings, municipal garages, vehicle / equipment maintenance, hazardous spills, illegal connections, illicit discharges, fertilizers, pet waste, litter control, and information from the public. NEWSC has developed some of these training materials and plans to develop more in the future. The Village Engineer has developed a series of educational presentations geared towards municipal pollution prevention which are included in Appendix H. A worksheet to track employee training is provided in Appendix H.
13. Well Head Protection: The Village does not own any municipal wells. The Village purchases its water from the Village of Kimberly.
14. Information Submitted by the Public: Information submitted by the public can be recorded on the form provided in Appendix H and forwarded to the Building Inspector, Public Works Director or Village Engineer for documentation and follow-up. Follow-up activities may consist of contacting the facility owner, reviewing plans, requesting maintenance logs, reviewing inspection reports, conducting Village inspections, or initiating enforcement actions. Follow-up activities will be documented with written reports and filed with the permit.

Program Implementation

Each element of the municipal pollution prevention program is described below including Best Management Practices (BMP) and measurable goals. As indicated below, the municipal pollution prevention program is integrated with the other five minimum control measures. The proposed BMPs and measurable goals were selected after considering the permit requirements and the uniqueness of the Village. The purpose of the measurable goals is to track program implementation and gauge effectiveness of the overall municipal pollution prevention program.

| Municipal Pollution Prevention | Count |
|--|-------|
| <p>BMP: Conduct routine inspections & maintenance of municipally owned stormwater facilities.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of municipally owned or operated structural stormwater facilities. ▪ Number of new municipally owned or operated stormwater facilities installed in the reporting year. ▪ Number of municipally owned or operated stormwater facilities inspected in the reporting year. ▪ Of the inspected facilities, number of municipally owned stormwater facilities requiring maintenance. | |
| <p>BMP: Prepare a Stormwater Pollution Prevention Plan (SWPPP) for municipal garages and yards.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of municipal properties required to have a SWPPP. ▪ Number of inspections of municipal properties with a SWPPP during reporting year. | |
| <p>BMP: Conduct routine street sweeping where appropriate. Properly dispose of waste.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Frequency of street sweeping completed during reporting year (March 29 to November 25). ▪ Tons of street sweeping waste collected during reporting year. | |
| <p>BMP: Conduct routine catch basin cleaning where appropriate. Properly dispose of waste.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of catch basin sumps cleaned during reporting year (March 29 to November 25). ▪ Tons of catch basin waste collected during reporting year. | |
| <p>BMP: Properly manage leaves where appropriate.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ If collection is offered, frequency of curbside leaf collection. | |
| <p>BMP: Apply road salt and other products only as necessary to maintain public safety during winter.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of lane-miles that Village is responsible for snow and ice control. ▪ Tons of salt applied per month (October to March). ▪ Tons of sand applied per month (October to March). ▪ Tons of salt/sand mix applied per month (October to March). ▪ Gallons of brine applied per month (October to March). ▪ Gallons of chem-melt applied per month (October to March). ▪ Gallons of beet juice applied per month (October to March). ▪ Gallons of pre-wetting compound applied per month (October to March). | |
| <p>BMP: Conduct nutrient management planning for municipally controlled properties where appropriate.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of Village controlled properties with > 5 acres of turf area that are fertilized. | |
| <p>BMP: Educate municipal employees about stormwater pollution prevention.</p> <p>Measurable Goals:</p> <ul style="list-style-type: none"> ▪ Number of municipal employees trained during reporting year. | |

9.0 - STORMWATER QUALITY MANAGEMENT

The Village's stormwater quality management plan or Action Plan for NR 151. 13 and Total Maximum Daily Load (TMDL) compliance are provided in a separate reports.

10.0 - IMPLEMENTATION PLAN

Below are various items for the Village to consider when implementing the Stormwater Management Plan and working toward MS4 Permit compliance.

Plan Adoption

The Stormwater Management Plan should be accepted by the Village Board. After the plan is accepted, it should be forwarded to the DNR for review and approval. The DNR will review the plan for compliance with MS4 Permit regulations.

Compliance Schedule

The WPDES Municipal Stormwater Discharge Permit (WI-S050075-3) contains a compliance schedule. The compliance schedule identifies when the Village needs to complete each required permit activity. The start date for the MS4 Permit is May 1, 2019.

Public Education & Public Involvement

The first step toward implementing the Stormwater Management Plan is to obtain public input from local stakeholders. Potential stakeholders include the general public, elected officials, Village Staff, developers, environmentalists, regulatory entities, and individual property owners. Although the Stormwater Management Plan includes a cost versus benefit analysis for each water quality alternative, the plan does not take into consideration intangibles such as public sentiment and public opinion.

Capital Improvement Plan

Develop a capital improvement plan based on the Stormwater Management Plan and the Village's permit compliance schedule. We recommend that the capital improvement plan include ample time for public education, public input, BMP design, land acquisition, regulatory permits, grant applications, financing, and construction. The capital improvement plan should also take into consideration other local capital improvement projects, such as street reconstruction projects, utility projects, and private development projects. We recommend the Village explore all potential opportunities to partner with other public and private entities.

1. BMP Design

McMahon Associates, Inc. recommends that BMP design, regulatory permits, and land acquisition be conducted in a succinct manner. Some of the proposed BMP retrofit sites may not be feasible due to soil contamination, wetlands, floodplains, endangered species,

archeological resources, or some other unknown site factor. It is better to understand these challenges before the property is purchased by the Village.

2. Land Acquisition

McMahon Associates, Inc. recommends that Village Staff begin discussions with property owners and businesses that may be impacted by one or more of the proposed wet detention ponds. Some of the wet detention ponds are intentionally located on vacant parcels that are currently for sale. The land acquisition required for a specific pond may become more difficult if the property is sold to another entity.

McMahon Associates, Inc. recommends that the Village contact local businesses that have a potential BMP retrofit proposed on their property. The open space areas that are identified for the BMP may be reserved for future business expansions.

McMahon Associates, Inc. recommends that these discussions be pursued by Village Staff as soon as practical. These discussions may eliminate one or more of the proposed wet pond retrofits from consideration.

3. Regulatory Permits

McMahon Associates, Inc. recommends that regulatory agencies be contacted to discuss permits for potential BMP retrofits. Permits may be required from the Wisconsin DNR, US Army Corps of Engineers, and other regulatory agencies. Some of the proposed wet ponds are located adjacent to or within wetlands, navigable streams, lakes, 100-year floodplains, and other environmentally sensitive areas. Wet ponds located adjacent to or within one or more of these natural resource features will likely require detailed investigations and extensive timelines for permit approval. The regulatory agency may require wetland delineations, endangered or threatened species investigations, archeological investigations, soil investigations, groundwater or bedrock investigations, or 100-year flood studies.

Financing Plan

McMahon Associates recommends the Village develop a financing plan. The financing plan will allow the Village to implement the Stormwater Management Plan and 5-year Capital Improvement Plan. Below is a discussion of various funding sources which may be available to the Village. Depending on the stormwater project, funding options may be used individually or in combination.

- **Property Taxes:** Property taxes and general funds may be used to pay for stormwater projects. Typically, property tax revenue and general funds are allocated to a specific stormwater project during the community's annual budget process.

- Debt / Bonds: General obligation and revenue bonds may be used to secure funding for stormwater projects. Property taxes and revenue fees are used for long-term debt payments.
- Special Assessments: Special assessments may be used to generate funds for a specific project. Property owners that benefit from the project pay the assessment fee. Typically, other funding sources are needed to pay for project costs until property owners pay the assessment.
- Impact Fees: Impact fees may be charged to developers for stormwater projects that benefit the development. Impact fees are usually paid during initial stages of development. Typically, projects include regional stormwater facilities or improvements to deficient downstream infrastructure. Often, other funding sources are needed to pay for project costs until developers and property owners are required to pay the impact fee.
- Tax Incremental Financing (TIF) District: TIF Districts may be used by Cities and Villages to fund stormwater projects that benefit property located within the District. Property value increases within the TIF District generate additional tax revenue that is used for long-term debt payments.
- Stormwater Utility: Stormwater utilities are similar to sanitary and water utilities. Stormwater utilities generate revenue for stormwater related projects by charging property owners an annual service fee. Annual service fees are based upon the amount of runoff generated by a specific property. Properties with more impervious area (i.e. roofs, parking lots, driveways, etc.) are charged a higher fee as compared to properties with less impervious area. All properties, including tax exempt properties, pay the service fee.
- Grants / Loans: State and federal grant / loans are available for certain stormwater projects. Typically, only a certain percent of the total project cost is eligible for grant / loan money with remaining revenues to be generated by the applicant. Below are a few grant / loan programs which the Village of Combined Locks may or may not be familiar with.
 - Urban Non-Point Source and Stormwater Construction Grant
 - Targeted Runoff Management Construction Grant
 - Great Lakes Basin Program
 - Community Development Block Grant
 - Clean Water Fund

APPENDIX A

WPDES Municipal Permit



**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN
POLLUTANT DISCHARGE ELIMINATION SYSTEM
WPDES PERMIT NO. WI-S050075-3**

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

MUNICIPAL SEPARATE STORM SEWER SYSTEM

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

With written authorization by the Department, this permit will be used to cover a municipal separate storm sewer system initially covered under a previous version of a municipal separate storm sewer system general permit. The **Start Date** of coverage under this permit is the date of the Department letter sent to the municipality authorizing coverage under this permit. The Department is required to charge an annual permit fee to owners and operators authorized to discharge under this permit in accordance with s. 283.33(9), Wis. Stats., and s. NR 216.08, Wis. Adm. Code.

State of Wisconsin Department of Natural Resources
For the Secretary

By Michael C. Thompson

Michael C. Thompson, Director
Bureau of Watershed Management
External Services Division

5/1/19

Date Permit Signed

PERMIT EFFECTIVE DATE: May 1, 2019

EXPIRATION DATE: April 30, 2024

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1. APPLICABILITY CRITERIA

1.1 Permitted Area

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

1.1.1 An urbanized area, adjacent developing areas and areas whose runoff is connected or will connect to a municipal separate storm sewer regulated under subch. I of NR 216, Wis. Adm. Code; or

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

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

1.2 Authorized Discharges

This permit authorizes storm water point source discharges from the MS4 to waters of the state in the permitted area. This permit also authorizes the discharge of storm water 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 2.3.1 of this permit.

1.3 Water Quality Standards

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

1.3.2 This permit does not authorize discharges that the Department determines will cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standards. Where such determinations have been made, the Department may notify the municipality that an individual permit is necessary. However, 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.

1.4 Outstanding and Exceptional Resource Waters

1.4.1 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>

1.4.2 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.

1.4.3 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.

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

1.5 Impaired Waterbodies and Total Maximum Daily Load Requirements

1.5.1 By March 31 of each odd-numbered year, the permittee shall determine whether any part of its MS4 discharges to an impaired waterbody listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC § 1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR § 130.7(c)(1). For a permittee that determines that any part of its MS4 does discharge to a listed impaired waterbody but for which there is no United States Environmental Protection Agency (USEPA) approved Total Maximum Daily Load (TMDL) for the pollutant of concern, the permittee shall include a written section in its storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of pollutants of concern that contribute to the impairment of the waterbody. This section of the permittee's program shall specifically identify control measures and practices that will collectively be used to try to eliminate the MS4's discharge of pollutants of concern that contribute to the impairment of the waterbody and explain why these control measures and practices were chosen as opposed to other alternatives.

Note: Every two years, the Department updates and publishes a list of waters considered impaired under the Clean Water Act. The list is updated in even-numbered years. A list of Wisconsin impaired waterbodies may be found on the Department's Internet site at:

<http://dnr.wi.gov/topic/impairedwaters/>

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

- a. Appendix A provides the permit conditions for permittees subject to the Rock River Basin TMDL, Lower Fox River Basin and Lower Green Bay TMDL, Lake St. Croix Nutrient

TMDL, Red Cedar River (Tainter Lake, Menomin Lake) TMDL, or Beaver Dam Lake TMDL. For a permittee subject to any of these TMDLs, the permittee shall comply with the provisions in Appendix A: MS4 Permittees Subject to a TMDL Approved Prior to May 1, 2014 including Applicable Updates.

b. Appendix B provides the permit conditions for permittees subject to the Milwaukee River Basin TMDL. For a permittee subject to this TMDL, the permittee shall comply with the provisions in Appendix B: MS4 Permittees Subject to Milwaukee River Basin TMDL.

c. Appendix C provides the permit conditions for permittees subject to the Wisconsin River Basin TMDL or any other TMDL approved on or after May 1, 2019. For a permittee subject to any of these TMDLs, the permittee shall comply with the provisions in Appendix C: MS4 Permittees Subject to the Wisconsin River Basin TMDL or a TMDL Approved After May 1, 2019.

