



STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Chapter 283, Wisconsin Statutes:

The Upper Fox River Watershed Group
(Comprised of the City of Pewaukee, City of Waukesha, Town of Brookfield, Town of Delafield,
Town of Lisbon, Town of Waukesha, Village of Pewaukee and the Village of Sussex)

is permitted to discharge storm water from

ALL PORTIONS OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

owned or operated by the members of the Upper Fox River Watershed Group to waters of the state
including:

**Fox River
Sussex Creek
Spring Creek
Lannon Creek
Deer Creek
Pebble Creek
Brandy Brook
Poplar Creek
Pewaukee River
Genesee Creek
Mill Brook
Mill Creek
Bark River
Scuppernong Creek
Frame Park Creek
Zion Creek
Pewaukee Lake**

Saratoga Lake (Barstow Impoundment)

And any other surface and groundwater located within the applicable municipal boundaries

in accordance with the conditions set forth in this permit.

This permit will become effective on the date of signature.

This permit to discharge shall expire at midnight, November 30, 2019.
To retain authorization to discharge after this expiration date, an application shall be filed for reissuance of this permit in accordance with the requirements of Chapter NR 216.09, Wis. Adm. Code, at least 180 days prior to this expiration date.

State of Wisconsin Department of Natural Resources for the Secretary

By Maureen McBroom
Maureen McBroom
Storm Water Specialist
12/1/2014
Date of Signature

EFFECTIVE DATE: December 1, 2014

EXPIRATION DATE: November 30, 2019

TABLE OF CONTENTS

- Part I. Applicability**
- Part II. Individual Conditions**
- Part III. Compliance Schedule**
- Part IV. General Conditions**
- Part V. Definitions**

GENERAL DESCRIPTION AND PURPOSE OF THE WPDES STORM WATER PERMIT FOR THE Upper Fox River Watershed Group

The members of the Upper Fox River Watershed Group (City of Pewaukee, City of Waukesha, Town of Brookfield, Town of Delafield, Town of Lisbon, Town of Waukesha, Village of Pewaukee, Village of Sussex) own and operate municipal separate storm sewer systems that discharge to waters of the state.

Discharges from the municipal separate storm sewer system (MS4) may consist of runoff from rain events or snow melt and fluids from spills or illicit connections. Pollutants of concern found in storm sewer system discharges include organic materials, suspended solids, metals, nutrients, bacteria, pesticides, fertilizer, and traces of toxic materials.

This WPDES permit regulates discharges from the Upper Fox River Watershed Group municipal separate storm sewer system in accordance with s. 283.33, Wis. Stats., and subch. I. of NR 216, Wis. Adm. Code. The permit requirements are intended to restore and maintain the chemical, physical, and biological integrity of waters of the state through pollution prevention and storm water management of urban runoff.

PART I. APPLICABILITY

- A. PERMITTED AREA:** This permit covers all areas within the jurisdiction of the members of the Upper Fox River Watershed Group: City of Pewaukee, City of Waukesha, Town of Brookfield, Town of Delafield, Town of Lisbon, Town of Waukesha, Village of Pewaukee, Village of Sussex that contribute to discharges from the municipal separate storm sewer system owned or operated by these communities. Municipal separate storm sewer system means a conveyance or system of conveyances designed or used for the collection or conveyance of storm water. These include, but are not limited to; storm sewers, roads with drainage systems, municipal streets, catch basins, inlets, curbs, gutters, ditches, constructed channels or storm drains.
- B. AUTHORIZED DISCHARGES:** This permit authorizes storm water point source discharges to waters of the state from the municipal separate storm sewer system in the permitted area. This permit also authorizes the discharge of storm water commingled 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.

C. WATER QUALITY STANDARDS

1. This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105 and NR 140, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to general narrative-type storm water discharge limitations and implementation of storm water management programs and practices.

2. This permit does not authorize water discharges that the Department, prior to authorization of coverage under this permit, determines will cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standards. Where such determinations have been made prior to authorization, the Department may authorize coverage under this permit where the storm water management programs required under this permit will include appropriate controls and implementation procedures designed to bring the storm water discharge into compliance with water quality standards.

D. GENERAL STORM WATER DISCHARGE LIMITATIONS: The members of the Upper Fox River Watershed Group may not discharge the following substances from its municipal separate storm sewer system in amounts that have an unreasonable effect on receiving water quality or aquatic life:

1. Solids that may settle to form putrescence or otherwise objectionable sludge deposits.
2. Oil, grease, and other floating material that form noticeable accumulations of debris, scum, foam, or sheen.
3. Color or odor that is unnatural and to such a degree as to create a nuisance.
4. Toxic substances in amounts toxic to aquatic life, wildlife, or humans.
5. Nutrients conducive to the excessive growth of aquatic plants and algae to the extent that such growths are detrimental to desirable forms of aquatic life, create conditions that are unsightly, or are a nuisance.
6. Any illicit discharge that has been discovered for more than 3 days.
7. Any other substances that may impair, or threaten to impair, beneficial uses of the receiving water.

E. INDIVIDUAL RESPONSIBILITY: The members of the Upper Fox River Watershed Group (City of Pewaukee, City of Waukesha, Town of Brookfield, Town of Delafield, Town of Lisbon, Town of Waukesha, Village of Pewaukee, Village of Sussex) are responsible for:

1. Compliance with conditions of this permit relating to discharges from those portions of the municipal separate storm sewer system where the individual member communities are the owner or operator.
2. Storm water management program implementation, as required by this permit, on portions of the communities that drain to their municipal separate storm sewer systems where they are the owners or operators.
3. All other activities required by this permit.

F. OUTSTANDING AND EXCEPTIONAL RESOURCE WATERS: This permit does not authorize the discharge to any Outstanding or Exceptional Resource Waters as listed in ss. NR 102.10 and 102.11, Wis. Adm. Code.

G. IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOAD REQUIREMENTS:

1. Each co-permittee shall determine whether any part of its MS4 discharges to an impaired water body listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC §1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR §130.7(c)(1) by March 31 of each odd-numbered year. Impaired waters are those that are not meeting applicable water quality standards. A list of Wisconsin impaired water bodies at the time of permit issuance is attached as Appendix A, and may also be found on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/303d/2008/2008Updates.htm>.

