STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM
WPDES PERMIT NO. WI-S065404-2

In compliance with the provisions of Ch. 283 Wis. Stats., and Chs. NR 151 and 216, Wis. Adm. Code, the **Menomonee River Watershed Permittees**:

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

are permitted to discharge storm water from all portions of the

MUNICIPAL SEPARATE STORM SEWER SYSTEM

owned or operated by the Menomonee River Watershed Permittees to waters of the state in watersheds of the Menomonee River, Fox River, Kinnickinnic River, Root River, and Cedar Creek in accordance with the conditions set forth in this permit.

This permit takes effect on the date of signature. This permit to discharge expires at midnight, March 31, 2025. 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 _____ 3/31/2020
Jacob Zimmerman, PE
Water Resources Engineer

Date Permit Signed

PERMIT EFFECTIVE DATE: April 1, 2020 **EXPIRATION DATE:** March 31, 2025

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I. APPLICABILITY

A. PERMITTED AREA

This Wisconsin Pollution Discharge Elimination System (WPDES) permit regulates municipal separate storm sewer system (MS4) discharges from the following municipalities located fully or partially within the Menomonee River Watershed:

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

In this permit these municipalities are referred to as the Menomonee River Watershed Permittees. This permit covers all areas within the jurisdiction of the Menomonee River Watershed Permittees, including areas of the communities which do not drain into the Menomonee River watershed. This permit is issued in accordance with chapter 283, Wis. Stats. and chs. NR 151 and NR 216, Wis. Adm. Code.

B. AUTHORIZED DISCHARGES

This permit authorizes storm water point source discharges 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 II. D. 1 of this permit.

C. INDIVIDUAL RESPONSIBILITY

Each Menomonee River Watershed Permittee is responsible for:

1. Effectively prohibiting non-storm water discharges into the MS4 unless otherwise permitted by Section I. B.

2. Reducing pollutants to the maximum extent practicable (MEP). Compliance with this permit, completion of individual benchmarks, and implementation of the storm water management program establishes this MEP requirement.

3. Completing the Total Maximum Daily Load (TMDL) requirements in Section III. A. and the applicable municipality specific special requirements in Section III. B.

D. SHARED RESPONSIBILITY

1. The Menomonee River Watershed Permittees may work together to comply with the provisions of Section II. A. of this permit.

2. The Menomonee River Watershed Permittees' implementation of one or more of the conditions of this permit may incorporate cooperative efforts with other MS4 regulated

permittees or efforts by other groups or organizations if the shared responsibility is approved by the Department. The permittee may rely on another municipality or contract with another entity to satisfy a condition of this permit if all of the following are met:

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

E. WATER QUALITY STANDARDS

1. This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105, NR 140, and NR 207, Wis. Adm. Code. During the permit term, compliance with water quality standards will be addressed by adherence to the requirements of this permit, implementation of storm water management programs and practices, and modifications to practices when practices are determined not effective to achieve the aforementioned goals and standards.

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

F. WETLANDS

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

G. ENDANGERED AND THREATENED SPECIES

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.

H. 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.

I. IMPAIRED WATERBODIES

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

1. Review the applicable pollutants of concern on the 2018 303(d) list, or the most recent United States Environmental Protection Agency (EPA) approved list that are relevant to the permittee's MS4 discharge and determine whether any part of its MS4 discharges to a listed impaired waterbody. Review shall occur within 12 months each time the 303(d) list is revised.

2. Include a written section in their storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of each pollutant of concern that contributes to the impairment of the waterbody. This section of the permittee's program shall specifically identify control measures and practices that will collectively be used to eliminate the MS4's discharge of pollutant(s) of concern that contribute to the impairment of the waterbody and explain why these control measures and practices were chosen as opposed to other alternatives. Pollutant(s) of concern means a pollutant that is causing impairment of a waterbody.

   Note: The Department maintains a searchable database of impaired waterways. This publicly accessible database is available at http://dnr.wi.gov/water/impairedSearch.aspx.

3. After a permittee's start date of coverage under this permit, the permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired waterbody or increase the discharge of a pollutant of concern to an impaired waterbody unless the new or increased discharge causes the receiving water to meet applicable water quality standards, or the new discharge is consistent with an EPA approved TMDL.

J. GENERAL STORM WATER DISCHARGE LIMITATIONS

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

1. Substances that will cause objectionable deposits on the shore or in the bed of a body of water, shall not be present in such amounts as to interfere with public rights in waters of the state.