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

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

1.6 Wetlands

The permittee's MS4 discharge shall comply with the applicable wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

1.7 Endangered and Threatened Resources

The permittee's MS4 discharge shall comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.

1.8 Historic Property

The permittee's MS4 discharge 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.

1.9 General Storm Water Discharge Limitations

In accordance with s. NR 102.04, Wis. Adm. Code, practices attributable to municipal, industrial, commercial, domestic, agricultural, land development or other activities shall be controlled so that all surface waters including the mixing zone meet the following conditions at all times and under all flow and water level conditions:

1.9.1 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.

1.9.2 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.

1.9.3 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.

1.9.4 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.

1.10 Obtaining Permit Coverage

1.10.1 The owner or operator of an MS4 covered under a previous version of an MS4 permit before the effective date of this permit shall be covered by this permit pursuant to written authorization by the Department.

Note: The Department will notify in writing the owner or operator of an MS4 covered under a previous version of an MS4 permit that this permit has been reissued and that the MS4 is covered under it. However, the City of Madison and the City of Milwaukee are not eligible for coverage under this permit.

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

1.11 Transfers

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

1.12 Exclusions

The following are excluded from coverage and are not authorized under this permit:

1.12.1 Combined Sewer and Sanitary Sewer Systems

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

1.12.2 Agricultural Facilities and Practices

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

1.12.3 Other Excluded Discharges

Storm water discharges from industrial operations or land disturbing construction activities that require separate coverage under a WPDES permit pursuant to subchs. II or III of ch. NR 216, Wis. Adm. Code. For example, while storm water from industrial or construction activity may discharge to an MS4, this permit does not satisfy the need to obtain any other permits for those discharges. This exclusion does not apply to the permittee's responsibility to regulate construction sites within its jurisdiction in accordance with sections 2.4 and 2.5 of this permit.

1.12.4 Indian Country

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

1.12.5 Non-MS4 Discharge

Storm water discharges that do not enter an MS4.

1.13 Compliance with Permit Requirements

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

2. PERMIT CONDITIONS

This permit establishes the following measurable goals, with a compliance schedule in section 3, for the permittee to maintain compliance with the minimum control measures for their storm water management program described under sections 2.1 through 2.6. The following permit conditions apply to the permittee, unless the Department issues a written determination that a condition is not appropriate under the circumstances. The permittee shall have a written storm water management program that describes in detail how the permittee intends to comply with the permit requirements for each minimum control measure. The permittee shall begin implementing any updates to its storm water management programs no later than March 31, 2021.

2.1 Public Education and Outreach

The permittee shall maintain its public education and outreach program to increase the awareness of storm water pollution impacts on waters of the state and to encourage changes in public behavior to reduce such impacts. The permittee shall implement the following measurable goals:

2.1.1 Topics. The permittee shall address all eight topics in Table 1 at least once during the permit term. Permittees that are a County shall address a minimum of six topics each year. Permittees that are a City, Village, Town, or University with a population of 5,000 or more based on the latest U.S. Census shall address a minimum of six topics each year. Permittees that are a City, Village, Town, or University with a population less than 5,000 based on the latest U.S. Census shall address a minimum of four topics each year. Topics may be repeated as necessary. Permittees shall select from the topic areas in Table 1.

Note: Universities should average its enrolled student population plus employee population over a recent ten-year period to determine which requirement it should follow for permit compliance. Universities are also expected to undertake public education efforts that reach the entire student body and staff.

Table 1: Public Education and Outreach Topic Areas and Descriptions

| # | Topic Area | Description |
|---|---|---|
| 1 | Illicit Discharge Detection and Elimination | Promote detection and elimination of illicit discharges and water quality impacts associated with such discharges from municipal separate storm sewer systems. |
| 2 | Household Hazardous Waste Disposal/Pet Waste Management/Vehicle Washing | Inform and educate the public about the proper management of materials that may cause storm water pollution from sources including automobiles, pet waste, household hazardous waste and household practices. |
| 3 | Yard Waste Management/Pesticide and Fertilizer Application | Promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides. |
| 4 | Stream and Shoreline Management | Promote the management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways. |

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

Note: Additional information on green infrastructure and low impact development may be found on the USEPA’s Internet site at: <https://www.epa.gov/green-infrastructure>

2.1.2 Delivery mechanism. The permittee shall use at least four public education delivery mechanisms each year. Permittees that are a City, Village, Town, or University with a population of 5,000 or more based on the latest U.S. census shall use at least two from the Active/Interactive Mechanisms column in Table 2 each year. Permittees that are a City, Village, Town, or University with a population less than 5,000 based on the latest U.S. census shall use at least one from the Active/Interactive Mechanisms column in Table 2 each year. Permittees that are a County shall use at least one from the Active/Interactive Mechanisms column in Table 2 each year.”

Note: Universities should average its enrolled student population plus employee population over a recent ten-year period to determine which requirement it should follow for permit compliance. Universities are also expected to undertake public education efforts that reach the entire student body and staff.

Table 2: Public Education and Outreach Delivery Mechanisms (Active and Passive)

| Active/Interactive Mechanisms | Passive Mechanisms |
|--|---|
| <ul style="list-style-type: none"> • Educational activities (school presentations, summer camps) • Informational booth at event • Targeted group training (contractors, consultants, etc.) • Government event (public hearing, council meeting) • Workshops • Tours • Other | <ul style="list-style-type: none"> • Passive print media (brochures at front desk, posters, etc.) • Distribution of print media (mailings, newsletters, etc.) via mail or email • Media offerings (radio and TV ads, press release, etc.) • Social media posts • Signage • Website • Other |

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

2.2 Public Involvement and Participation

The permittee shall maintain its public involvement and participation program, in compliance with applicable state and local public notice requirements, to notify the public of activities required by this permit and to encourage input and participation from the public regarding these activities. The permittee shall implement the following measurable goals:

2.2.1 Permit activities. The permittee shall provide a minimum of one opportunity annually for the public to provide input on each of the following permit activities: annual report, storm water management program, and if applicable, the adoption or amendment of storm water related ordinances.

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

2.2.3 Volunteer activities. The permittee shall implement at a minimum one of the following volunteer activities per year: group best management practice (BMP) installation or maintenance, storm drain stenciling, planting community rain garden, clean up event, stream monitoring, citizen committee meeting, public workshop, presentation of storm water information, or other hands-on event.

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

2.3 Illicit Discharge Detection and Elimination (IDDE)

The permittee shall continue to implement and enforce its program to detect and remove illicit connections and discharges to the MS4. The permittee shall implement the following measurable goals:

2.3.1 IDDE ordinance. An ordinance or other regulatory mechanism to prevent and eliminate illicit discharges and connections to the MS4. At a minimum, the ordinance or other regulatory mechanism shall:

- a. Prohibit illicit discharges and the discharge, spilling or dumping of non-storm water substances or materials into waters of the state or the MS4.
- b. Identify non-storm water discharges or flows that are not considered illicit discharges. Categories of non-storm water discharges that are not considered illicit discharges include water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats

and wetlands, fire-fighting and discharges authorized under a WPDES permit. However, the occurrence of a discharge listed above may be considered an illicit discharge on a case-by-case basis if the permittee or the Department identifies it as a significant source of a pollutant to waters of the state.

c. Establish inspection and enforcement authority.

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

2.3.2 IDDE field screening. On-going dry weather field screening shall be conducted at 100% of the total major outfalls at least once during the term of the permit. Additionally, the permittee shall select minor outfalls for annual on-going dry weather field screening during the term of the permit. The permittee shall develop a prioritization procedure to assist with selecting minor outfalls and consideration shall be given to hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or buildings in the area, history of the area and land use types when selecting outfalls for annual field screening. At a minimum, field screening shall be documented and include:

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

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

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

(2) Field screening points shall be located where practicable at the farthest manhole or other accessible location downstream in the system. Safety of personnel and accessibility of the location shall be considered in making this determination.

Note: The Department's MS4 Illicit Discharge Detection and Elimination guidance document includes several recommendations regarding selection of outfalls for field screening, screening frequency, indicator parameter selection, indicator parameter action levels and documentation. The Illicit Discharge Detection and Elimination guidance is available on the Department's Internet site at: <https://dnr.wi.gov/topic/stormwater/municipal/overview.html>

2.3.3 IDDE source investigation and elimination. Written procedures for responding to known or suspected illicit discharges, including an assessment of risks and the establishment to response times. At a minimum, procedures shall be established for:

a. Investigating portions of the MS4 that, based on the results of field screening or other information, indicate a reasonable potential for containing illicit discharges or other sources of non-storm water discharges.

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

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

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

e. Notifying the Department immediately in accordance with ch. NR 706, Wis. Adm. Code, in the event that the permittee identifies a spill or release of a hazardous substance, which has resulted or may result in the discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour 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.

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

g. Providing the Department with advanced notice of the time and location of dye testing within an MS4. Department notification prior to dye testing is required due to the likelihood that dye observed in waterways will be reported to the Department as an illicit discharge or spill.

h. Documentation of the following information:

(1) Dates and locations of IDDE screenings conducted in accordance with section 2.3.2.

(2) Reports of alleged illicit discharges received, including dates of the reports, and any follow-up actions taken by the permittee.

(3) Dates of discovery of all illicit discharges.

(4) Identification of outfalls, or other areas, where illicit discharge have been discovered.

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

(6) Actions taken by the permittee, including dates, to address discovered illicit discharges.

2.3.4 The permittee shall take appropriate action to remove known illicit discharges from its MS4 system discovered under section 2.3 as soon as possible. If it will take more than 30 days to remove an illicit connection or if the potential illicit discharge is from a facility with WPDES permit coverage, the Department shall be contacted to discuss an appropriate action and/or timeframe for removal. Notwithstanding this 30-day timeframe and notification of the Department, the permittee shall be responsible for any known illicit connections to its MS4 system that are a significant risk to human health and the environment.

2.3.5 In the case of interconnected MS4s, the permittee shall notify the appropriate municipality within one working day of either of the following:

- a.** An illicit discharge that originates from the permittee's permitted area that discharges directly to a municipal separate storm sewer or property under the jurisdiction of another municipality.
- b.** An illicit discharge that has been tracked upstream to the interconnection point with or outfall from another municipality.

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

2.4 Construction Site Pollutant Control

The permittee shall continue to implement and enforce its program to reduce the discharge of sediment and construction materials from construction sites. The permittee shall implement the following measurable goals:

2.4.1 Construction site ordinance. An ordinance or other regulatory mechanism to require erosion and sediment control at construction sites and establish sanctions to ensure compliance. At a minimum, the ordinance or other regulatory mechanism shall establish or include:

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

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

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

c. Construction site performance standards equivalent to those in ss. NR 151.11(6m), (7), and (8), and 151.23(4m), (5), and (6), Wis. Adm. Code, to achieve the following measurable goals:

(1) BMPs for construction sites that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.

(2) BMPs for transportation facilities that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.

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

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

Note: In accordance with section 2.10, when a town demonstrates to the Department that an adequate county ordinance that meets the requirements of this permit is administered and enforced within its town, then the town may be excused from having to adopt its own ordinance. Model ordinances for construction site erosion and sediment control can be found in ch. NR 152, Wis. Adm. Code: https://docs.legis.wisconsin.gov/code/admin_code/nr/100/152

2.4.2 Erosion and sediment control plan review. Written procedures for construction site plan review which incorporate consideration of potential water quality impacts. Preconstruction erosion control plan reviews shall be conducted for all construction sites with greater than one acre of land disturbance.