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 water bodies may be found on the Department's Internet site at: <http://dnr.wi.gov/topic/impairedwaters/>

NOTE: At the time of permit issuance, the following waters within the boundaries of the 8 Upper Fox River Watershed Communities were listed as impaired: Deer Creek, Fox River, Frame Park Creek, Lannon Creek, Master Disposal Drainage Channel, Poplar Creek, Spring (Sussex) Creek, Tributary to Spring (Sussex) Creek, Tributary to Pebble Creek (west of Hwy TT, north of Kame Terrace, south of Hwy 18), Tributary to Pebble Creek (east of Hwy TT, south of MacArthur), and Zion Creek.

| Water Body | Location | Pollutants of Concern |
|------------------------------------|---|---|
| Deer Creek | Town of Brookfield | Elevated Water Temperature, Sediment / Total Suspended Solids (TSS), Total Phosphorus |
| Fox River | Waukesha County | PCBs, Sediment / Total Suspended Solids (TSS) , Total Phosphorus, Mercury |
| Frame Park Creek | City of Waukesha | PAHs, Sediment / Total Suspended Solids (TSS), Total Phosphorus, Unspecified Metals |
| Lannon Creek | Town of Lisbon | Total Suspended Solids (TSS) |
| Master Disposal Drainage Channel | Town of Brookfield | (unknown pollutant) |
| Poplar Creek | Town of Brookfield | (unknown pollutant) |
| Spring (Sussex) Creek | Village of Sussex, Town of Lisbon, City of Pewaukee, Town of Brookfield | Total Phosphorus |
| Tributary to Spring (Sussex) Creek | Village of Sussex, Town of Lisbon, City of Pewaukee, Town of Brookfield | Sediment / Total Suspended Solids (TSS) , Total Phosphorus |
| Tributary to Pebble Creek | West of Hwy TT, north of Kame Terrace, City of Waukesha, Town of Waukesha | Sediment / Total Suspended Solids (TSS) |
| Tributary to Pebble Creek | East of Hwy TT, south of MacArthur, City of Waukesha | Sediment / Total Suspended Solids (TSS) |
| Zion Creek | Town of Delafield | Sediment / Total Suspended Solids (TSS), Total Phosphorus |

2. If the co-permittee's MS4 discharges to an impaired water body, the co-permittee shall include a written section in its annual report that discusses the management practices and control measures it will implement in the receiving waterbody's drainage area as part of its program to reduce, with the goal of eliminating, the discharge of pollutant(s) of concern that the co-

permittee's MS4 may be a source of. This section of the co-permittee's annual report shall explain why these control measures and practices were implemented as opposed to other alternatives. These efforts shall be revisited annually, to determine if other options may be more effective or efficient. The communities are encouraged to coordinate their efforts with neighboring communities, the Department, and other interested parties on impaired waterways that flow across political boundaries. Pollutant(s) of concern means a pollutant that is causing impairment of a water body.

3. After the co-permittee's start date of coverage under this permit, the co-permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharges combined with modifications to existing discharges do not cumulatively contribute to the receiving water's impairment beyond the condition that exists on the effective date of the permit or the US Environmental Protection Agency and the Department have approved a total maximum daily load (TMDL) for the impaired water body. For new storm water discharges to an impaired water body where an approved TMDL has not been established, the Department encourages not only meeting the construction, post-construction and developed urban area performance standards of ch. NR 151, Wis. Adm. Code., but implementing additional strategies to mitigate the impact of the pollutants of concern. A new MS4 discharge of a pollutant means a MS4 discharge that would first occur after the permittee's original start date of coverage (under the first MS4 permit that the permittee received coverage under) 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.

NOTE: At the time of permit issuance, a TMDL report has not been prepared or approved for the Upper Fox River Watershed. A TMDL was approved for the Rock River Basin in September 2011, which covers portions of the Town of Delafield and the Town of Lisbon. A TMDL is currently under development for the Milwaukee River Basin, including the Menomonee River, which may include areas covered under this MS4 permit.

4. If there is an approved TMDL for the receiving water, for the purposes of implementing the approved TMDL, the co-permittee shall comply with Sections 4.a, below. "New MS4 discharge of a pollutant" has the meaning specified under section G. 3. of this permit.
 - a. If **prior** to the effective date of this permit the Department and the USEPA have approved a TMDL to which the permittee's MS4 discharges a pollutant of concern and the TMDL assigns the permittee a wasteload allocation, the permittee shall submit the information required in accordance with the following compliance schedule:
 - i. For section G.4.c.: with the annual report due March 31, 2016.
 - ii. For section G.4.d.: with the annual report due March 31, 2018.
 - iii. For section G.4.e.: with the annual report due March 31, 2018.
 - b. If **after** the effective date of this permit, the Department and the USEPA have approved a TMDL to which the permittee's MS4 discharges a pollutant of concern and the TMDL assigns the permittee a wasteload allocation, the permittee shall submit the information required in accordance with the following compliance schedule:
 - i. For section G.4.c.: within 24 months of the approval date of the TMDL
 - ii. For section G.4.d.: within 48 months of the approval date of the TMDL
 - iii. For section G.4.e.: within 48 months of the approval date of the TMDL

Note: Approved TMDLs are listed on the Department's Internet site at:
<http://dnr.wi.gov/topic/impairedwaters>

- c. In accordance with the applicable compliance schedule specified in section G.4 a., or section G. 4. b., the permittee shall submit all of the following:
 - i. 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 pertains to the area within an urbanized area or the areas serviced by its storm sewer system.

2. The TMDL reachshed boundaries within the municipal boundary, and the areas 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 wasteload allocation. 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 wasteload allocation for the permittee is an area that does not drain through the permittee's MS4.

Note: The information required in section G.4.c. will be used by the Department to facilitate implementation of the TMDL.