2. Floating or submerged debris, oil, scum or other material shall not be present in such amounts as to interfere with public rights in waters of the state.

3. Materials producing color, odor, taste or unsightliness shall not be present in such amounts as to interfere with public rights in waters of the state.

4. Substances in concentrations or combinations which are toxic or harmful to humans shall not be present in amounts found to be of public health significance, nor shall substances be present in amounts which are acutely harmful to animal, plant or aquatic life.

K. EXCLUSIONS

The following are excluded from coverage under this permit:

1. Combined Sewer and Sanitary Sewer Systems:
   Discharges of water from a wastewater treatment facility, sanitary sewer or a combined sewer system conveying both sanitary and storm water. These discharges are regulated under s. 283.31, Wis. Stats, and require a separate individual permit.

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

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

4. Indian Country:
   Storm water discharges within Indian Country. The federal Clean Water Act requires that owners and operators of storm water discharges within Indian Country to obtain permit coverage directly from the EPA.

II. STORM WATER MANAGEMENT PROGRAM

The permittee shall have a written storm water management program (SWMP) that describes in detail how the permittee intends to comply with the permit requirements for each minimum control measure. Unless otherwise specified, the permittee shall submit written program documents no later than March 31, 2022 and shall begin implementing any updates to its storm water management programs no later than March 31, 2022.

A. GROUP PUBLIC EDUCATION AND OUTREACH CONDITIONS

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

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

The program shall:

1. For each topic in Table 1, identify targeted pollutants of concern, the targeted audience, delivery mechanism and the entity responsible for implementation.

2. Address all topics at least once during the permit term with a minimum of 3 topics being addressed, either collectively or individually, each year. Topics may be repeated as necessary.

3. Address the topics in Table 1 below:

Table 1: Public Education and Outreach Topics

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

5	Residential Infiltration	Promote infiltration of residential storm water runoff from rooftop downspouts, driveways and sidewalks through implementation of green infrastructure best management practices (BMPs) such as rain barrels, rain gardens, and permeable pavements.
6	Construction Sites and Post-Construction Storm Water Management	Inform and educate those responsible for the design, installation, and maintenance of construction site erosion control practices and storm water management facilities on how to design, install and maintain the practices.
7	Pollution Prevention	Storm water runoff from commercial properties and, where appropriate, educate specific businesses such as lawn care companies, golf courses, carwashes, and restaurants on storm water pollution prevention planning to reduce pollutant sources.
8	Green Infrastructure/Low Impact Development	Promote environmentally sensitive land development designs by developers and designers, including green infrastructure and low impact development.
9	Snow and Ice Control	Promote BMPs for snow and ice removal and inform specific audiences such as snow removal/deicing companies, private residences, industrial and commercial facilities, and residents about resources that provide further information on methods of reducing application of chemical deicers while maintaining public safety.

B. INDIVIDUAL EDUCATION AND OUTREACH CONDITIONS

Each MS4, excluding Milwaukee County, must implement an education and outreach program designed to achieve measurable goals based upon target audiences, specific storm water quality issues in the community, or identified pollutants of concern. The permittee must:

1. Evaluate the Storm Water Education Needs of their individual community by September 30, 2021. The permittee shall:

   a) Conduct a survey or use other appropriate methods to identify their education needs.

   b) Submit a list of prioritized storm water education needs for their community including the methods and rationale used for prioritization.

2. Complete Targeted Education. The permittee shall:

   a) By September 30, 2023, provide education and outreach within the MS4 boundary for at least one prioritized education topic identified in Section II. B. 1.

   b) Develop metrics that will be used for measuring progress after the education event has been held.

c) Submit as part of the permit application (due September 30, 2024), a summary of the results of the education efforts and planned targeted education for the next permit term.

C. PUBLIC INVOLVEMENT AND PARTICIPATION

The permittee shall implement a public involvement and participation program that provides opportunities for the public to effectively participate in the development, implementation, and modification of the permittee's storm water management program. The approach must include provisions for receiving and considering public comments on the following permit activities: annual reports, SWMP revisions, adoption of storm water related ordinances, and TMDL pollutant load reduction benchmark development. The permittee shall also identify delivery mechanism and target participants associated with 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.