2.4.3 Administrative procedures. Written procedures for the administration of the construction site pollutant control program including the process for obtaining local approval, managing and responding to complaints, tracking regulated construction sites, and construction site plan receipt and consideration of information submitted by the public.

2.4.4 Construction site inspections and enforcement. Written procedures for construction site inspection and enforcement of erosion and sediment control measures. By April 1, 2020, at a minimum, the procedures shall establish:

a. Municipal departments or staff responsible for construction site inspections and enforcement.

Note: The Department recommends that municipal construction site inspectors obtain certification as a Soil Erosion Inspector pursuant to s. SPS 305.63, Wis. Adm. Code, for more information:

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

b. Construction site inspection frequency. The permittee shall inspect all construction sites, at a minimum, in accordance with the frequency specified in Table 3 below.

Table 3: Construction Site Inspection Frequency

| Site | Inspection Frequency |
|--|--|
| (1) All sites one acre or more in size | <ul style="list-style-type: none"> • New projects shall be inspected within the first two weeks of commencement of land disturbing activity • All active sites shall be inspected at least once every 45 days • All inactive sites shall be inspected at least once every 60 days |
| (2) Follow up inspection | <ul style="list-style-type: none"> • 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 |
| (3) Final inspection | <ul style="list-style-type: none"> • Confirm that all graded areas have reached final stabilization and that all temporary control measures are removed, and permanent storm water management BMPs are installed as designed |

c. Construction site inspection documentation. Compliance with the inspection requirements in 2.4.4.a. and b. above, shall be determined by proper documentation and maintenance of records of an established inspection program designed to inspect all sites.

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

d. Enforcement mechanisms that will be used to obtain compliance.

2.5 Post-Construction Storm Water Management

The permittee shall continue to implement and enforce its program to require control of the quality of discharges from areas of new development, infill, and redevelopment, after construction is completed. The permittee shall implement the following measurable goals:

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

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

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

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

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

c. For new development and infill, post-construction performance standards equivalent to those in ss. NR 151.122 through 151.126 and 151.242 through 151.246, Wis. Adm. Code, that meet the measurable goals for pollutant removal and post-construction storm water treatment. Post-construction performance standards for new development and infill may be more restrictive than those required in this section 2.5.1.c. if necessary to comply with federally approved TMDL requirements.

d. For redevelopment, post-construction performance standards equivalent to or more restrictive than those in ss. NR 151.122 through 151.126 and 151.242 through 151.246, Wis. Adm. Code, that meet the measurable goals for pollutant removal and post-construction storm water treatment.

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

f. Long-term maintenance requirements for landowners and other persons responsible for long-term maintenance of post-construction storm water control measures, including requirements for routine inspection and maintenance of privately owned post-construction storm water control measures that discharge to the MS4 to maintain their pollutant removal operating efficiency.

g. Inspection and enforcement authority.

Note: In accordance with section 2.10, when a town demonstrates to the Department that an adequate county ordinance that meets the requirements of this permit is administered and enforced within its town, then the town may be excused from having to adopt its own ordinance. Model ordinances for post-construction storm water management can be found in ch. NR 152, Wis. Adm. Code: https://docs.legis.wisconsin.gov/code/admin_code/nr/100/152

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

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

Note: The Department recommends that municipal staff reviewing plans obtain training on post-construction plan review.

2.5.4 Long-term maintenance, inspections and enforcement. Written procedures that will be used by the permittee through its ordinance jurisdiction, approval process, and authority to, at a minimum, track and enforce the long-term maintenance of storm water management facilities implemented to meet the applicable post-construction performance standards in section 2.5.1.c and d of this permit. The procedures shall include:

- a. A mechanism for tracking regulated sites.
- b. At a minimum, long-term maintenance inspections shall occur once per permit term.
- c. Inspection documentation.
- d. Follow up enforcement with timeframes for corrective maintenance.

2.6 Pollution Prevention

The permittee shall continue to implement its pollution prevention program to prevent or reduce pollutant runoff from the MS4 to waters of the state. The permittee shall implement the following measurable goals:

2.6.1 Storm water management facilities. Update and maintain an inventory of municipally owned or operated storm water BMPs such as wet detention ponds, bioretention devices, infiltration basins and trenches, permeable pavement, proprietary sedimentation devices, vegetated swales, or any similar practices or devices used to meet a water quality requirement under this permit. At a minimum, the inventory shall be maintained in a tabular format and contain the following information for each structural storm water facility:

- a. A key corresponding to the location of the BMP on the storm sewer system map required under section 2.8.
- b. The name and a description of the BMP, including the type and year constructed.
- c. A confirmation of whether each of the following elements exist or are not available:
 - (1) An operation and maintenance plan with inspection procedures and schedule.
 - (2) A record drawing.

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

(3) If using a BMP to meet a water quality requirement in this permit and the BMP is owned by another entity, written documentation exists that the permittee has permission from the owner to use the BMP for this purpose.

2.6.2 For each BMP inventoried under section 2.6.1, the permittee shall develop and implement a maintenance plan with inspection procedures and schedule to maintain the pollutant removal operating efficiency of the practice in compliance with any water quality requirement under this permit. Documentation of inspections and maintenance activities shall be maintained.

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

2.6.3 Municipally owned public works facilities. The storm water pollution prevention plans (SWPPPs) for municipal garages, municipal storage areas, and other public works related municipal facilities located within the permitted area shall be maintained and updated annually as needed and shall include the information in sections 2.6.3.a. When a SWPPP is updated, it shall be submitted to the Department with the annual report.

a. SWPPPs shall include the following information:

(1) The physical locations of each facility with a key corresponding to the locations on the storm sewer system map required under section 2.8.

(2) The contact information for the individuals with overall responsibility for each facility.

(3) A map of each facility, drawn to scale, and including the following features:

i. The locations and descriptions of major activities and storage areas.

ii. Identification of drainage patterns, potential sources of storm water contamination, and discharge points.

iii. Identification of nearby receiving waters or wetlands.

iv. Identification of connections to the permittees MS4.

(4) A description of procedures, good housekeeping activities, and any BMPs installed to reduce or eliminate storm water contamination.

(5) 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.

(6) Spills prevention and response standard operating procedures.

b. The permittee is not required to comply with section 2.6.3 if the permittee certifies that the municipal facility qualifies for no exposure with the Department's concurrence.

(1) No exposure means that the facility shall have all materials and activities protected by a storm-resistant shelter to prevent exposure to storm water. Materials or activities include material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products or waste products. Material handling activities include the storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product or waste product.

(2) The permittee shall certify for no exposure for each facility at least once each permit term. The permittee shall submit a letter requesting no exposure, an inspection report of the site, and photos of all materials or activities at the site. The photo locations shall be labeled on an aerial photo diagram.

2.6.4 Measures to reduce municipal sources of storm water contamination within source water protection areas.

Note: Wisconsin's source water assessment program information may be found on the Department's Internet site at:

<https://dnr.wi.gov/topic/drinkingwater/sourcewaterprotection.html>

2.6.5 Collection services/Storm sewer system maintenance activities.

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

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

c. Material handling and disposal. Material collected under a. and b. of this section shall be handled and stored in a manner that prevents contamination of storm water runoff and shall be disposed of or beneficially reused in accordance with applicable solid and hazardous waste statutes and administrative codes. Non-storm water discharges to waters of the state associated with dewatering and drying material collected under sections a. and b. of this section are not authorized by this permit.

Note: Information on managing waste and materials is available on the Department's Internet site at: <https://dnr.wi.gov/topic/Waste/>. Information on WPDES permits for non-storm water discharges is available on the Department's Internet site at: <https://dnr.wi.gov/topic/wastewater/>

d. Leaf management. Proper management of leaves and grass clippings from municipally-owned properties and private property. The program may include instructions to private property owners for on-site composting, on-site beneficial reuse, or yard waste drop-off as opposed to a municipal collection program. On-site management and/or drop-off shall be communicated to private property owners in accordance with the public education and outreach program implemented under section 2.1 of this permit. If the permittee has a municipal collection program, collected material shall be handled and stored in a manner that prevents contamination of storm water runoff. For a municipal leaf collection program, the permittee shall maintain the following documentation:

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

(2) An estimate of the weight in tons of material collected annually.

(3) Municipally operated leaf disposal locations with a key corresponding to the locations on the storm sewer system map required under section 2.8. If the disposal location is outside of the MS4 boundary, then the permittee can provide documentation if the disposal is taken elsewhere.

Note: The Department has developed "Interim Municipal Phosphorus Reduction Credit for Leaf Management Programs" guidance to assist permitted MS4s on creditable phosphorus reduction through leaf collection and management. The guidance document may be found on the Department's Internet site at: https://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html

2.6.6 Winter Road Management. If road salt or other deicers are applied by the permittee or a contractor on behalf of the permittee, no more shall be applied than necessary to maintain public safety. Documentation on deicing activities shall be performed by the permittee or a contractor on behalf of the permittee and include the following:

a. Contact information for the individuals with overall responsibility for winter roadway maintenance.

b. A description of the types of deicing products used.

c. The amount of deicing product used per month.

d. A description of the type of equipment used.

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

f. If applicable, snow disposal locations with a key corresponding to the locations on the storm sewer system map required under section 2.8.

Note: Snow treatment and disposal guidance for municipalities is available through the Department's Internet site at: <https://dnr.wi.gov/topic/stormwater/publications.html>

g. A description of anti-icing, pre-wetting and brining, equipment calibration, pavement temperature monitoring, and/or salt reduction strategies implemented or being considered, and/or alternative products.

h. Other measurable data or information that the permittee uses to evaluate or modify its deicing activities.

Note: The Wisconsin Department of Transportation (WisDOT) Highway maintenance manual - Chapter 6, contains guidelines on winter maintenance including application of road salt and other deicers. Chapter 6 is available on the WisDOT's Internet site at: <https://wisconsindot.gov/Pages/doing-bus/local-gov/hwy-mnt/mntc-manual/chapter06.aspx>. The WisDOT highway salt storage requirements are contained in ch. Trans 277, Wis. Adm. Code.

2.6.7 Nutrient management. Application of turf and garden fertilizers on municipally controlled properties (such as parks, athletic fields, golf courses), with pervious surfaces over 5 acres each, in accordance with a site-specific nutrient application schedule based on appropriate soil tests.

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

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

Note: Additional information on green infrastructure and low impact development may be found on the following USEPA Internet sites:

<https://www.epa.gov/green-infrastructure>

<https://www.epa.gov/nps/urban-runoff-low-impact-development>

2.6.9 Internal training and education. At a minimum, the permittee shall hold one annual training event for appropriate municipal staff and other personnel involved in implementing each of the elements of the pollution prevention program under this section 2.6. Documentation shall be maintained of the date, the number of people attending the training, the names of each person attending and a summary of their responsibilities, and the content of the training. The permittee shall inform contractors performing any services to implement

section 2.6 of the permit requirements and expectations. The permittee shall also inform their elected officials of the permit requirements and expectations.

2.7 Storm Water Quality Management

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

2.7.1 To the maximum extent practicable, implementation and maintenance of all storm water management practices necessary to meet the more restrictive total suspended solids reduction of either of the following:

a. The permittee shall maintain all source area controls, structural storm water management facilities, and non-structural storm water BMPs that the permittee implemented on or before July 1, 2011, to achieve a reduction of 20% or more of total suspended solids carried by storm water runoff from existing development to waters of the state. If the permittee removes or modifies a storm water BMP, the permittee shall continue to achieve the reduction by installing, implementing, and maintaining the necessary storm water BMPs to, at a minimum, equal the same level of treatment. All structural storm water management facilities utilized to meet the requirements in section 2.7.1.a shall be inventoried and maintained in accordance with sections 2.6.1 and 2.6.2.

b. A 20% reduction in the annual average mass of total suspended solids discharging from the MS4 to surface waters of the state as compared to implementing no storm water management controls. All source area controls, structural storm water management facilities, and non-structural storm water BMPs implemented to achieve the 20% reduction in total suspended solids shall be maintained. If the permittee removes or modifies a storm water BMP, the permittee shall continue to achieve the 20% reduction by installing, implementing, and maintaining the necessary storm water BMPs to equal, at a minimum, the same level of treatment. All structural storm water management facilities utilized to meet the requirements in section 2.7.1.b shall be inventoried and maintained in accordance with sections 2.6.1 and 2.6.2.