- d. In accordance with the applicable compliance schedule specified in section G.4.a. or G.4.b., 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 G.4.c. and for each pollutant of concern.
 - i. The permittee's percent reduction needed to comply with its TMDL wasteload allocation 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.
 - ii. The modeled MS4 annual average pollutant load without any storm water control measures.

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.

- iii. The modeled MS4 annual average pollutant load with existing storm water control measures.
 - iv. The percent reduction in pollutant load achieved calculated from the no-controls condition determined under section G.4.d.ii and the existing controls condition determined under section G.4.d.iii.
 - v. 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.
- e. If the tabular summary required under section G.4.d. shows that the permittee is not achieving the applicable percent reductions needed to comply with its TMDL wasteload allocation for each TMDL reachshed, then in accordance with the applicable compliance schedule specified in section G.4.a. or G.4.b., the permittee shall submit a written plan to the Department that describes how the permittee will make progress toward achieving compliance. The plan shall include the following information:

- i. Recommendations and options for storm water control measures that will be considered to reduce the discharge of each pollutant of concern.
- ii. A proposed schedule for implementation of the recommendations and options identified under section G.4.e.i.

Note: The proposed schedule may extend beyond the expiration date of this permit.

- iii. A cost effectiveness analysis for implementation of the recommendations and options identified under section G.4.e.i.

Note: The Department intends to develop guidance and make it available on the Department's Internet site to assist a permittee with developing a plan under this section. For many pollutants of concern, water quality trading may be an option considered by a permittee as part of its plan. For phosphorus reduction, a permittee may consider entering into an adaptive management agreement with a traditional point source discharger as described in s. NR 217.18, Wis. Adm. Code.

- H. **WETLANDS:** The Upper Fox River Watershed Group's MS4 discharges shall comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.
- I. **ENDANGERED AND THREATENED RESOURCES:** The Upper Fox River Watershed Group MS4 discharges shall comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.
- J. **HISTORIC PROPERTY:** The Upper Fox River Watershed Group's MS4 discharges may not affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the MS4 discharge will not have an adverse effect on any historic property pursuant to s. 44.40 (3), Wis. Stats.
- K. **EXCLUSIONS:** The following are excluded from coverage under this permit:
 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 a separate individual permit.
 2. **Agricultural Facilities and Practices**
Discharges from "agricultural facilities" and "agricultural practices". "Agricultural facility" means a structure associated with an agricultural practice. "Agricultural practice" means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.
 3. **Other Excluded Discharges**
Storm water discharges from industrial operations or land disturbing construction activities that require separate coverage under a WPDES permit pursuant to subchs. II or III of ch. NR 216, Wis. Adm. Code. For example, while storm water from industrial or construction activity may discharge from the Upper Fox River Watershed Group's MS4, this permit does not satisfy the need to obtain any other permits for those discharges. This exclusion does not apply to the Upper Fox Watershed Group's responsibility to regulate construction sites within its jurisdiction in accordance with Part II, sections D and E of this permit.
 4. **Indian Country**
Storm water discharges within Indian Country. The federal Clean Water Act requires that owners and operators of storm water discharges within Indian Country to obtain permit coverage directly

from the United States Environmental Protection Agency.

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

PART II. INDIVIDUAL CONDITIONS

- A. PUBLIC EDUCATION AND OUTREACH:** The members of the Upper Fox River Watershed Group shall continue existing public and staff education and outreach programs to increase the awareness of storm water impacts on waters of the state and to encourage changing public behavior to reduce such impacts. The Upper Fox River Watershed Group shall establish measurable goals for its public education program. The program should be an evolving, targeted approach, using different marketing tools and involving other interest groups that may be able to provide assistance for this program. The Upper Fox River Watershed Group shall track, compare and evaluate the effectiveness of the information and education program at least once per year, and implement modifications as needed. The education and outreach program shall, at a minimum:
1. Promote detection and elimination of illicit discharges and water quality impacts associated with discharges of pollution into the municipal separate storm sewer system. This may include informing the public about the issue, storm water inlet stenciling, neighborhood storm sewer watches, and hot lines to report dumping.
 2. Inform and educate the public to facilitate the proper management of materials that may cause storm water pollution from sources including automobiles, pets, 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 and demonstrate the management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways. The Upper Fox River Watershed Group shall implement a program to remind the public of the wetlands and waterways in their communities, and promote the recreational, aesthetic, economic and habitat benefits and opportunities they represent.
 5. Promote infiltration of residential storm water runoff from rooftop downspouts, driveways and sidewalks.
 6. Promote environmentally sensitive land development designs by developers and designers, including low-impact development, preserving environmental corridors and alternative long-term storm water control facilities.
 7. Inform and educate those responsible for the design, installation, and maintenance of construction site erosion control practices and storm water management facilities on the benefits and maintenance of these individual practices. Audiences such as homeowners' associations and private businesses/business parks should be targeted for routine maintenance and long-term sediment removal activities.
 8. Identify industries / businesses and activities that may pose a storm water contamination concern, and where appropriate, educate specific audiences on methods of storm water pollution prevention. Promote appropriate infiltration or treatment of commercial and business park storm water runoff from rooftop downspouts, parking areas and sidewalks.
 9. Inform those contracting and operating private snow removal / de-icing on large or commercial parcels of the potential impacts of snow removal activities on wetlands, waterways and constructed storm water control facilities. Target audiences including landscapers/snow removal services and property owners/managers should be encouraged to use a pre-determined snow removal strategy to avoid creating high concentrations of pollutants, including sand deposits, in lakes, streams and wetlands. Specific information regarding compaction of bio-filtration devices and other constructed long-term storm water facilities from snow piles and concentrations of melting snow should be provided to owners and operators dealing with these devices.