D. ILLICIT DISCHARGE DETECTION AND ELIMINATION

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

1. **Ordinance:** An ordinance or other regulatory mechanism, at a minimum, to:
   a) Prohibit illicit discharge, spilling or dumping of non-storm water substances or material into the permittee's MS4 or waters of the state.

   b) Identify non-storm water discharges or flows that are not considered illicit discharges. Non- storm water discharges that are not considered illicit discharges including water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, firefighting, and discharges authorized under a WPDES permit unless identified by the permittee as significant source of pollutants to waters of the state.

   c) Establish inspection and enforcement 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. **Dry Weather Outfall Screening:** A written IDDE field screening procedure. At a minimum, the procedure must include:
   a) The name, title, and phone number of the individual(s) responsible for field screening activities.

   b) Field screening during dry weather periods (72 hours after measurable rainfall) at the MS4 outfalls.

(1) Location. Screening locations shall be selected by the following criteria:

(a) All major outfalls which showed no indication of illicit discharges during the previous permit term. Annually, at least 20 percent of such major outfalls shall be screened, on a rolling basis, such that at the end of the permit term all major outfalls which showed no indication of illicit discharges during the previous permit term have been screened.

(b) All major outfalls which showed evidence of illicit discharges or exceeded a parameter action level during the last two samplings under the preceding permit term shall be evaluated at a minimum one time per year.

(c) All other outfalls regardless of size, which have been identified as a priority screening location based upon the Human Illicit Discharge Potential methodology. At least 20 percent of such priority outfalls shall be screened annually, on a rolling basis such that at the end of the permit term all major outfalls which showed no indication of illicit discharges during the previous permit term have been screened.

Note: The Human Illicit Discharge Potential methodology was developed during the previous permit term. The prioritization of non-major outfalls should be periodically updated based upon the results of field screening.

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

(3) Field Analysis. If flow is observed, a field analysis must be conducted to determine the cause of the dry weather flow. The field analysis shall include sampling for pH, total chlorine, total copper, total phenol, and detergents unless the permittee elects to use alternative indicator parameters such as ammonia, potassium, and fluoride. Other alternative indicator parameters may be authorized by the Department in writing. Where appropriate, pollutant parameter action levels identified by the permittee must be considered. Field analysis procedures shall describe when other investigation methods such as dye testing or televising will be used.

(4) Pollutant parameter action levels that will be used as part of the field screening and analysis under Section II. D. 2. b) (3). The action levels will identify concentrations for identified pollutants that, if exceeded, will require further investigation, which may include laboratory analysis, to identify the source the illicit discharge.

(5) Laboratory Analysis. If general observations and field screening indicate the presence of a suspected illicit discharge and the source or cause of the illicit discharge cannot be determined through other investigatory methods, the permittee

shall collect a water quality sample for laboratory analysis for ongoing discharges. The water quality sample must be analyzed for pollutant parameters or identifiers which will aide in the determination of the sources of the illicit discharge.

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

3. **Investigation and Elimination Procedures.** The permittee shall have written procedures for investigating and responding to known or suspected illicit discharges. Procedures must be developed for all of the following:

a) The name, title, and phone number of the individual(s) responsible for responding to reports of illicit discharges and spills.

b) Immediately investigating portions of the municipal separate storm sewer system that, based on the results of visual observation, field screening, laboratory analysis, or other relevant information, such as a complaint or referral, indicates a reasonable potential for containing illicit discharges.

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

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

e) Immediately notifying the Department in accordance with ch. NR 706, Wis. Adm. Code, if the permittee identifies a spill or release of a hazardous substance, which results in the discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour toll free spill hotline at 1-800-943-0003. The permittee shall cooperate with Department in efforts to investigate and prevent such discharges from polluting waters of the state.

f) Elimination of the illicit discharge as soon as practicable.

(1) Once the source of an illicit discharge is determined, the permittee must take appropriate action to seek to eliminate the illicit discharges within 30 days. This includes an initial evaluation of the feasibility to eliminate the discharge within 30 days. The permittee shall contact the Department if the illicit discharge cannot be eliminated in the 30-day time period.