Note: The total suspended solids reduction requirement applies to storm water runoff from areas of urban land use and is not applicable to agricultural or rural land uses and associated roads. Additional MS4 modeling guidance for modeling the total suspended solids control is available on the Department's Internet site at: https://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html. The permittee may elect to meet the applicable total suspended solids standard above on a watershed or regional basis by working with other permittees to provide regional treatment that collectively meets the standard.

2.8 Storm Sewer System Map

The permittee shall maintain its MS4 map. The storm sewer system map shall be updated annually as needed for changes occurring in the permitted area boundaries. The municipal storm sewer system map shall include:

2.8.1 Identification of waters of the state, name and classification of receiving waters, identification of whether the receiving water is an ORW, ERW or listed as an impaired water under s. 303(d) of the Clean Water Act, storm water drainage basin boundaries for each MS4 outfall, and the municipal separate storm sewer conveyance systems including direction of flow.

2.8.2 Identification of any known wetlands, endangered or threatened resources, and historical property, as defined in sections 1.6 through 1.8 of this permit, which might be affected.

2.8.3 Identification of all known MS4 outfalls discharging to waters of the state and other MS4s. Major outfalls shall be uniquely identified.

2.8.4 Location of any known discharge to the MS4 that has been issued WPDES permit coverage by the Department. A list of WPDES permit holders in the permittee's area may be obtained from the Department.

2.8.5 Location of municipally owned or operated structural storm water management facilities including detention basins, infiltration basins, and manufactured treatment devices. If the permittee will be taking total suspended solids credit for pollutant removal from privately-owned facilities, they shall be identified.

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

2.8.7 Location of municipal garages, storage areas and other public works facilities.

2.8.8 Identification of streets.

2.9 Annual Report

The permittee shall submit an annual report for each calendar year to the Department by **March 31 of the following year**. The permittee shall invite the municipal governing body, interest groups and the general public to review and comment on the annual report. The annual report shall include:

2.9.1 The status of implementing the permit requirements, status of meeting measurable program goals and compliance with permit schedules.

2.9.2 A fiscal analysis which includes the annual expenditures and budget for the reporting year, and the budget for the next year.

2.9.3 A summary of the number and nature of inspections and enforcement actions conducted to ensure compliance with the required ordinances.

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

2.9.5 An evaluation of program compliance, the appropriateness of identified BMPs, and progress towards achieving identified measurable goals. Any program changes made as a result of this evaluation shall be identified and described in the annual report. For any identified deficiencies towards achieving the requirements under section 2 of this permit or lack of progress towards meeting a measurable goal, the permittee shall initiate program changes to improve their effectiveness.

2.9.6 If applicable, notice that the permittee is relying on another municipality or entity to satisfy any of the permit requirements and a description of the arrangement where a permit requirement is being met in this manner.

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

2.9.8. The annual report and other required reports, and permit compliance documents shall be submitted electronically through the Department's electronic reporting system.

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

2.10 Cooperation

The permittee may, by written agreement, implement this permit with another municipality or contract with another entity to perform one or more of the conditions of this permit. The permittee is ultimately responsible for compliance with the conditions of this permit. The permittee may rely on another municipality or contract with another entity to satisfy a condition of this permit if all of the following are met:

2.10.1 The other municipality or entity implements the required control measure or permit requirement.

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

2.10.3 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.

Note: If a county is implementing and enforcing adequate storm water ordinances within a town, the town would then not have to adopt its own ordinance. However, the town, as the permittee, is still expected to evaluate how the county is implementing and enforcing the ordinance in the town's permitted area, to verify the county is meeting the permit condition. Another example, if another entity agrees to implement the permit condition of long-term maintenance inspections, the permittee must

evaluate that the entity is completing inspections as agree upon. The permittee should not assume that another entity is implementing a permit condition as required because the permittee remains responsible for compliance with the conditions of this permit.

2.11 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.

2.12 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 reapply to the Department at least 180 days prior to the expiration date of this permit for continued coverage under a reissued version of this permit.

3. COMPLIANCE SCHEDULE

The permittee shall comply with the specific permit conditions contained in sections 1 and 2 according to the schedule in this section 3 and Table 4. The permittee shall begin implementing any updates to its storm water management programs no later than March 31, 2021. Required reports and permit compliance documents shall be submitted electronically through the Department's electronic reporting system.

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

3.1 Impaired Waterbodies and Total Maximum Daily Loads

3.1.1 The permittee shall determine whether any part of its MS4 discharges to an impaired waterbody as required under section 1.5.1 of this permit **by March 31 of each odd-numbered year.**

3.1.2 If the permittee is subject to TMDL requirements under section 1.5 of this permit, the permittee shall submit information to the Department in accordance with the schedule as required in the applicable appendix of this permit.

3.2 Public Outreach and Education

The permittee shall submit to the Department the public education and outreach program developed for the term of this permit as required under section 2.1 of this permit **by March 31, 2021.**

3.3 Public Involvement and Participation

The permittee shall submit to the Department the public involvement and participation program developed for the term of this permit as required under section 2.2 of this permit **by March 31, 2021.**

3.4 Illicit Discharge Detection and Elimination

The permittee shall submit to the Department the illicit discharge detection and elimination program developed for the term of this permit as required under section 2.3.2 to 2.3.6 of this permit **by March 31, 2021.**

3.5 Construction Site Pollutant Control

The permittee shall submit to the Department the construction site pollutant control program developed for the term of this permit as required under sections 2.4.2 to 2.4.4 of this permit **by March 31, 2021.**

3.6 Post-Construction Storm Water Management

The permittee shall submit to the Department the post-construction storm water management program developed for the term of this permit as required under sections 2.5.2 to 2.5.4 of this permit **by March 31, 2021.**

3.7 Pollution Prevention

3.7.1 The permittee shall submit to the Department the municipal storm water management facility inventory as required under section 2.6.1 of this permit by **March 31, 2021**. Include with the annual report submittal via the Department's electronic reporting system. When the inventory is updated, it shall be submitted by **March 31 of each year** to the Department.

3.7.2 The permittee shall submit to the Department the maintenance plan for municipal storm water management facilities as required under section 2.6.2 of this permit by **March 31, 2021**.

3.7.3 The permittee shall update SWPPPs for municipally owned properties as needed as required under section 2.6.3 of this permit. When a SWPPP is updated, it shall be submitted by **March 31 of each year** to the Department.

3.8 Storm Water Quality Management

The permittee shall report compliance with the developed urban area performance standards as required under section 2.7 of this permit by **March 31 of each year**.

3.9 Storm Sewer System Map

The permittee shall update the storm sewer system map as needed as required under section 2.8 of this permit. When the MS4 map is updated, it shall be submitted by **March 31 of each year** to the Department.

3.10 Annual Report

The permittee shall submit to the Department an annual report as required under section 2.9 of this permit for each calendar year by **March 31 of the following year**. The annual report and other required reports, and permit compliance documents shall be submitted electronically through the Department's electronic reporting system.

Table 4: Compliance Schedule for Permit Requirements

| PERMIT SECTION | ACTIVITY | COMPLIANCE DATE | COMMENTS |
|------------------------|---|--|--|
| Section 1.5.1 | Identify discharges to an impaired waterbody | By March 31 of each odd-numbered year thereafter | All permittees |
| Section 1.5.2 | Total maximum daily load implementation | See applicable Appendix. | Applies to a permittee with an MS4 discharge of a pollutant of concern to a waterbody subject to an USEPA approved TMDL that assigns the permittee a wasteload allocation. |
| Section 2.1 | Public Education and Outreach – Submit public education and outreach program for the permit term with annual report | March 31, 2021 | All permittees |
| Section 2.2 | Public Involvement and Participation – Submit public involvement and participation program for the permit term with annual report | March 31, 2021 | All permittees |
| Section 2.3.2 to 2.3.6 | Illicit Discharge Detection and Elimination – Submit illicit discharge detection and elimination program for the permit term with annual report | March 31, 2021 | All permittees |
| Section 2.4.2 to 2.4.4 | Construction Site Pollutant Control – Submit construction site pollutant control program for the permit term with annual report | March 31, 2021 | All permittees |
| Section 2.5.2 to 2.5.4 | Post-Construction Storm Water Management – Submit post-construction storm water management program for the permit term with annual report | March 31, 2021 | All permittees |
| Section 2.6 | Pollution Prevention – Section 2.6.1, submit the municipal storm water management facility inventory with annual report | March 31, 2021, and annually thereafter (if updates) | All permittees |
| | Pollution Prevention – Section 2.6.2, submit the maintenance plan for municipal storm water management facilities with annual report | March 31, 2021 | All permittees |
| | Pollution Prevention – Section 2.6.3, submit SWPPPs for municipally owned properties with annual report | March 31 of each year reporting on previous calendar year (if updates) | All permittees |

| | | | |
|-------------|---|--|----------------|
| Section 2.7 | Storm Water Quality Management – Report TSS percent reduction | March 31 of each year reporting on previous calendar year | All permittees |
| Section 2.8 | Storm sewer system map - Submit map with annual report | March 31 of each year reporting on previous calendar year (if updates) | All permittees |
| Section 2.9 | Submit Annual Report | March 31 of each year reporting on previous calendar year | All permittees |

4. GENERAL CONDITIONS

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated by reference in this permit. The permittee shall be responsible for meeting these requirements, except for s. NR 205.07(1)(n), Wis. Adm. Code, which does not apply to facilities covered under general permits. Some of these requirements are outlined below. Requirements not specifically outlined below can be found in s. NR 205.07(1) and (3), Wis. Adm. Code.

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

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

4.3 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 scheduled due date, except that progress reports shall be submitted in writing on or before each schedule date for each report. Any report of noncompliance shall include the cause of noncompliance, a description of remedial actions taken, and an estimate of the effect of the noncompliance on the permittee's ability to meet the remaining scheduled due dates.

4.4 Noncompliance

4.4.1 Upon becoming aware of any permit noncompliance that may endanger public health or the environment, the permittee shall report this information by a telephone call to the Department regional storm water specialist within 24 hours. A written report describing the noncompliance shall be submitted to the Department regional storm water specialist within 5 days after the permittee became aware of the noncompliance. The Department may waive the written report on a case-by-case basis based on the oral report received within 24 hours. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

4.4.2 Reports of any other noncompliance not covered under General Conditions sections 3.3, 3.4.1, or 3.6. shall be submitted with the annual report. The reports shall contain all the information listed in General Conditions section 3.4.1.

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

4.6 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>

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

4.8 Bypass: The permittee may temporarily bypass a storm water treatment facility if necessary for human safety or maintenance to assure efficient operation. A bypass shall comply with the general storm water discharge limitations in Section 1.9 of this permit. Notification of the Department is not required for these types of bypasses. Any other bypass is prohibited.

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

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

4.10 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.

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

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

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

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

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

4.12.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

4.13 Duty to Provide Information: The permittee shall furnish the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, terminating, suspending revoking or reissuing the permit or to determine compliance with the permit. The permittee shall give advance notice to the Department of any planned changes to the storm water management program which may result in noncompliance with permit requirements. The permittee shall also furnish the Department, upon request, copies of records required to be kept by the permittee.

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

4.15 Other Information: Where the permittee becomes aware that it failed to submit any relevant facts in applying for permit coverage or submitted incorrect information in any plan or report sent to the Department, it shall promptly submit such facts or correct information to the Department.

4.16 Records Retention: The permittee shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the notice of intent for a period of at least 5 years from the date of the sample, measurement, report or application. The permittee shall retain records documenting implementation of the minimum control measures in sections 2.1 through 2.6 of this permit for a period of at least 5 years from the date the record was generated.

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

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

4.19 Attainment of Water Quality Standards after Authorization: At any time after authorization, the Department may determine that the discharge of storm water from a permittee's MS4 may cause, have

the reasonable potential to cause, or contribute to an excursion of any applicable water quality standard. If such determination is made, the Department may require the permittee to do one of the following:

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

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

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

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

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

5. DEFINITIONS USED IN THIS PERMIT

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

5.1 Department means the Wisconsin Department of Natural Resources.

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

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

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

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

5.6 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, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges. However, the occurrence of a discharge listed above may be considered an illicit discharge on a case-by-case basis if the permittee or the Department identifies it as a significant source of a pollutant to waters of the state.