10. Provide internal staff (office staff, field crews, decision makers and others) with general information on the municipal storm water discharge permit, and the benefit of protecting water quality in the community. Provide internal staff with locations and names (if applicable) of local wetlands and waterways; including the pollutants of concern for impaired waterways. Routinely provide staff who communicate with the public information about the municipal storm water discharge permit, including spills, illicit discharge, and construction site information and who to contact if this is reported, and general information about the water quality outreach efforts within the community. In addition, field crews who operate equipment or conduct inspections at municipal construction sites should be familiar with installation and maintenance of erosion control Best Management Practices (BMP's), and know who to contact in the event of a problem on site. Internal training is required for municipal employees who specifically deal with programs included in the pollution prevention portion of this permit. Ensure all staff are aware of applicable general WPDES permits and requirements. A list of these permits and requirements can be found at the following website: <http://dnr.wi.gov/Permits/Water/>

B. PUBLIC INVOLVEMENT AND PARTICIPATION: The Upper Fox River Watershed Group shall implement a program to promote volunteerism and solicit public comments on storm water policy and activities required by this permit. This program shall include measurable goals for public involvement and participation from various interested parties including existing groups such as lake districts, river partnerships, schools and other community organizations, and shall comply with state and local public notice requirements, if applicable.

C. ILLICIT DISCHARGE DETECTION AND ELIMINATION

The Upper Fox River Watershed Group municipalities shall maintain and enforce the municipal ordinance regarding the prevention and elimination of illicit discharges and connections to the MS4. The illicit discharge program shall include the following measurable goals:

1. Conduct on-going dry weather field screening at all priority outfalls at least once per year. Priority outfalls include major outfalls that were identified to be screened each year in the established illicit discharge program previously submitted by the co-permittee. Future determinations of priority outfalls shall consider the following:
 - a. Field screening points shall, where possible, be located downstream of any source of suspected illicit activity.
 - b. 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.
 - c. 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 building in the area, history of the area and land use types.
2. Conduct on-going dry weather field screening at all other major (non-priority) outfalls at least once every 5 years.

NOTE: Any requested changes to existing programs, including revising the list of priority outfalls, shall be submitted to Department staff for review and comment prior to implementing the program.

3. If flow is observed, field analysis shall be conducted to determine the presence of non-storm water discharges or illegal dumping unless past screening indicated that the flow is groundwater. The field analysis can be conducted by testing the flow for one or more indicator parameter (e.g., detergent, ammonia, potassium, fluoride, pH, chlorine, copper, phenol) or by conducting video, smoke or dye testing in the storm sewer system.
 - a. Field screening shall include a narrative description of visual observations including

color, odor, turbidity, oil sheen or surface scum, flow rate or any other relevant observations regarding the potential presence of non-storm water discharges or illegal dumping.

Note: Alternative indicator parameters should be considered based on MS4 or outfall specific conditions. Typical alternative indicator parameters include total copper, phenol, potassium, fluoride, E. coli or bacteriodes.

4. Within 24 hours after a known or suspected illicit discharge is detected or reported, a field investigation shall be conducted in the contributing drainage area in an attempt to find the source.
 - a. If the source of an illicit discharge is found, appropriate action shall be taken to prevent and contain spills that may discharge into or are already within the municipal separate storm sewer system, to eliminate identified illicit discharges within three working days to the maximum extent practicable, and to remove the illicit discharge as soon as possible but no later than 30 days.
 - b. If the source of an illicit discharge cannot be found, the associated outfall shall be added to the list of priority outfalls for on-going dry weather field screening.
 - c. In the case of an illicit discharge that originates from the co-permittee's permitted area and that discharges directly to a municipal separate storm sewer or property under the jurisdiction of another municipality, the co-permittee shall notify the affected municipality within one working day.
5. Submit inspection reports and follow-up summaries to the Department on outfalls that had flow observed or that were a known or suspected illicit discharge source within 30 days of inspection.
6. Immediately notify the Department in accordance with ch. NR 706, Wis. Adm. Code, in the event that the co-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 co-permittee shall cooperate with the Department in efforts to investigate and prevent such discharges from polluting waters of the state.
7. If indirect sources of illicit discharges, such as sanitary sewer leakage or contaminated groundwater, are suspected, a strategy shall be developed and implemented to locate and eliminate these sources.
8. Provide the Department with 24 hours advance notice of the time and location of dye testing within a MS4. (Because the dye may get reported to the Department as an illicit discharge or spill, the Department requires prior notification of dye testing.)

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.

D. CONSTRUCTION SITE POLLUTANT CONTROL: The Upper Fox River Watershed Group shall evaluate the current construction site pollutant control program and submit the program, with any updates or changes, by March 31, 2016. The co-permittees shall continue to implement and enforce its program to control erosion and sediment from construction sites and establish measurable goals for its construction site pollutant control program.

1. At a minimum, the co-permittees shall:

- a. Maintain inspection and enforcement authority.
- b. Enforce permitting requirements, procedures and fees. Notification by the co-permittee to landowners who apply for local construction or land disturbance permits of the possible applicability of Subchapter III of NR 216, Wis. Adm. Code, *Construction Site Storm Water Discharge Permits*, or other waterway and wetland permits to the landowner's construction projects.
- c. Review and approve plans per the co-permittee's established program; approve plans with design criteria, standards and specifications that meet or exceed the technical standards approved by the Department and the co-permittee's ordinance.
- d. Update and enforce the co-permittee's erosion control ordinance that meets or exceeds the requirements, including construction site performance standards, found in ss. NR 151.11 and 151.23, which were updated in January 2011. Submit the updated adopted ordinance by March 31, 2016.

NOTE: Draft ordinances can be submitted to Department staff for review prior to adoption by the municipality, if desired.

- e. Conduct erosion control inspections at all sites within the co-permittee's jurisdiction following the frequency and actions outlined in the co-permittee's construction site pollutant control program, which was previously submitted to the Department. The co-permittee shall contact the Department if there are significant or repeat violations at a site, or if there are threats or impacts to waters of the state.
- f. Maintain records of site inspections, including any follow up necessary on sites out of compliance with their erosion control plans, as stated in the co-permittee's program and in compliance with Section P of Part IV of this permit.
- g. Ensure that municipal projects that meet the permit requirements of the co-permittee or other authorities have obtained the proper permit coverage. Ensure that all municipal projects have met the permit requirements and are following the applicable technical standards and inspection requirements.
- h. Remove the single family home and commercial building site exemption from the erosion and sediment control ordinance, if applicable, and exercise such authority as soon as possible. All sites with one or more acres of land disturbance should be covered under the co-permittee's construction site pollutant control program.