(2) If the permittee determines that the elimination of the illicit discharge will take more than 30 days due to technical, logistical or other reasonable issues, the permittee must develop and implement an illicit discharge elimination plan to remove the illicit discharge in an expeditious manner. The elimination plan must be submitted to the Department within 45 days of determining the source of an illicit discharge. In lieu of developing and implementing an individual elimination plan for common types of illicit discharges, the permittee may document and

implement response procedures, a response plan, or similar document. The action plan, response procedures, response plan or similar document must include a timeframe for elimination of the illicit discharge as soon as practicable.

g) Elimination of any leakage or discharge from sanitary conveyance systems into the MS4 as required in s. NR 216.07 (3) (h), Wis. Adm. Code.

h) Providing the Department with advance notice of the time and location of dye testing within a MS4.

i) Notification of adjacent municipality. In the case of an illicit discharge that originates from the municipality's permitted area and that discharges directly to a storm sewer system or property under the jurisdiction the adjacent municipality, the first municipality shall notify the affected municipality within one working day.

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

4. **Enforcement Response.** Include documentation in an enforcement response plan or similar document, by March 31, 2022 a description of the enforcement response procedures the permittee implements when an illicit discharge investigation identifies a responsible party.

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

E. CONSTRUCTION SITE POLLUTION CONTROL

The permittee shall continue to implement and enforce a written program that establishes measurable goals and reduces the discharge of sediment and construction materials from construction sites. The permittee through implementation of this program shall:

1. Maintain and enforce the municipal ordinance regarding construction site storm water discharges on all sites, including municipal projects. The municipal ordinance must include the following items:

a) Performance standards equivalent to, or more restrictive than, those under ss. NR 151.11 and 151.23, Wis. Adm Code.

b) Sanctions to ensure compliance to the extent authorized by law.

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

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

2. Implement procedures for conducting plan reviews to ensure site planning considers potential water quality impacts. Erosion and sediment control best management practices must comply with design, installation, and maintenance standards that meet or exceed the Department's technical standards or permittee's ordinance.

3. Conduct erosion control inspections at sites one acre or more in size within the permittee's jurisdiction. Beginning April 1, 2021, conduct erosion control inspections following the frequency and actions outlined in Table 2.

Table 2: Construction Site Inspection Frequency

Site	Inspection Frequency
(1) All sites one acre or more in size	• 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	• 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	• 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

4. Maintain records of site inspections, including any follow up necessary on sites out of compliance with their site-specific erosion control plans, as identified in the permittee's program.

5. Enforce erosion and sediment control plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.46, Wis. Adm. Code, including municipal projects applicable under the permittee's ordinance.

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

7. Maintain an enforcement response plan or similar document describing the enforcement procedures the permittee will follow when addressing issues at construction sites. The enforcement procedures must ensure construction activities are in compliance with the ordinances.

8. Implement procedures for responding to information submitted by the public, including complaints.

F. POST-CONSTRUCTION STORM WATER MANAGEMENT

Each municipality shall continue to implement and enforce a written program that establishes measurable goals and to control the quantity and quality of discharges from areas of new development and redevelopment, after construction is completed. The program shall include:

1. 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:

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

   a) Applicability and jurisdiction that shall apply to new development and redevelopment projects with one acre or more of land disturbance, and sites of less than one acre if they are part of a larger common plan of development or sale within the jurisdiction of the permittee. The jurisdiction shall include any adjacent developing areas that are planned to have a minimum density of 500 people per square mile, the urbanized area, and developing areas whose runoff will connect to the MS4.

   b) Design criteria, standards and specifications equivalent to the technical standards approved by the Department. The Department approved technical standards are available at http://dnr.wi.gov/topic/stormwater/standards/index.html.

   c) Post-construction performance standards equivalent to, or more restrictive than, those in ss. NR 151.121 through 151.125, Wis. Adm. Code.

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

   e) Permitting requirements, procedures and fees.

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

g) Inspection and enforcement authority.

2. Written procedures for post-construction site plan review which incorporate consideration of potential water quality impacts, including source water protection areas where applicable. Post-construction reviews must be conducted for all construction sites with one or more acres of land disturbance.

3. A system for tracking and completing long-term maintenance, inspections, and enforcement of all post-construction BMPs, public and private. This system shall include:

a) An inventory of all municipally owned or operated BMPs which includes:

(1) BMP, name, location, BMP type, and year constructed.
(2) Record drawing.
(3) An operation and maintenance plan with inspection procedures and schedule.
(4) Written documentation of the municipalities' ability to use a privately-owned BMP to meet a water quality requirement of this permit.

b) Written procedures that will be used by the permittee through its ordinance jurisdiction, approval process, and authority, to track and enforce the long-term maintenance of storm water management facilities implemented to meet the post-construction performance standards in Section II F. 1. c).

c) Long-term maintenance inspections at least once per permit term

d) Inspection documentation

e) A description of the inspection and enforcement response procedures the permittee will follow when addressing project compliance issues with the enforceable post-construction storm water management performance standards.