5.7 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.

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

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

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

5.11 Maximum Extent Practicable has the meaning given it in s. NR 151.002(25), Wis. Adm. Code.

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

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

5.12.2 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.

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

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

5.14.1 Owned or operated by a municipality.

5.14.2 Designed or used for collecting or conveying storm water.

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

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

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

5.16 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).

5.17 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.

5.18 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.

5.19 Pollutants of concern means a pollutant that is causing impairment of a waterbody.

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

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

5.22 Redevelopment means areas where development is replacing older development.

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

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

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

5.26 Storm water management practice means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

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

5.28 Structural storm water management facilities are engineered and constructed systems that are designed to provide storm water quality control such as wet detention ponds, constructed wetlands, infiltration basins and grassed swales.

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

5.30 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.

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

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

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

Appendix A: MS4 Permittees Subject to a TMDL Approved Prior to May 1, 2014 including Applicable Updates

A.1 Applicability and Structure of Appendix.

A.1.1 Applicability. In accordance with section 1.5.2.a, this Appendix A applies to permittees subject to a total maximum daily load (TMDL) approved by the United States Environmental Protection Agency (USEPA) prior to May 1, 2014, that includes the following:

- “Total Maximum Daily Loads for Total Phosphorus and Total Suspended Solids in the Rock River Basin,” approved by USEPA September 2011
- “Total Maximum Daily Load and Watershed Management Plan for Total Phosphorus and Total Suspended Solids in the Lower Fox River Basin and Lower Green Bay,” approved by USEPA May 2012
- “Lake St. Croix Nutrient Total Maximum Daily Load,” approved by USEPA August 2012
- “Phosphorus Total Maximum Daily Loads (TMDLs) Tainter Lake and Lake Menomin, Dunn County Wisconsin,” approved by USEPA September 2012

In addition to the TMDLs listed above, Appendix A also applies to the following:

- “Beaver Dam Lake Total Maximum Daily Load for Total Phosphorus,” approved by USEPA August 2018

Note: The Beaver Dam Lake TMDL updates allocations from the Rock River Basin TMDL for the City of Beaver Dam and provides higher allocations, lower percent reductions, than those contained in the Rock River Basin TMDL approved in September 2011.

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

A.1.2 Structure of Appendix. This appendix is structured to provide permittees with several compliance options. Section A.2 defines full TMDL compliance while sections A.3, A.4, and A.5 provide different compliance options. Section A.3 applies to permittees that submitted a plan meeting the requirements contained in sections 1.5.4.4 and 1.5.4.5 of WPDES Permit No. WI-S050075-2 or WI-S050181-1 and received Department concurrence regarding the plan. Section A.3 also applies to permittees that are participating in an approved adaptive management plan. Section A.4 details requirements for permittees that can comply with the TMDL during this permit term. Section A.5 applies to permittees who have not been able to utilize sections A.3 or A.4. Section A.5 contains two compliance tracks; permittees may choose between the requirements stipulated under section A.5.2 or meet the requirements under section A.5.3. Section A.6 outlines reporting requirements.

A.2 Full TMDL Compliance.

A.2.1 USEPA is allowing the Department to evaluate MS4 compliance with TMDL Wasteload Allocations (WLAs) using a percent reduction framework consistent with Wisconsin’s storm

water program. For consistency with existing storm water program requirements, demonstration of TMDL compliance will use the percent reduction measured from the no runoff management controls (no-controls) condition. The percent reduction from no-controls, for each pollutant of concern and reachshed, necessary to meet the TMDL WLAs for the USEPA approved TMDLs are listed in Tables A1-A4. The no-controls modeling condition means taking no (zero) credit for existing storm water control measures that reduce the discharge of pollutants. Existing practices can then be applied and counted toward meeting the TMDL reductions.

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

- a. By October 31, 2023, the permittee submits the necessary data and documentation to the Department that demonstrates that the permittee meets the percent reductions stipulated in Tables A1-A4 for each reachshed that the MS4 discharges to and for each pollutant of concern.
- b. The documentation submitted by the permittee includes the policies, procedures, and regulatory mechanisms that the permittee will employ to ensure that storm water controls and management measures will continue to be operated and maintained so that their pollutant removal efficiency continues to be met.
- c. Based upon the data and documentation and any necessary subsequent information requested by the Department, the permittee receives written concurrence from the Department by April 30, 2024, that the permittee has achieved full TMDL compliance.

A.3 Implementation of TMDL Compliance Plan or Participation in an Approved Adaptive Management Plan.

A.3.1 If the permittee submitted a TMDL Implementation Plan meeting the requirements contained in sections 1.5.4.4 and 1.5.4.5 of WPDES Permit No. WI-S050075-2 or WI-S050181-1 and has received Department concurrence regarding the plan, the permittee shall implement the plan as its TMDL Compliance Plan.

A.3.2 In accordance with s. 283.13(7), Wis. Stats., and s. NR 217.18, Wis. Adm. Code, if by the effective date of this permit the permittee has chosen to participate in an Adaptive Management project that has been approved by the Department the permittee shall continue to participate in the implementation of the Adaptive Management project.

A.4 Compliance During the Term of This Permit. If the permittee determines that it can meet the requirements stipulated in section A.2.2 by October 31, 2023, the permittee shall meet all the following:

A.4.1 By March 31, 2020, the permittee shall notify the Department if compliance will be achieved by October 31, 2023.

A.4.2 Consistent with the reporting requirements contained in section A.6, the permittee shall submit written verification that it has met the applicable requirements contained in section A.2.2.

A.5 Compliance Over Multiple Permit Terms. If the permittee cannot meet the requirements stipulated under sections A.3 or A.4, the permittee shall demonstrate continued progress towards compliance with the requirements contained in section A.2.2. During the term of this permit, the following are required:

A.5.1 By March 31, 2020, if the permittee determines that the applicable requirements contained in section A.2.2 will not be achieved by October 31, 2023, then the permittee shall notify the Department in writing which reachsheds and pollutants of concern are not in compliance with the requirements contained in section A.2.2.

A.5.2 By October 31, 2021, the permittee shall submit a TMDL Implementation Plan to the Department identifying and describing the actions that the permittee shall undertake, including a proposed schedule and milestones, to achieve the following by the end of the term of this permit:

a. A level of reduction that achieves at least 20% of the remaining reduction needed beyond the current 20% TSS reduction required under s. NR 151.13 (2)(b)1.b., Wis. Adm. Code, to achieve full compliance in sediment or TSS.

b. A level of reduction that achieves at least 10% of the remaining reduction needed beyond 15% TP reduction to achieve full compliance in TP.

Note: The reductions stipulated under section A.5.2 are interim compliance targets set for this permit term. Future permit reduction targets may taper off or vary between municipalities based on individual plans as it is expected that municipalities will rely more on reductions obtained through redevelopment.

Note: Unlike full compliance as outlined in section A.2.2, compliance with the reductions stipulated under sections A.5.2.a and A.5.2.b can be achieved utilizing an averaged reduction calculated from individual reductions achieved in one or multiple reachsheds and spanning the entire MS4 area that is impacted by the TMDL.

Note: Reductions obtained through a permittee's participation in a water quality trading project, in accordance with s. 283.84, Wis. Stats., and that has been reviewed and approved by the Department, may be counted toward credit in meeting the requirements stipulated under sections A.5.2.a and A.5.2.b. Additional information on water quality trading is available from the Department's Internet site at:

<https://dnr.wi.gov/topic/surfacewater/waterqualitytrading.html>

Note: Example calculation to meet section A.5.2.a for total suspended solids (TSS)

“Municipality A” has modeled a no-controls TSS load of 50 tons/year for Reachshed 2 and 100 tons/year for Reachshed 3.

Determine Calculated Wasteload Allocation

“Municipality A” has area in Rock River TMDL Reachsheds 2 and 3. From Table A.1, the TMDL requires the following reductions from no controls which under section A.2 must ultimately achieve a mass reduction as follows:

| TMDL Reachshed | Modeled TSS from No-Controls (tons/yr) | TMDL TSS Reduction from No-Controls | Ultimate Mass Reduction Required for Full TMDL Compliance (tons/yr) | Calculated Wasteload Allocation (tons/yr) |
|----------------|--|-------------------------------------|---|---|
| 2 | 50 | 40.6% | $50 * 0.406 = 20.3$ | $50 - 20.3 = 29.7$ |
| 3 | 100 | 55.6% | $100 * 0.556 = 55.6$ | $100 - 55.6 = 44.4$ |

Determine Minimum Control Required under Section NR 151.13(2)(b)1.b., Wis. Adm. Code

| TMDL Reachshed | No Controls TSS (tons/yr) | NR 151 Required Reduction (tons/yr) | NR 151 Allowable Load (tons/yr) |
|----------------|---------------------------|-------------------------------------|---------------------------------|
| 2 | 50 | $50 * 0.20 = 10$ | $50 - 10 = 40$ |
| 3 | 100 | $100 * 0.20 = 20$ | $100 - 20 = 80$ |
| Total | | 30.0 | |

Calculate 20% Additional Reduction from Section NR 151.13(2)(b)1.b., Wis. Adm. Code

Under section A.5.2.a, “Municipality A” must achieve an additional 20% reduction from the current 20% TSS reduction required under s. 151.13 (2)(b)1.b., Wis. Adm. Code. As shown below, “Municipality A” needs to achieve a 20% reduction of the remaining 45.9 tons results in “Municipality A” needing to achieve an additional 9.18 tons/year in reduction.

| Reachshed | NR 151 Allowable Load (tons/yr) | Calculated Wasteload Allocation (tons/yr) | Additional Reduction from NR 151 (tons/yr) | 20% Additional Reduction from NR 151 (tons/yr) |
|-----------|---------------------------------|---|--|--|
| 2 | 40 | 29.7 | $40 - 29.7 = 10.3$ | $10.3 * 0.2 = 2.06$ |
| 3 | 80 | 44.4 | $80 - 44.4 = 35.6$ | $35.6 * 0.2 = 7.12$ |
| Total | | | 45.9 | 9.18 |

Load reduction at the end of permit term

At the end of the permit term, “Municipality A” should demonstrate a minimum reduction from no controls of 39.18 (30 tons plus 9.18 tons). “Municipality A” has the flexibility to decide how much of that reduction is provided in TMDL Reachshed 2 and/or 3 over the next permit term. “Municipality A” will still require additional reductions in each reachshed over subsequent permit terms to reach the calculated wasteload allocation of 29.7 tons in TMDL Reachshed 2 and 44.4 tons in TMDL Reachshed 3.

The calculation process is similar for total phosphorus (TP).

A.5.3 If the permittee determines by October 31, 2021, that it is unable to achieve the reductions stipulated under sections A.5.2.a and A.5.2.b, the permittee shall meet the following requirements by October 31, 2023:

Note: The permittee may optimize deployment of resources between the requirements listed below to maximize reductions for the least cost. In some cases, permittees may already be meeting these requirements.

a. Pursuant to the permittee's authority under s. 281.33(6)(a)2., Wis. Stats., the permittee shall create or revise and promulgate a municipal storm water management ordinance applicable to redevelopment that requires compliance with post-construction storm water management performance standards that are stricter than the uniform statewide standards established by the Department. When reporting to the Department under section A.6.3, the permittee shall include a justification for the level of pollutant reduction in the ordinance with an assessment of the progress it achieves towards full compliance with the TMDL. The redevelopment reductions may be adjusted to account for other storm water control measures that may exist. The permittee may also establish TP reduction levels for redevelopment projects.