E. POST-CONSTRUCTION STORM WATER MANAGEMENT: The Upper Fox River Watershed Group shall continue a program to control the quantity and quality of discharges from areas of new development and redevelopment, after construction is completed. The co-permittees shall establish measurable goals for its post-construction storm water management program, including:

1. Implementing the Storm Water Management Ordinance to regulate post-construction storm water discharges from new development and re-development. At a minimum, the co-permittees shall enforce:
 - a. Applicability and jurisdiction.
 - b. Design criteria, standards and specifications equivalent to the technical standards approved by the Department, which take precedence over the Wisconsin Storm Water Manual. technical standards can currently be found on the Department's web-site at: [http://dnr.wi.gov/runoff/storm water/techstds.htm](http://dnr.wi.gov/runoff/storm%20water/techstds.htm)
 - c. Update and enforce the co-permittee's ordinance that meets or exceeds the requirements, including minimum post-construction performance standards, as established in ss. NR

151.121 – NR 151.128 and 151.241 – NR 151.249, Wis. Adm. Code, which were updated in January 2011. Submit the updated adopted ordinance by March 31, 2016.

NOTE: Draft ordinances can be submitted to Department staff for review prior to adoption by the municipality, if desired.

- d. Storm water plan requirements equivalent to those contained in s. NR 216.47, Wis. Adm. Code.
 - e. Permitting requirements, procedures and fees.
 - f. Long-term maintenance requirements.
 - g. Enforcement authority.
2. Establishing procedures that will be used to ensure the long-term maintenance of storm water management facilities. Routine inspections should be conducted to determine if these BMP's are still functioning as designed, and appropriate repairs/maintenance should be implemented within a reasonable amount of time to ensure that water quality goals are being accomplished.

F. POLLUTION PREVENTION: The Upper Fox River Watershed Group shall continue a pollution prevention program and establish measurable goals which includes:

1. Inspection, maintenance and inventory of post-construction storm water management facilities:
 - a. Annual inspection and maintenance of structural post-construction storm water management facilities, including but not limited to storm water ponds and infiltration basins, to maintain their pollutant removal operating efficiency.
 - b. An inventory must be developed and maintained for each of the post-construction storm water management facilities within the community. This inventory should be used to track the inspection frequency and project how far into the future required maintenance may be necessary. This inventory shall be maintained by the municipal staff, and should contain information such as location, general condition, age of facility, owners, whether a Long-Term Maintenance Agreement (LTMA) exists for the facility, inspection results such as sediment depths and other required maintenance, when the required maintenance was completed, and any other information that the co-permittee determines useful to determine the effectiveness of the storm water structure.
2. Each catch basin will be cleaned as detailed in the pollution prevention plan submitted under the previous permit. Catch basin cleaning schedule may be modified if suggested by future storm water management planning and or modeling to meet the performance standards and is approved by the Department.
3. Street sweeping shall occur as detailed in the pollution prevention plan submitted under the previous permit. Street sweeping schedule may be modified if suggested by future storm water management planning or modeling to meet the performance standards and approved by the Department.
4. Proper storage and disposal of street sweeping and catch basin cleaning waste. Solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of storm water shall be temporarily and permanently 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. Street sweeping and catch basin waste should typically be disposed of in a landfill, not a compost or other accessible area.
5. If road salt or other deicers are applied by the Upper Fox River Watershed communities, no more

shall be applied than the amount necessary to maintain public safety. The existing winter road management plan outlining the methods used to maintain public safety during winter precipitation events shall be reviewed, updated as needed and submitted by March 31, 2015 to include:

- a. Contact information for responsible parties
- b. Maps of truck routes and products used specific to these routes
- c. Description of type of equipment used
- d. Disposal locations of any snow removal operations, if applicable
- e. Anti-icing strategies vs. de-icing actions
- f. Monthly records shall be kept per use event for November 1st through March 31st, including:
 - i. How much product was used,
 - ii. Weather data including temperatures ranges and precipitation amounts,
 - iii. Any other measurable data that is useful to the community to evaluate the program on a yearly basis.
- g. Seasonal winter road management data shall be submitted to the Department by April 30 of each year.
- h. An evaluation of the road de-icing program shall be submitted each year with the annual report. The evaluation shall compare past years' snow removal data, including a cost comparison, information about the types of precipitation events and de-icing methods used for these events, and alternatives to the products and equipment currently used. This evaluation will determine if the community is making progress toward reducing pollutants entering the wetlands and waterways from de-icing activities.

NOTE: The Wisconsin Department of Transportation (DOT) "Highway Maintenance Manual", chapter 35, contains guidance on application of road salt and other deicers that can be used to determine whether not application is necessary and what application rate is appropriate for deicing and ice prevention. This information is held on a secured server and users must first register with the state of Wisconsin to obtain an ID and password. You can learn more about getting connected to this secured server at: <http://www.dot.wisconsin.gov/business/extranet/>. The Wisconsin Department of Transportation (DOT) highway salt storage requirements are contained in ch. Trans 277, Wis. Adm. Code.

6. Proper management of leaves and grass clippings, which may include on-site beneficial reuse as opposed to collection. A description of this program is due March 31, 2016, and should include:
 - a. A description of the type of leaf / grass clipping pick up system, if applicable
 - b. Contact information
 - c. Disposal information for materials collected
 - d. Annual estimates on how much material was collected
7. Storm water pollution prevention planning for municipal garages, storage areas and other municipally owned sources of storm water pollution. Updated submittals and amendments are due March 31, 2016, and should include:
 - a. Site location and contact information
 - b. An air photo / map of the yard, including:

- i. Locations of major activities or storage areas
 - ii. Identification of drainage patterns and potential storm water runoff source and discharge areas
 - iii. Identification of any wetlands and/or waterways on-site or nearby
 - iv. Identification of MS4 connections and where this portion of the MS4 system drains to
 - c. Recommendations to prevent polluted runoff from reaching nearby water resources
 - d. Information on any suggested retrofits to current storm water practices on site
 - e. A timeline for installation and/or implementation of these recommendations
 - f. Inspection frequency (minimum 1 annual full inspection and semi-annual visual inspections)
 - g. Employee training on storm water pollution prevention
 - h. Spills prevention plan and response procedures
8. Application of lawn and garden fertilizers on municipally controlled properties, with pervious surfaces over 5 acres each, in accordance with a site-specific nutrient application schedule based on appropriate soil tests.
9. Consideration of environmentally sensitive land development designs for municipal projects, including green infrastructure and low impact development.
10. Development and submittal of a plan to control sediment and other pollutants that reach waters of the state during water main breaks or testing during construction, due March 31, 2016. This plan should include, at minimum,
 - a. Contact information
 - b. On-hand best management practices that can be used, at the appropriate time, to control sediment discharging to waters of the state
 - c. Internal training for municipal staff who work with water main breaks and construction sites with water main construction / testing.