4. Green Infrastructure Barrier Removal. Each permittee shall review design, construction, landscaping and other related ordinances to identify and remove barriers to implementation of green infrastructure projects within the MS4. Barriers shall be removed through adopted ordinance revisions by March 31, 2022. If barriers are identified after March 31, 2022, the barriers shall be removed within 18 months of barrier identification.

G. POLLUTION PREVENTION

Each municipality shall develop and implement a written pollution prevention program that establishes measurable goals for pollution prevention. The program shall include:

1. Winter Road Management:
   a) Road salt or other deicer shall not be applied in quantities larger than required to maintain public safety. The permittee shall develop and implement a written salt application or salt reduction strategy to minimize over application of deicers. The strategy shall include a description of the temperature, precipitation event, and road conditions, and other factors which warrant different management techniques. The plan will also include a description of the equipment and products used for road management.

   b) All salt application equipment shall be calibrated annually beginning November 2020. Calibration methods shall be documented in the salt application strategy or similar document and calibration records kept for 5 years.

   c) Training on the Permittee's salt strategy shall be provided at a frequency no less than every other year.

   d) The quantity of salt and other deicing products shall be tracked on a monthly basis and reported on the annual report.

2. Nutrient Management:
   The application of turf and garden fertilizers on five acres or more of municipally controlled properties shall be done in accordance with a site-specific nutrient application schedule based on appropriate soil tests. The nutrient application schedule shall be designed to maintain the optimal health of the turf or garden vegetation. All properties subject to this section shall be identified on the MS4 map.

3. Street Sweeping and Catch Basin Cleaning:
   a) If street sweeping or catch basin cleaning is utilized to meet a water quality requirement under this permit, sweeping and catch basin shall continue at the frequency specified in the SWMP. The number of lane miles swept, number of catch basins cleaned, and the weight in tons of the material collected shall be tracked and included in the Annual Report.

   b) Material collected through street sweeping and catch basin cleaning 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 section a) 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/

4. Management of Leaves and Grass Clippings:
   If the permittee provides leaf and grass clipping collection, the program shall include the following:

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

   b) Identification of leaf disposal locations.

   c) An estimate of the weight in tons of material collected annually and a description of how the weight is estimated.

   d) By March 31, 2023, A description of the BMPs which the permittee employs or will employ to its leaf collection program that reduce nutrient loading to the receiving waters. The permittee shall consider source, transport and discharge location when considering BMPs for the leaf collection program.

5. Storm Water Pollution Prevention Planning:
   All municipal garages, municipal storage areas, and other public works related municipal facilities shall have a Storm Water Pollution Prevention Plan (SWPPP). The SWPPPs shall:

   a) Be developed and implemented by December 31, 2020 for sites without a SWPPP.

   b) Include the information under s. NR 216.27 (3), Wis. Adm. Code, minus the monitoring requirements under s. NR 216.27 (3) (l), Wis. Adm. Code.
   Note: The SWPPP requirements can be located here: https://docs.legis.wisconsin.gov/code/admin_code/nr/200/216/II/27.

   c) Conduct and document quarterly visual inspections of the property and annual facility compliance inspections.

   d) Discuss spill prevention and response for each facility.

   e) Contain procedures for annual training of municipal staff on implementation of the SWPPP.

6. Internal Training and Education:
   The permittee shall provide education for appropriate municipal and other personnel involved in implementing the pollution prevention programs. Documentation shall be maintained of the date, the names of each person attending, and the content of the training.

H. STORM WATER QUALITY MANAGEMENT

Each municipality shall develop and implement a municipal storm water management program that controls the discharge of total suspended solids from the MS4 system to waters of the state.

1. The storm water management program shall achieve compliance with the developed urban area performance standards of s. NR 151.13(2), Wis. Adm. Code, for those areas of the municipality that were not subject to the post-construction performance standards of s. NR 151.12 or 151.24, Wis. Adm. Code. (Note: projects prior to Oct. 1, 2004).

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

I. STORM SEWER SYSTEM MAP

Each municipality shall maintain a municipal separate storm sewer system map. The municipal storm sewer system map shall include:

1. Identification of waters of the state, watershed boundaries, name and classification of receiving waters, and identification of whether the receiving water is listed as an impaired water under s. 303 (d) of the Clean Water Act.