Note: The permittee may enact an ordinance that is municipal-wide, targets individual TMDL reachsheds, or designated areas within the permitted MS4, balancing required TMDL reductions, parcel size, and the impact of other treatment options. Increasing redevelopment reductions is one tool in moving toward TMDL compliance.

b. The permittee shall create or revise a municipal ordinance that requires the development and implementation of a maintenance plan for all privately-owned storm water treatment facilities for which the permittee takes a TSS and/or TP reduction credit. The permittee shall develop and implement procedures and measures to verify and track that the storm water treatment facilities are inspected on a regular schedule and maintained in the intended working condition in accordance with the plans. The permittee shall require that maintenance agreements be recorded with the appropriate property records that obligates the current and future owners to implement the maintenance plans.

c. The permittee shall revise or promulgate a municipal ordinance that requires the submittal of record drawings for storm water management facility that the permittee takes a TSS and/or TP reduction credit. The permittee shall require submittal of the record drawing prior to close-out of the local permit or upon final approval and shall maintain appropriate records and tracking of the plans.

d. If the pollutant of concern is TP, the permittee shall implement, expand, or optimize a municipal leaf collection program coupled with street cleaning to serve areas where municipal leaf collection is not currently provided within the MS4 but for which a phosphorus reduction has been assigned and additional reductions could be achieved.

Note: The Department's "Interim Municipal Phosphorus Reduction Credit for Leaf Management Programs" guidance document includes recommendations on how the permittee's municipal leaf collection program should be designed and implemented.

The guidance is available from the Department's Internet site at:
https://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html

- e. Within the MS4 permitted area, the permittee shall inventory the condition of the conveyance systems and outfalls. Where erosion or scour is occurring, the permittee shall develop a schedule to stabilize the identified areas over a 5-year period.
- f. The permittee shall install at least one new structural BMP or enhance one or more existing structural BMPs to reduce a pollutant of concern discharged via storm water runoff to an impaired waterbody for which a WLA has been assigned to the permittee. The permittee shall develop and implement a maintenance plan for each new structural BMP.
- g. The permittee shall conduct an analysis of the current municipal street cleaning program, to determine if additional pollutant loading reductions can be achieved. The permittee shall evaluate optimizing sweeping frequency, targeting of critical areas and time periods, and instituting parking restrictions. If a pollutant reduction can be achieved through optimizing the existing street cleaning program, the permittee shall adopt the optimized program the next calendar year or provide a written explanation to the Department explaining why the optimize street cleaning program is not feasible and provide alternative options to achieve similar pollutant reductions.

A.6 Reporting Requirements. For the term of this permit, the permittee shall meet the following reporting requirements:

A.6.1 Compliance Determination Reporting. The permittee shall submit the information requested in this appendix in accordance with the following schedule:

- a. By March 31, 2020, for sections A.4.1 and A.5.1.
- b. By October 31, 2021, for section A.5.2.
- c. By October 31, 2023, for sections A.2.2.a and A.5.3.

A.6.2 Annual Reporting. For compliance options outlined under sections A.3, A.4, and A.5, the permittee shall include a description and the status of progress toward implementing the identified actions and activities in their MS4 annual reports due by March 31 of each year.

A.6.3 Final Documentation. Except for permittees complying with a Department approved adaptive management plan under section A.3.2, by October 31, 2023, the permittee shall submit documentation to the Department to verify that the permittee has completed all actions required under this appendix including the following:

- a. An updated storm sewer system map that identifies:
 - (1) The current municipal boundary. For a permittee that is not a city or village, identify the permitted area.

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

(2) The TMDL reachshed boundaries within the municipal boundary, and the area of each TMDL reachshed in acres within the municipal boundary.

(3) The MS4 drainage boundary associated with each TMDL reachshed, and the area in acres of the MS4 drainage boundary associated with each TMDL reachshed.

b. The permittee shall submit an updated tabular summary that includes the following for each MS4 drainage boundary associated with each TMDL reachshed as identified under section A.6.3.a and for each pollutant of concern:

(1) The permittee's percent reduction needed to comply with its TMDL WLA from the no-controls modeling condition.

(2) The modeled MS4 annual average pollutant load without any storm water control measures.

(3) The modeled MS4 annual average pollutant load with existing storm water control measures.

(4) The percent reduction in pollutant load achieved calculated from the no-controls condition determined under section A.6.3.a(2) and the existing controls condition determined under section A.6.3.a(3).

(5) The existing storm water control measures, including the type of measure, area treated in acres, the pollutant load reduction efficiency, and confirmation of the permittee's authority for long-term maintenance of each practice.

c. If the updated tabular summary required under section A.6.3.b shows that the permittee is not achieving the requirements stipulated in section A.2, the permittee shall submit an updated written TMDL Implementation Plan to the Department that describes how the permittee will make progress toward achieving compliance. The TMDL Implementation Plan shall include the following information:

(1) A list of management options and an implementation schedule that over the next permit term achieves, to the maximum extent practicable, an additional 20% reduction in sediment or TSS and an additional 10% reduction in TP. The percent reductions shall be applied to the difference measured from loading conditions at the end of this permit to the total reductions listed in Tables A1-A4. The reductions can be achieved utilizing an averaged reduction calculated from individual reductions achieved in one or multiple reachsheds and spanning the entire MS4 area impacted by a TMDL.

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

Note: Unlike full compliance as outlined in section A.2.2, interim compliance under this section can be based on an average reduction measured across the MS4 area impacted by a TMDL.

(2) Recommendations and options with supporting analysis for storm water control measures that will be installed or implemented in future permit terms to achieve the requirements, to the maximum extent possible, stipulated in section A.2.

(3) A proposed schedule for implementation of the recommendations and options identified under section A.6.3.c(1). The proposed schedule may extend into future permit terms.

(4) A cost effectiveness analysis for implementation of the recommendations and options identified under section A.6.3.c(1).

Table A1: Rock River Basin TMDL Load Reductions Necessary to Meet TMDL Wasteload Allocations by TMDL Reachshed

| Reachshed Number (TMDL Subbasin) | Waterbody Name | County | TSS % Reduction from No-controls | TP % Reduction from No-controls |
|----------------------------------|-----------------------------|--|----------------------------------|---------------------------------|
| 2 | South Branch Rock River | Dodge, Fond du Lac, Green Lake | 40.6 | 48.2 |
| 3 | South Branch Rock River | Dodge, Fond du Lac | 55.6 | 86.9 |
| 20 | Rock River | Dodge, Jefferson, Washington, Waukesha | 40.0 | 37.2 |
| 21 | Rock River | Dodge, Jefferson, Washington, Waukesha | 40.0 | 34.3 |
| 23 | Oconomowoc River | Washington, Waukesha | 46.6 | 35.8 |
| 24 | Mason Creek | Dodge, Washington, Waukesha | 47.2 | 35.0 |
| 25 | Oconomowoc River | Jefferson, Waukesha | 59.2 | 73.7 |
| 26 | Battle Creek | Waukesha | 57.4 | 52.6 |
| 27 | Oconomowoc River | Jefferson, Waukesha | 40.0 | 27.0 |
| 28 | Rock River | Dodge, Jefferson | 40.0 | 27.7 |
| 29 | Rock River | Dodge, Jefferson | 44.2 | 64.2 |
| 30 | Johnson Creek | Jefferson | 40.0 | 27.0 |
| 33 | Mill Creek, Beaver Dam Lake | Columbia, Dodge | 45.4 | 48.2 |
| 34 | Beaver Dam River | Columbia | 58.6 | 86.1 |
| 37 | Park Creek | Columbia | 72.4 | 75.2 |
| 39 | Shaw Brook | Columbia | 40.0 | 27.0 |
| 45 | Mauneshia River | Columbia | 44.8 | 36.5 |
| 51 | Crawfish River | Columbia | 40.0 | 37.2 |
| 54 | Rock River | Columbia, Dodge, Jefferson | 43.6 | 71.5 |
| 55 | Bark River | Waukesha | 65.8 | 76.6 |
| 56 | Bark River | Jefferson, Waukesha | 40.0 | 40.9 |

| Reachshed Number (TMDL Subbasin) | Waterbody Name | County | TSS % Reduction from No-controls | TP % Reduction from No-controls |
|----------------------------------|--|---------------------------|----------------------------------|---------------------------------|
| 59 | Steel Brook, Scuppernong River, Bark River | Jefferson, Walworth, Rock | 49.0 | 66.4 |
| 60 | Rock River | Jefferson, Rock | 40.6 | 48.2 |
| 61 | Rock River | Dane, Rock | 41.2 | 31.4 |
| 62 | Pheasant Branch Creek | Dane | 82.0 | 78.1 |
| 63 | Spring (Dorn) Creek | Dane | 46.6 | 37.2 |
| 64 | Yahara River, Lake Mendota, Lake Monona | Dane, Columbia | 73.0 | 61.3 |
| 65 | Nine Springs Creek | Dane | 67.6 | 62.8 |
| 66 | Yahara River, Lake Waubesa, Lake Kegonsa | Dane | 62.2 | 54.0 |
| 67 | Yahara River | Dane | 40.0 | 27.0 |
| 68 | Yahara River | Dane, Rock | 50.8 | 65.0 |
| 69 | Yahara River | Dane, Rock | 52.6 | 79.6 |
| 70 | Rock River | Rock | 40.6 | 27.7 |
| 71 | Rock River | Rock | 58.6 | 48.2 |
| 72 | Blackhawk Creek | Rock, Walworth | 40.0 | 27.0 |
| 73 | Blackhawk Creek | Rock | 69.4 | 64.2 |
| 74 | Rock River | Rock | 52.0 | 39.4 |
| 75 | Markham Creek | Rock | 51.4 | 38.0 |
| 76 | Rock River | Rock | 57.4 | 81.8 |
| 78 | Bass Creek | Rock | 40.0 | 29.9 |
| 79 | Rock River | Rock | 62.2 | 66.4 |
| 80* | Turtle Creek | Rock, Walworth | 55.0 | 62.8 |
| 81 | Turtle Creek | Rock, Walworth | 44.2 | 41.6 |
| 83 | Lake Koshkonong | Dane, Jefferson, Rock | 55.0 | 54.0 |

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

Table A2: Lower Fox River Basin and Lower Green Bay TMDL Load Reductions Necessary to Meet TMDL Wasteload Allocations by TMDL Reachshed

| Reachshed Name (Subbasin) | County | Subbasin ID | TSS % Reduction from No-controls | TP % Reduction from No-controls |
|---------------------------|-----------------------------|-------------|----------------------------------|---------------------------------|
| Lower Green Bay | Brown | LFS7 & LFS8 | 52% | 41% |
| Lower Fox River Main Stem | Brown, Outagamie, Winnebago | LFM | 72% | 41% |
| East River | Brown, Calumet | LF01 | 52% | 41% |
| Baird Creek | Brown | LF01 | 52% | 41% |
| Bower Creek | Brown | LF01 | 52% | 41% |
| Dutchman Creek | Brown | LF02 | 52% | 41% |
| Ashwaubenon Creek | Brown | LF02 | 52% | 41% |
| Apple Creek | Brown, Outagamie | LF02 | 52% | 41% |
| Plum Creek | Brown, Calumet | LF03 | 52% | 41% |
| Kankapot Creek | Calumet, Outagamie | LF03 | 52% | 41% |
| Garners Creek | Outagamie | LF03 | 60% | 69% |
| Mud Creek | Outagamie, Winnebago | LF04 | 43% | 48% |
| Neenah Slough | Winnebago | LF06 | 52% | 41% |
| Duck Creek | Brown, Outagamie | LF05 | 52% | 41% |
| Trout Creek | Brown | LF05 | 52% | 41% |

Note: % TSS reduction from No Controls = 20 + [0.80 x (% TSS Control Lower Fox TMDL Report)]
 % TP reduction from No Controls = 15 + [0.85 x (% TP Control Lower Fox TMDL Report)]

Table A3: Lake St. Croix Nutrient TMDL Load Reductions Necessary to Meet TMDL Wasteload Allocations by TMDL Reachshed

| Waterbody Name | County | WBIC | MS4 TP % Reduction from No Controls |
|----------------|-------------------|---------|-------------------------------------|
| Lake St. Croix | St. Croix, Pierce | 2601500 | 46.0 |

Table A4: Red Cedar River (Tainter Lake, Menomin Lake) TMDL Load Reductions Necessary to Meet TMDL Wasteload Allocations by TMDL Reachshed

| Waterbody Name | County | WBIC | MS4 TP % Reduction from No Controls* |
|----------------|--------|---------|---|
| Tainter Lake | Dunn | 2068000 | $\frac{Load_{2025\ No\ Controls} - 1700 \frac{lbs}{yr}}{Load_{2025\ No\ Controls}}$ |
| Lake Menomin | Dunn | 2065900 | 39.2 |

Note: *The TMDL allocations and necessary reduction are calculated using the 2025 projected MS4 build out area. The 2025 area modeled in a No Controls condition compared against the WLA written in the TMDL yields the percent reduction.