Note: The Department covers testing of new water mains under the Hydrostatic Test Water and Water Supply System Water (WI-0057681-4) wastewater general permit. Staff should be aware of the requirements under this permit.

G. STORM WATER QUALITY MANAGEMENT: The Upper Fox River Watershed Group shall continue the municipal storm water management program. The storm water management 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 included in the Upper Fox River Watershed Group 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. (Projects where construction site runoff permit coverage was issued prior to Oct. 1, 2004). The program shall meet the following:

1. To the maximum extent practicable, implementation and maintenance of storm water management practices necessary to meet the more restrictive total suspended solids reduction of either of the following:
 - a. The permittee shall maintain source area controls, structural storm water management

facilities, and non-structural storm water best management practices 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.

- b. The permittee shall provide the % reductions of TSS as of July 1, 2011 in the annual report due on March 31, 2015.
- c. Maintain at least a 20% reduction in the annual average mass of total suspended solids discharging from the municipal separate storm sewer system to waters of the state as compared to no controls, and met as a condition of the previous MS4 permit.

NOTE: It is recommended that the Upper Fox Group municipalities consider the collective compliance approach within the Upper Fox River Watershed for this requirement. The collective compliance approach will typically benefit municipalities that have limited space or opportunities to implement the most cost effective practices. In addition, the collective compliance approach will provide an opportunity to implement practices at locations with the greatest potential to improve water quality.

NOTE: Department guidance for modeling MS4 urban areas and treatment systems is available on the Department's municipal storm water web page at: <http://www.dnr.state.wi.us/stormwater/standards/>

H. STORM SEWER SYSTEM MAP: The co-permittees shall verify that the Department has an accurate MS4 map reflecting the MS4 system by March 31, 2015. The co-permittee shall review the current municipal separate storm sewer system map and update it as necessary to meet all of the following requirements and of NR 216.07(7), including:

1. Identification of waters of the state, name and classification of receiving water(s), 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 system.
2. Identification of all known municipal storm sewer system outfalls discharging to waters of the state or other municipal separate storm sewer system. Major outfalls (36" in diameter or industrial land-use; see definition in Part V.) shall be uniquely identified. A list of the outfalls with pipe size indicated shall also be included.
3. Location and permit number of any known discharge to the municipal separate storm sewer system that has been issued WPDES permit coverage by the Department.
4. Location of structural storm water facilities including detention basins, infiltration basins, and other manufactured treatment devices. If the co-permittee will be taking credit for pollutant removal from privately-owned facilities, they must be identified separately than other privately-owned facilities.
5. Identification of publicly owned parks, recreational areas and other open lands.
6. Location of municipal garages, storage areas and other public works facilities.
7. Identification of streets.

NOTE: See Part 1, Section G.4 for specific TMDL-related map submittal dates.

I. ANNUAL REPORT: The members of the Upper Fox River Watershed Group shall submit an annual report for each calendar year. This primary purpose of this report is to allow the community to evaluate the various programs in the municipal storm water discharge permit, and to determine where

improvements and cost-effective changes should be made. The municipal governing body, interest groups and the general public shall be encouraged to review and comment on the annual report. The annual report shall include:

1. A narrative status of implementing the permit requirements, status of meeting measurable program goals and compliance with permit schedules. The past year should be compared to previous years' efforts.
2. Updated storm sewer system maps, where necessary, to identify any new outfalls, structural controls, or other note worthy changes.
3. A summary of measurable activities from the past calendar year describing:
 - a. The number and nature of inspections and enforcement actions conducted to ensure compliance with the required ordinances;
 - b. Public education programs within the community, including items that may not be included in the Waukesha County Storm water program annual summary;
 - c. Internal education efforts, including what topics were discussed, who the target audiences were, how the information was received and what follow-up information or activities are/were recommended;
 - d. Number and nature of reported spills and responses;
 - e. Street sweeping frequency and the amount collected, and the disposal location(s) for this material;
 - f. Catch basin cleaning frequency and the amount collected, and the disposal location(s) for this material;
 - g. Municipal yard evaluations, including any retrofits or operations changes;
 - h. Road salt/de-icing summary, including the amount of salt used, methods, and costs compared to previous years;
 - i. Any changes to the pollutant Loading removal rates and status of meeting performance standards;
 - j. Any other activities that may reduce the amount of pollutants reaching the local wetlands and waterways via the municipal storm sewer system that have measurable results; this information should be used to assess the success of the programs and to determine if any details should be adjusted to complete a successful implementation.
4. A summary of revisions made to the storm water management plan.
5. Proposed revisions to the storm water management program, based on a comparison to previous years' efforts, budget, etc.
6. A strategy to reduce the pollutants of concern entering local impaired (303(d)) waterways that the co-permittee's MS4 system may be the source of. (Beginning March 31, 2011, to be re-evaluated and reported annually.)
7. A fiscal analysis including annual expenditures and budget for the reporting year and proposed next year, along with the amount spent on the individual programs and efforts compared to previous years.
8. Identification of water quality improvements or degradation as perceived by the co-permittees.

Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water.