2. Identification of all known municipal storm sewer system outfalls discharging to waters of the state or other municipal separate storm sewer systems, stormwater drainage basin boundaries for each MS4 outfall, and municipal separate storm sewer conveyance systems with flow direction. Major outfalls shall be categorized and priority outfalls for illicit discharge detection and elimination shall be identified. Other major municipal, government, or privately-owned storm water conveyance systems lying within, but not owned by the permittee, shall also be identified.

3. A boundary defining the municipal border and the storm water planning area.

4. The location of any known discharge to the municipal separate storm sewer system that has been issued a WPDES permit by the Department.

5. Location of municipally owned or operated structural storm water controls including detention basins, infiltration basins, and manufactured treatment devices. If the permittee will be taking credit for pollutant removal from privately-owned facilities, they must be identified.

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

7. Location of municipal garages and other public works facilities.

8. Identification of streets.

9. Identification of other potential sources of pollution.

J. 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.

K. ANNUAL REPORT

The Permittee shall submit an annual report by **March 31st of the following year** for each calendar year unless the Department authorizes biannual reporting to be submitted the 2nd and 4th year of the permit term pursuant to s. NR 216.07(8) Wis. Adm. Code. The municipal governing body, interest groups and the general public shall be provided opportunity to review and comment on the annual report. The annual report shall include:

1. 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 II of this permit or lack of progress towards meeting a measurable goal, the permittee shall initiate program changes to improve their effectiveness.

2. Updated storm sewer system maps, where necessary, to identify any new outfalls, structural controls, or other noteworthy changes.

3. An IDDE report that includes:

   a) A summary of screening results from outfalls evaluated under Section II D.2.

   b) Identified Illicit Discharges: A summary of each identified illicit discharge and follow up actions.

   c) Spills: A summary of all spills including location, material, quantity, and follow up actions.

4. A summary describing:

   a) The number and nature of construction and post-construction inspections and enforcement actions conducted to ensure compliance with the required ordinances.

   b) Street sweeping frequency and the amount collected.

   c) Catch basin cleaning frequency and the amount collected.

   d) All SWPPP inspections.

   e) Pollutant loading removal rates and status of meeting performance standards.

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

3. Identification of any known water quality improvements or degradation in the receiving water to which the permittee's MS4 discharges as required in Section I I. 2. Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water.

4. 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.

5. 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

L. REAPPLICATION FOR PERMIT COVERAGE

To remain covered after the expiration date of this permit, pursuant to s. NR 216.09, Wis. Adm. Code, the permittee shall submit an application package to the Department by September 30, 2024 for continued coverage under a reissued version of this permit. The application package shall include:

1. For each storm water management program, the proposed program modifications and measurable goals for the next permit term. This includes specific actions and activities or structural BMPs and expected dates of implementation.

2. An assessment of the proposed storm water management program's adequacy to reduce pollutants to the MEP. The assessment must include:

   a) Explanation and rationale on how implementation of the programs provides the highest level of performance that is achievable during the next permit term considering other environmental problems, technical capability, current technology, and available resources.

   b) Estimate the additional pollution reduction and water quality benefits from the proposed action. This includes proposed BMPs for pollutants causing impairments not included in a TMDL.

3. A fiscal evaluation summarizing program expenditures for the current permit cycle and projected program allocations for the next permit cycle.

4. An updated estimate of annual storm water pollutant loads for TSS and TP. A description of how the pollutant loads were calculated shall be provided.

5. The established TMDL pollutant load reduction benchmarks, as required by Section III. A. 3.

6. The proposed fecal coliform reduction benchmarks for the next permit term, as discussed in Section III. A. 4.

7. Updated MS4 maps showing service boundary of the MS4, projected changes in land use and future growth, and industrial WPDES permittees which discharge to the MS4.

8. A summary of the results from the individual education efforts in Permit Section II. B. 2 and the planned education efforts for the next permit term.