Appendix B: MS4 Permittees Subject to Milwaukee River Basin TMDL

B.1 Applicability. In accordance with section 1.5.2.b, this Appendix B applies to permittees subject to a total maximum daily load (TMDL) approved by the United States Environmental Protection Agency (USEPA) that includes the following:

- “Total Maximum Daily Loads for Total Phosphorus, Total Suspended Solids, and Fecal Coliform Milwaukee River Basin, Wisconsin,” approved by USEPA March 2018

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

B.2 Full TMDL Compliance for Total Suspended Solids (TSS) and Total Phosphorus (TP) WLAs.

B.2.1 USEPA is allowing the Department to evaluate MS4 compliance with TMDL Wasteload Allocations (WLAs) using a percent reduction framework consistent with Wisconsin’s storm water program. For consistency with existing storm water program requirements, TMDL compliance will use the percent reduction basis from the no runoff management controls (no-controls) condition. The percent reduction from no-controls, for TSS and TP for each reachshed, necessary to meet the TMDL WLAs for the USEPA approved TMDLs are listed on Table B1. The no-controls modeling condition means taking no (zero) credit for existing storm water control measures that reduce the discharge of pollutants. Existing practices can then be applied and counted toward meeting the TMDL reductions.

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

- a. By October 31, 2023, the permittee submits the necessary data and documentation to the Department that demonstrates that the permittee meets the percent reductions stipulated in Table B1 for each reachshed that the MS4 discharges to and for each pollutant of concern.
- b. The documentation submitted by the permittee includes the policies, procedures, and regulatory mechanisms that the permittee will employ to ensure that storm water controls and management measures will continue to be operated and maintained so that their pollutant removal efficiency continues to be met.
- c. Based upon the data and documentation and any necessary subsequent information requested by the Department, the permittee receives written concurrence from the Department by April 30, 2024, that the permittee has achieved full TMDL compliance.

B.3 Participation in an Approved Adaptive Management Plan for Total Suspended Solids (TSS) and Total Phosphorus (TP) WLAs. In accordance with s. 283.13(7), Wis. Stats., and s. NR 217.18, Wis. Adm. Code, if the permittee chooses to participate in an Adaptive Management project, the permittee shall submit the plan to the Department by March 31, 2022 for approval.

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

B.4 TMDL Implementation Plan for Total Suspended Solids (TSS) and Total Phosphorus (TP) WLAs. If the permittee has chosen not to participate in an adaptive management plan as stipulated in section B.3, the permittee shall perform the following activities:

B.4.1 By March 31, 2022, the permittee shall determine if the applicable requirements contained in section B.2.2 will be achieved during the term of this permit. The permittee shall notify the Department which reachsheds and pollutants of concern are not in compliance with the requirements contained in section B.2.2 with the tabular summary created under section B.4.2(b) and develop a TMDL Implementation Plan per section B.4.2(c).

B.4.2 The permittee shall develop and submit the following documentation to meet the requirements stipulated in section B.2.2:

a. By March 31, 2020, an updated storm sewer system map that identifies:

(1) The current municipal boundary. For a permittee that is not a city or village, identify the permitted area.

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

(2) The TMDL reachshed boundaries within the municipal boundary, and the area of each TMDL reachshed in acres within the municipal boundary.

(3) The MS4 drainage boundary associated with each TMDL reachshed, and the area in acres of the MS4 drainage boundary associated with each TMDL reachshed.

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

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

(5) Flow paths of storm water through the storm sewer system.

(6) The location and associated drainage basin of structural BMPs the MS4 uses for TSS and TP treatment.

b. By March 31, 2022, the permittee shall submit a tabular summary that includes the following for each MS4 drainage boundary associated with each TMDL reachshed as identified under section B.4.2.a(2) and for each pollutant of concern listed in Table B1:

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

Note: This model run is comparable to the no-controls condition modeled for the developed urban area performance standard of s. NR 151.13, Wis. Adm. Code.

(2) The modeled annual average pollutant load without any storm water control measures for each reachshed which the MS4 discharge to.

(3) The modeled MS4 annual average pollutant load with existing and current storm water control measures for each reachshed which the MS4 discharges to.

(4) The percent reduction in pollutant load achieved calculated from the no-controls condition determined under section B.4.2.b(2) and the existing controls condition determined under section B.4.2.b(3).

(5) The existing storm water control measures including the type of measure, area treated in acres, the pollutant load reduction efficiency, and confirmation of the permittee's authority for long-term maintenance of each practice.

c. By March 31, 2022, if the tabular summary required under section B.4.2.b shows that the permittee is not achieving the applicable percent reductions needed to comply with section B.2.2, then the permittee shall submit a written TMDL Implementation Plan to the Department that describes how the permittee will make progress toward achieving compliance. The plan shall include the following information:

(1) Recommendations and options for storm water control measures that will be considered to reduce the discharge of each pollutant of concern. At a minimum, the following shall be evaluated: all post-construction BMPs for which the Department has a technical standard, optimizing or retrofitting all existing public and private storm water control practices, regional practices, optimization or improvements to existing BMPs, incorporation of storm water control for all road reconstruction projects, more restrictive post-construction ordinances, updated development and redevelopment standards.

(2) A proposed schedule for implementation of the alternatives identified under section B.4.2.c(1). The proposed schedule may extend beyond the expiration date of this permit. The schedule should aim to achieve, to the maximum extent practicable, a level of reduction that achieves at least 20% of the remaining reduction needed beyond baseline to achieve full compliance in TSS and a level of reduction that achieves at least 10% of the remaining reduction needed

beyond baseline to achieve full compliance in TP over the next permit term. The reductions can be achieved utilizing an averaged reduction calculated from individual reductions achieved in one or multiple reachsheds and spanning the entire MS4 area impacted by a TMDL.

Note: The reductions stipulated under B.4.2.c(2) are interim compliance targets set as a planning target for the next permit term. Future permit reduction targets may taper off or vary between municipalities based on individual plans as it is expected that municipalities will rely more on reductions obtained through redevelopment.

(3) A cost effectiveness analysis for implementation of the recommendations and options identified under section B.4.2.c(1).

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

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

Note: Reductions obtained through a permittee’s participation in a water quality trading project, in accordance with s. 283.84, Wis. Stats., and that has been reviewed and approved by the Department, can be counted toward credit in meeting the requirements stipulated under section B.4.2.c(2). Additional information on water quality trading is available from the Department’s Internet site at:

<https://dnr.wi.gov/topic/surfacewater/waterqualitytrading.html>

B.4.3 TMDL Compliance During the Term of This Permit for Total Suspended Solids (TSS) and Total Phosphorus (TP) WLAs. If the permittee has chosen not to participate in an adaptive management plan as stipulated in section B.3, the permittee shall select and implement a minimum of three of the activities listed below, in addition to the planning requirements contained in section B.4.2, by October 31, 2023:

Note: The permittee may optimize deployment of resources between the requirements listed below to maximize reductions for the least cost. In some cases, permittees may already be meeting these requirements.

a. Pursuant to the permittee’s authority under s. 281.33(6)(a)2., Wis. Stats., the permittee shall create or revise and promulgate a municipal storm water management ordinance applicable to redevelopment that requires compliance with post-construction storm water management performance standards that are stricter than the uniform statewide standards established by the Department. When reporting to the Department under section B.6.3, the permittee shall include a justification for the level of pollutant reduction in the ordinance with an assessment of the progress it achieves towards full compliance with the TMDL. The redevelopment TSS reduction may be adjusted to account for other storm water controls measures that may exist. The permittee may also establish TP reduction levels for redevelopment projects.

Note: The permittee may enact an ordinance that is municipal wide, targets individual TMDL reachsheds, or designated areas within the permitted MS4 balancing required TMDL reductions, parcel size, and the impact of other treatment options. Increasing redevelopment reductions is one tool in moving toward TMDL compliance.

b. The permittee shall create or revise a municipal ordinance that requires the development and implementation of a maintenance plan for all privately-owned storm water treatment facilities for which the permittee takes a TSS and/or TP reduction credit. The permittee shall develop and implement procedures and measures to verify and track that the storm water treatment facilities are inspected on a regular schedule and maintained in the intended working condition in accordance with the plans. The permittee shall require that maintenance agreements be recorded with the appropriate property records that obligates the current and future owners to implement the maintenance plans.

c. The permittee shall revise or promulgate a municipal ordinance that requires the submittal of record drawings for which the permittee takes a TSS and/or TP reduction credit. The permittee shall require submittal of the record drawing prior to close-out of the local permit or upon final approval and shall maintain appropriate records and tracking of the plans.

d. If the pollutant of concern is TP, implement, expand, or optimize a municipal leaf collection program coupled with street cleaning to serve areas where municipal leaf collection is not currently provided within the MS4 but for which a phosphorus WLA has been assigned and additional reductions could be achieved.

Note: The Department's "Interim Municipal Phosphorus Reduction Credit for Leaf Management Programs" guidance document includes recommendations on how the permittee's municipal leaf collection program should be designed and implemented. The guidance is available from the Department's Internet site at:
https://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html

e. Within the MS4 permitted area, the permittee shall inventory the condition of the conveyance systems and outfalls. Where erosion or scour is occurring, the permittee shall develop a schedule to stabilize the identified areas.

f. Install one new structural BMP or enhance one existing structural BMPs to reduce a pollutant of concern discharged via storm water runoff to an impaired waterbody for which a WLA has been assigned to the permittee. The permittee shall develop and implement a maintenance plan for each new structural BMP.

Note: This option can be counted each time the permittee installs or enhances a structural BMP to satisfy the required activities. A permittee could meet the requirement if they solely chose this option and installed or enhanced three BMPs.

g. Permittee shall conduct an analysis of the current municipal street cleaning program, to determine if additional pollutant loading reductions can be achieved. The permittee shall evaluate optimizing sweeping frequency, targeting of critical areas and time

periods, and instituting parking restrictions. If a pollutant reduction can be achieved through optimizing the existing street cleaning program, the permittee shall adopt the optimized program the next calendar year or provide a written explanation to the Department explaining why the optimize street cleaning program is not feasible and provide alternative options to achieve similar pollutant reductions.

Note: The permittee may optimize deployment of resources between the requirements listed above to maximize reductions for the least cost; for example, only increase street sweeping where structural practices do not already exist to treat the runoff for the area.

B.5 TMDL Compliance and Implementation for Bacteria WLAs. This section applies to all permittees with a bacteria WLA specified in the Milwaukee River Basin TMDL Final Report dated March 19, 2018. The permittee shall do all of the following:

B.5.1 As part of its program to address illicit discharges under section 2.3 of this permit, by March 31, 2021, the permittee shall begin to conduct ongoing public education and outreach activities specifically to increase awareness of bacterial pollution problems, potential sources, proper pet waste management, and the impacts of urban wildlife and pests.

B.5.2 In addition to complying with the requirements in section 2.3 of this permit, the permittee shall comply with the following:

a. By March 31, 2022, the permittee shall develop and submit to the Department an inventory of bacteria sources and a map indicating the locations of the potential sources of fecal coliform and *E. coli* entering its MS4. The inventory shall be in a tabular format and include a label code, the name of the source, the physical address or location description of the source, and the ownership of the source (i.e., public or private). The map shall be to scale, identify all municipal streets, and indicate the locations of the sources using the label codes. The permittee shall consider the variation in flow conditions in its identification of potential sources. The inventory and map shall include the following potential sources of bacteria:

- Known or suspected leaking or failing septic systems.
- Sanitary sewer overflow locations.
- Livestock and domesticated animals housed or raised within the MS4 permitted area and discharging to the MS4, but not including household pets.
- Zoos, kennels, animal breeders, pet stores, and dog training facilities.
- Waste hauling, storage, and transfer facilities.
- Areas that attract congregations of nuisance urban birds and wildlife.
- Known or suspected properties with inadequate food or organic waste handling or storage.
- Composting sites or facilities.
- Known or suspected areas with improper human sanitation use.
- Any other source that the permittee or the Department has a reason to believe is discharging bacteria to the MS4.

b. By October 31, 2023, the permittee shall develop and submit to the Department a bacteria source elimination plan. The plan shall consist of a strategy and prioritization

scheme to eliminate each source of bacteria identified under section B.5.2.2. The plan shall include the BMPs to be used, cost estimates, sources of funding, and a schedule to eliminate the sources. BMPs identified in the plan may be structural, non-structural, targeted outreach, and/or additional ordinances, but the plan shall include the rationale for using each BMP, the reason for selected a BMP over another, and the expected outcome from implementing each BMP.