9. A duly authorized representative of each community shall sign and certify the annual report and include a statement or resolution that the municipal governing body or delegated representatives have reviewed or been appraised of the content of the annual report. A signed copy of the annual report and other required reports shall be submitted to the DNR Waukesha Service Center, 141 NW Barstow Street, Room 180, Waukesha, WI 53188.
 10. A statement of re-application for continued coverage under the WPDES permit to retain authorization to discharge storm water through the municipal separate storm sewer system at least 180 days prior to expiration of this permit.
- J. COOPERATION:** The members of the Upper Fox River Watershed Group 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.

PART III. COMPLIANCE SCHEDULE

The Upper Fox River Watershed Group shall achieve compliance with the permit conditions contained in Parts I and II in accordance with the following schedule:

| PERMIT CONDITION | ACTIVITY | DUE DATE |
|---|---|---|
| Impaired Water Bodies - Part I.G. | 1. Check revised impaired waters list for changes to status of waterways in co-permittee's MS4 | March 31, 2015, and in the annual report submitted every odd-numbered year thereafter |
| | 2. Develop a strategy to reduce the pollutants of concern entering impaired water bodies from the municipal storm sewer system. | Ongoing |
| | 4.a.i. Develop MS4 map with TMDL information for TMDLs approved <i>prior</i> to issuance of this permit | March 31, 2016 |
| | 4.a.ii. Develop tabular summary, written compliance plan for TMDLs approved <i>prior</i> to issuance of this permit | March 31, 2018 |
| | 4.b.i. Develop MS4 map with TMDL information for TMDLs approved <i>after</i> issuance date of this permit | 24 months after approval date of TMDL |
| | 4.b.ii. Develop tabular summary, written compliance plan for TMDLs approved <i>after</i> issuance of this permit | 48 months after approval date of TMDL |
| Public Education and Outreach - Part II. A | 1. Address, at a minimum, the 10 items listed Part II. A. | Ongoing |
| Public Involvement and Participation - Part II. B | 1. Implement the Public Involvement Program | Ongoing |
| Illicit Discharge Detection and Elimination - Part II. C. | 2. Dry weather field screening of priority outfalls | Minimum of once per year |
| | 2. Dry weather field screening of all other major outfalls | At least 1 time every 3 years |
| | 3. Enforce the Illicit Discharge and Connection Storm Water Ordinance | Ongoing |
| Construction Site Pollutant Control - Part II. D. | 1. Update and enforce the Construction Site Pollutant Control Ordinance | March 31, 2016 |
| | 2. Construction Site Pollutant Control Program revision / update submittal | March 31, 2016 |
| | 3. Construction site inspection, documentation, and enforcement | Ongoing |
| Post-Construction Storm Water Management - Part II. E. | 1. Update and enforce the Post-Construction Storm Water Management Ordinance | March 31, 2016 |
| | 2. Continue procedures for long-term maintenance procedures | Ongoing |
| Pollution Prevention - Part II. F. | 1. Inspection and maintenance of structural storm water management facilities | Ongoing |

| | | |
|--|---|-------------------------------|
| | 2. Inventory of storm water facilities | Ongoing |
| | 3. Catch basin cleaning | Ongoing |
| | 4. Street sweeping | Ongoing |
| | 5. Winter Road Management Plan Revisions | March 31, 2015 |
| | 6. Proper collection and disposal of leaves and grass clippings | Ongoing |
| | 6.a Leaf and Grass Clipping Disposal Program Update | March 31, 2016 |
| | 7. Updated Storm Water Pollution Plans for public works yard, garages, or other municipally owned properties | March 31, 2016 |
| | 8. Inspections of all department of public work yards, garages, or other municipally owned properties: Full Inspection: Visual Inspection: | Annually Semi-annually |
| | 9. Application of lawn and garden fertilizer on municipally controlled properties, with pervious surfaces over 5 acres each, in accordance with a site-specific nutrient application schedule based on appropriate soil tests | Ongoing |
| | 10. Water Main Break / Testing Plan Submittal and Implementation | March 31, 2016 |
| Storm Water Quality Management - Part II. G. | 1. Provide % TSS reduction model results as of June 30, 2011. | March 31, 2015 |
| | 2. Maintain storm water practices to control total suspended solids in runoff that enters waters of the state, to the maximum extent practicable that were in place as of June 30, 2011 | Ongoing |
| Storm Sewer System Map - Part II. H. | 1. Verify currently submitted map is accurate or submit updated map | March 31, 2015 |
| | 2. Maintain a current storm sewer system map | Ongoing |
| Annual Report - Part II. I. | 1. Submit annual reports | March 31, 2015 |
| | | March 31, 2016 |
| | | March 31, 2017 |
| | | March 31, 2018 |
| | | March 31, 2019 |
| | 2. Submit new application | March 31, 2019 |

PART IV. GENERAL CONDITIONS

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated by reference in this permit. The members of the Upper Fox River Watershed Group shall be responsible for meeting these requirements. Some of these requirements are outlined below in paragraph A. through R. Requirements not specifically outlined below can be found in s. NR 205.07(1) and (3), Wis. Adm. Code.

- A. DUTY TO COMPLY:** The members of the Upper Fox River Watershed Group shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action, permit revocation or modification, or denial of a permit reissuance application.
- B. COMPLIANCE SCHEDULES:** Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of the permit shall be submitted in writing within 14 days after the schedule date, except that progress reports shall be submitted in writing on or before each schedule date for each report. Any report of noncompliance shall include the cause of noncompliance, a description of remedial actions taken, and an estimate of the effect of the noncompliance on the co-permittees' ability to meet the remaining schedule dates.
- C. NONCOMPLIANCE NOTIFICATION:**
1. Upon becoming aware of any permit noncompliance that may endanger public health or the environment, the municipalities shall report this information by a telephone call to the Department within 24 hours. A written report describing the noncompliance shall be submitted to the Department within 5 days after the municipalities 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.
 2. Reports of any other noncompliance not covered under General Condition's B., C.1, or E. shall be submitted with the annual report. The reports shall contain all the information listed in General Condition C.1.
- D. DUTY TO MITIGATE:** The members of the Upper Fox River Watershed Group shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.
- E. SPILL REPORTING:** The members of the Upper Fox River Watershed Group shall immediately notify the Department, in accordance with ch. NR 706, Wis. Adm. Code, in the event of a spill or accidental release of hazardous substances which results in a discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour spill hotline (1-800-943-0003).
- F. PROPER OPERATION AND MAINTENANCE:** The members of the Upper Fox River Watershed Group shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the municipalities 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.
- G. BYPASS:** The members of the Upper Fox River Watershed Group may temporarily bypass storm water treatment facilities if necessary for human safety or maintenance to assure efficient operation. A bypass shall comply with the storm water discharge limitations in Part I D. 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.

- H. DUTY TO HALT OR REDUCE ACTIVITY:** Upon failure or impairment of best management practices identified in the storm water management program, the municipalities shall, to the extent practicable and necessary to maintain permit compliance, modify or curtail operations until the best management practices are restored or an alternative method of storm water pollution control is provided.
- I. REMOVED SUBSTANCES:** Solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of storm water shall be stored and disposed of in a manner to prevent any pollutant from the materials from entering the waters of the state, and to comply with all applicable Federal, State, and Local regulations.
- J. ADDITIONAL MONITORING:** If any of the members of the Upper Fox River Watershed Group 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.
- K. INSPECTION AND ENTRY:** The members of the Upper Fox River Watershed Group shall allow an authorized representative of the Department, upon the presentation of credentials, to:
1. Enter upon the municipal premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit.
 2. Have access to and copy, at reasonable times, any records that are required under the conditions of the permit.
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit.
 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.
- L. DUTY TO PROVIDE INFORMATION:** The members of the Upper Fox River Watershed Group shall furnish the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking or reissuing the permit or to determine compliance with the permit. The municipalities shall also furnish the Department, upon request, copies of records required to be kept by the individual communities.
- M. PROPERTY RIGHTS:** The permit does not convey property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or an invasion of personal rights, or any infringement of federal, state or local laws or regulations.
- N. DUTY TO REAPPLY:** If the co-permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the co-permittee shall apply for a new permit at least 180 days prior to the expiration date of the permit. If the permit is not reissued by the time the existing permit expires, the existing permit remains in effect.
- O. OTHER INFORMATION:** Where any the members of the Upper Fox River Watershed Group become aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the department, it shall promptly submit such facts or correct information to the department.
- P. RECORDS RETENTION:** The individual members of the Upper Fox River Watershed Group shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 5 years from the date of the sample, measurement, report or application. The Department may request that this period be extended by issuing a public notice to modify the permit.
- Q. PERMIT ACTIONS:** As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing the

permit may be modified or revoked and reissued for cause. If the municipalities file a request for a permit modification, revocation or reissuance, or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the municipalities of any permit condition.

- R. SIGNATORY REQUIREMENT:** All applications, reports or information submitted to the Department shall be signed for by a ranking elected official, or other person authorized by them who has responsibility for the overall operation of the municipal separate storm sewer system and storm water management program activities regulated by the permit. The representative shall certify that the information was gathered and prepared under their supervision and based on inquiry of the people directly under their supervision that, to the best of their knowledge, the information is true, accurate, and complete.
- S. ENFORCEMENT ACTION:** The Department is authorized under s. 283.89 and 283.91, Wis. Stats., to utilize citations or referrals to the Department of Justice to enforce the conditions of this permit. Violation of a condition of this permit is subject to a fine of up to \$10,000 per day of the violation.
- T. ATTAINMENT OF WATER QUALITY STANDARDS AFTER AUTHORIZATION:** At any time after authorization, the Department may determine that the discharge of storm water from the Upper Fox River Watershed Communities' 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 co-permittee(s) to do one of the following:
1. Develop and implement an action plan to address the identified water quality concern to the satisfaction of the Department.
 2. Submit valid and verifiable data and information that are representative of ambient conditions to demonstrate to the Department that the receiving water or groundwater is attaining the water quality standard.
- U. CONTINUATION OF THE EXPIRED 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. To reapply for permit coverage, a permittee shall send a letter to the Department that includes proposed changes to the storm sewer system map, storm water management program and any other relevant change.

PART V. DEFINITIONS

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

Controls Condition means a pollutant-loading analysis that includes pollutant reductions from storm water management practices.

Department means Department of Natural Resources.

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

Hazardous substance means any substance 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.

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

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 water line flushing, landscape irrigation, individual residential car washing, fire

fighting and similar discharges.

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

Jurisdiction means the area where the permittee has authority to enforce its ordinance(s) or otherwise has authority to exercise control over a particular activity of concern.

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, but is not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

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

1. A single pipe with an inside diameter of 36 inches or more or equivalent conveyance (cross sectional area of 1,018 square inches) which is associated with a drainage area of more than 50 acres.
2. A MS4 that receives storm water runoff from lands zoned for industrial activity or from other lands with industrial activity that is associated with a drainage area of 2 acres or more.

Maximum Extent Practicable means a level of implementing management practices in order to achieve a performance standard specified in s. NR 151.002(25), Wis. Adm. Code, which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features.

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.

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

1. Owned or operated by a municipality.
2. Designed or used for collecting or conveying storm water.
3. Which is not a combined sewer conveying both sanitary and storm water.
4. Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

No Controls Condition means a pollutant-loading analysis that does not include pollutant reductions from storm water management practices.

Outstanding and Exceptional Resource Waters are listed in ss. NR 102.10 and 11, Wis. Adm. Code.

Outfall means the point at which storm water is discharged to waters of the state or leaves one municipality and enters another.

Permitted Area refers to the areas of land under the jurisdiction of the Upper Fox River Watershed Communities that drains into its MS4, which is regulated under a permit issued pursuant to subch. I of NR 216, Wis. Adm. Code.

Pollutant(s) of Concern means a pollutant that is causing impairment of a waterbody.

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

Reachshed means the drainage area contributing to a given reach.

Redevelopment means areas where development is replacing older development.

Riparian Landowners are the owners of lands bordering lakes and rivers.

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

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.

Storm Water Pollution Prevention Planning 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.

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.

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.

Waters of the State has the meaning given it in s. 283.01(20), Wis. Stats., and includes surface waters, groundwater and wetlands.

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