Note: While the TMDL allocations in the Milwaukee River Basin TMDL are expressed only in terms of fecal coliform, both fecal coliform and *E. coli* have been listed as sources of recreational use impairments that the TMDL was completed to address.

B.5.3 By March 31, 2023, the permittee shall adopt local ordinances to address the requirements for proper pet waste management, the restrictions on feeding of urban wildlife that are potential sources of bacteria entering the MS4, the requirements for property owners to cooperate with identifying and eliminating illicit sanitary sewerage cross-connections with the MS4, and the requirements for property owners to address other potential sources of bacteria that may enter the MS4 (e.g., refuse management, pest control).

B.6 Reporting Requirements. For the term of this permit, the permittee shall meet the following reporting requirements:

B.6.1 Compliance Determination Reporting. The permittee shall submit the information requested in this appendix in accordance with the following schedule:

- a. By March 31, 2020, for section B.4.2.a.
- b. By March 31, 2021, for sections B.5.1.
- c. By March 31, 2022, for sections B.4.1, B.4.2.b, and B.5.2.a.
- d. By March 31, 2023, for section B.5.3.
- e. By October 31, 2023, for section B.2.2.a, B.4.3, and B.5.2.b.

B.6.2 Annual Reporting. For requirements outlined under sections B.3, B.4, and B.5 the permittee shall include a description and the status of progress toward implementing the identified actions and activities in their MS4 annual reports due by March 31 of each year.

B.6.3 Final Documentation. By October 31, 2023, the permittee shall submit documentation to the Department to verify that the permittee has completed all actions required under this appendix including submittal of the TMDL Implementation Plan required under section B.4 and documentation that the three activities selected under section B.4.3 have been completed.

Table B1: Milwaukee River Basin TMDL Load Reductions Necessary to Meet TMDL Wasteload Allocations by TMDL Reachshed

Kinnickinnic River Basin:

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

Menomonee River Basin:

| Reachshed (TMDL Subbasin) | Waterbody Name | Waterbody Extents | TSS % Reduction from No-controls | TP % Reduction from No-controls |
|---------------------------|--|--|----------------------------------|---------------------------------|
| MN-1 | Menomonee River | From Nor-X-Way Channel to Headwaters | 66.4% | 63.6% |
| MN-2 | Goldendale Creek | Entire Length | 63.2% | 47.7% |
| MN-3 | West Branch Menomonee River | Entire Length | 65.6% | 60.1% |
| MN-4 | Willow Creek | Entire Length | 64.0% | 51.2% |
| MN-5 | Nor-X-Way Channel | Entire Length | 70.4% | 72.5% |
| MN-6 | Menomonee River and Dretzka Park Creek | From Little Menomonee River to Nor-X-Way Channel | 73.6% | 69.0% |
| MN-7 | Lilly Creek | Entire Length | 70.4% | 64.5% |
| MN-8 | Butler Ditch | Entire Length | 69.6% | 58.3% |
| MN-9 | Little Menomonee River | Entire Length | 70.4% | 64.5% |
| MN-10 | Menomonee River | From Underwood Creek to Little Menomonee River | 67.2% | 31.7% |
| MN-11 | Underwood Creek and Dousman Ditch | From South Branch Underwood Creek to Headwaters | 72.0% | 62.7% |

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

Milwaukee River Basin:

| Reachshed (TMDL Subbasin) | Waterbody Name | Waterbody Extents | TSS % Reduction from No-controls | TP % Reduction from No-controls |
|---------------------------|---|--|----------------------------------|---------------------------------|
| MI-1 | Upper Milwaukee River | From Campbellsport to Headwaters | ** | ** |
| MI-2 | Upper Milwaukee River | From Kewaskum To Campbellsport and Auburn | 73.6% | 71.6% |
| MI-3 | West Branch Milwaukee River | Entire Length | 77.6% | 48.6% |
| MI-4 | Kewaskum Creek | Entire Length | 76.8% | 55.7% |
| MI-5 | Watercress Creek and East Branch Milwaukee River | Entire Length | 73.6% | 51.2% |
| MI-6 | Quass Creek and Milwaukee River | Near West Bend | 73.6% | 86.7% |
| MI-7 | Myra Creek and Milwaukee River | From North Branch Milwaukee River to West Bend | 79.2% | 67.2% |
| MI-8 | North Branch Milwaukee River | from Adell Tributary to Headwaters | ** | ** |
| MI-9 | Adell Tributary | Entire Length | ** | ** |
| MI-10 | Chambers Creek, Batabia Creek, and North Branch Milwaukee River | Near Sherman | ** | ** |
| MI-11 | Melius Creek | Entire Length | ** | ** |
| MI-12 | Mink Creek | Entire Length | ** | ** |

| Reachshed (TMDL Subbasin) | Waterbody Name | Waterbody Extents | TSS % Reduction from No-controls | TP % Reduction from No-controls |
|---------------------------|--|------------------------------------|----------------------------------|---------------------------------|
| MI-13 | Stony Creek, Wallace Creek, and North Branch Milwaukee River | Near Farmington | 74.4% | 46.8% |
| MI-14 | Silver Creek | Entire Length | ** | ** |
| MI-15 | Milwaukee River | Near Fredonia | ** | ** |
| MI-16 | Milwaukee River | Near Saukville | 75.2% | 77.8% |
| MI-17 | Milwaukee River | From Cedar Creek to Saukville | 76.0% | 83.1% |
| MI-18 | Cedar Creek | From Jackson Creek to Headwaters | 76.8% | 71.6% |
| MI-19 | Lehner Creek | Entire Length | 77.6% | 61.0% |
| MI-20 | Jackson Creek | Entire Length | 80.8% | 77.8% |
| MI-21 | Little Cedar Creek | Entire Length | 80.8% | 77.8% |
| MI-22 | Cedar Creek | Near Jackson | 76.8% | 54.8% |
| MI-23 | Evergreen Creek | Near Jackson | 79.2% | 53.0% |
| MI-24 | North Branch Cedar Creek and Cedar Creek | From Milwaukee River to Myra Creek | 73.6% | 79.6% |
| MI-25 | Milwaukee River | From Pigeon Creek to Cedar Creek | 81.6% | 43.2% |
| MI-26 | Pigeon Creek | Entire Length | 90.4% | 88.5% |
| MI-27 | Milwaukee River | From Lincoln Creek to Pigeon Creek | 72.8% | 53.9% |
| MI-28 | Beaver Creek | Entire Length | 72.8% | 88.5% |
| MI-29 | South Branch Creek | Entire Length | 71.2% | 87.6% |
| MI-30 | Indian Creek | Entire Length | 65.6% | 76.1% |
| MI-31 | Lincoln Creek | Entire Length | 71.2% | 85.8% |
| MI-32 | Milwaukee River | From Estuary to Lincoln Creek | 58.4% | 23.7% |

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

Appendix C: MS4 Permittees Subject to the Wisconsin River Basin TMDL or a TMDL Approved After May 1, 2019

C.1 Applicability. In accordance with section 1.5.2.c, this Appendix C applies to permittees subject to a total maximum daily load (TMDL) approved by the United States Environmental Protection Agency (USEPA) that includes the following:

- “Total Maximum Daily Loads for Total Phosphorus in the Wisconsin River Basin,” approved by USEPA April 2019

Note: The Wisconsin River Basin TMDL has two sets of allocations. Table J-4 of Appendix J of the TMDL report lists the allocations and corresponding percent reductions based on current water quality criteria and Table K-4 of Appendix K of the TMDL report lists the allocations and corresponding percent reductions based on recommended site-specific criteria. Both tables provide the percent reductions measured from no-controls and the TMDL baseline. Under this permit term, the allocations listed in Appendix J of the TMDL report apply. If the recommended site-specific criteria are approved by USEPA, the allocations and percent reductions listed in Appendix K of the TMDL report will become applicable. However, permittees may use the allocations from either Appendix J or Appendix K of the TMDL report for planning purposes under sections C.3 and C.4 below.

- A TMDL approved by the USEPA on or after May 1, 2019

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

C.2 Full TMDL Compliance.

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

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

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

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

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

C.3 Participation in an approved Adaptive Management Plan. In accordance with s. 283.13(7), Wis. Stats., and s. NR 217.18, Wis. Adm. Code, if the permittee has chosen to participate in an Adaptive Management project that has been approved by the Department the permittee shall continue to participate in the implementation of the Adaptive Management project.

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

C.4 TMDL Implementation Plan. If the permittee is not participating in a Department approved adaptive management plan as stipulated in section C.3, a permittee with MS4s discharging to TMDL reachsheds shall do all the following to demonstrate progress towards achieving the TMDL reductions stipulated in section C.2.2 and shall submit the following documentation:

C.4.1 Within 36 months of the approval date of the TMDL, an updated storm sewer system map that identifies:

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

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

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

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

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

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

- e. Flow paths of storm water through the storm sewer system.
- f. The location and associated drainage basin of structural BMPs the MS4 uses for TSS and TP treatment.

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

- a. The permittee's percent reduction needed to comply with its TMDL WLA from the no-controls modeling condition. The no-controls modeling condition means taking no (zero) credit for storm water control measures that reduce the discharge of pollutants.
- b. The modeled annual average pollutant load without any storm water control measures for each subbasin which the MS4 discharges to as previously identified in section C.4.1.
- c. The modeled annual average pollutant load with existing storm water control measures for each subbasin with the MS4 discharges to as previously identified in section C.4.1.
- d. The percent reduction in pollutant load achieved from the no-controls condition and the existing controls condition.
- e. The existing storm water control measures including the type of measure, area treated in acres, the pollutant load reduction efficiency, and documentation of the permittee's authority for long-term maintenance of each practice.
- f. If applicable, the remaining pollutant load reduction for each pollutant of concern and reachshed to meet the TMDL reduction goals.

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

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

b. A proposed schedule for implementation of the alternatives identified under section C.4.3.a. The proposed schedule may extend beyond the expiration date of this permit. The schedule should aim to achieve, to the maximum extent practicable, a level of reduction that achieves at least 20% of the remaining reduction needed beyond baseline to achieve full compliance in TSS and a level of reduction that achieves at least 10% of the remaining reduction needed beyond baseline to achieve full compliance in TP over the next permit term. The reductions can be achieved utilizing an averaged reduction calculated from individual reductions achieved in one or multiple reachsheds and spanning the entire MS4 area impacted by a TMDL.

Note: The reductions stipulated under C.4.3.b are interim compliance targets set as a planning target for the next permit term. Future permit reduction targets may taper off or vary between municipalities based on individual plans as it is expected that municipalities will rely more on reductions obtained through redevelopment. In many some cases, reductions that occur through redevelopment activities as outlined in section C.4.3.d may provide the most economical and practical method toward eventually achieving the reduction goals.

c. A cost effectiveness analysis for implementation of the recommendations and options identified under section C.4.3.a.

Note: The Department has developed the guidance document “TMDL Guidance for MS4 Permits: Planning, Implementation, and Modeling Guidance.” The guidance is available on the Department’s Internet site: https://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html, and is available to assist a permittee with complying with the requirements of section C.4.

Note: Reductions obtained through a permittee’s participation in a water quality trading project, in accordance with s. 283.84, Wis. Stats., and that has been reviewed and approved by the Department, can be counted toward credit in meeting the requirements stipulated under section C.2.2. Additional information on water quality trading is available from the Department’s Internet site at: <https://dnr.wi.gov/topic/surfacewater/waterqualitytrading.html>

C.5 Annual Reporting. For requirements outlined under sections C.3 and C.4 the permittee shall include a description and the status of progress toward implementing the identified actions and activities in their MS4 annual reports due by March 31 of each year.