III. SPECIAL CONDITIONS

A. TOTAL MAXIMUM DAILY LOADS (TMDLs):

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

1. TMDL POLLUTANT LOAD REDUCTION EVALUATION FOR TSS AND TP:

The progress towards reducing TMDL pollutant loads shall be evaluated by the Permittee through modeling analysis, or through substantially similar or equivalent methods as approved by the Department. The results of the pollutant reduction evaluation shall be described in a report and submitted to the Department by March 31, 2023. The report must contain the following items:

a) A map that identifies:

(1) The TMDL reachshed boundaries within the municipal boundary
(2) The MS4 drainage boundaries associated with each TMDL reachshed
(3) Identification of areas within the municipal boundary the permittee believes should be excluded from its analysis to show progress towards reducing TMDL pollutant loads
(4) Structural BMPs and associated drainage area for each BMP used for pollutant reduction.

b) The associated area, in acres, for the lands identified in Section III. A.1.a (1) through (4).

c) An explanation for why the the area identified in Section III. A.1.a (3) are to be excluded from analysis

d) The methodology and rationale used to evaluate progress towards reducing TMDL pollutant loads

e) For each reachshed, an estimate of the current pollutant loading without considering implementation of BMPs and an estimate of the current pollutant loadings considering BMP implementation. The difference between these two estimates is the existing load reduction. For privately owned BMPs, the permittee must have a maintenance agreement to count the load reduction.

f) A comparison of the applicable TMDL WLA for each reachshed to the estimated pollutant loading with and without BMPs. The applicable TMDL reachshed reductions from the no controls condition are identified in Section VII.

g) For each structural BMP, a tabular summary which identifies the type of BMP, area treated in acres, pollutant loading reduction efficiency, and documentation of the maintenance agreement for any private BMP.

h) A description of the effectiveness of non-structural BMPs, if applicable, and the rationale for the selected approach.

i) A narrative summarizing progress towards the applicable TMDL WLAs, and if applicable, existing TMDL benchmarks.

j) If the permittee estimates that the TMDL WLAs are achieved with existing BMP implementation, the permittee must provide a statement supporting this conclusion.

2. WLA ATTAINMENT ANALYSIS:

The permittee shall complete an assessment of TSS and TP WLA attainment, including identifying information related to the type and extent of BMPs necessary to achieve the pollutant load reductions in the Milwaukee River Basin TMDL and the financial costs and other resources that may be associated with the implementation, operation and maintenance of BMPs. The results of the assessment must be submitted to the Department by September 30, 2023. The attainment analysis shall also include:

a) A review of local development and redevelopment standards. This review shall evaluate historical development and redevelopment rates and the potential pollutant load reduction achieved in future years if more stringent pollutant reductions standards are adopted.

3. ESTABLISHMENT OF WLA BENCHMARKS FOR TSS AND TP

A TMDL pollutant reduction benchmark must be developed for TSS and TP where existing BMP implementation is not achieving the WLA. Updated pollutant benchmarks must be submitted by September 30, 2024. The submittal must include:

a) The pollutant load reduction benchmark proposed to achieve additional progress towards the TMDL WLA during the next permit term.

b) An explanation of the relationship between the TMDL WLA and the TMDL benchmark for each TMDL pollutant.

c) A description of how SWMP implementation contributes to the overall reduction of the TMDL pollutants during the next permit term.

d) Identification of additional BMPs or modified BMPs that will result in further reductions in the discharge of the applicable TMDL pollutants, including the rationale for proposing the BMPs.

e) An estimate of current pollutant loading that reflect implementation of the current BMPs and the BMPs proposed to be implemented during the next permit term.

4. FECAL COLIFORM REDUCTION EFFORTS:

a) Each permittee shall develop an action benchmark for bacteria for their Illicit Discharge Screening program as described in Section II. D. 6. By June 30, 2021.

b) Fecal Coliform Inventory: By March 31, 2023, the permittee shall develop and submit to the Department an inventory of fecal coliform sources and a map indicating the locations of the potential sources of fecal coliform entering the MS4. The inventory shall be in tabular format and include a label code, location, description, and ownership of the source. The map shall identify the location of the sources by label code. The

inventory shall consider flow variation in its identification of sources. The inventory and map shall include the following sources:

(1) Known or suspected leaking or failing septic systems
(2) Sanitary sewer overflow locations
(3) Livestock and domesticated animals housed or raised within the MS4 permitted area and discharging into the MS4, but not including household pets.
(4) Zoos, kennels, animal breeders, pet stores, and dog training facilities
(5) Waste hauling, storage, and transfer facilities
(6) Areas that attract congregations of nuisance urban birds and wildlife
(7) Known or suspected properties with inadequate food or organic waste handling or storage
(8) Composting sites or facilities
(9) Known or suspected areas with improper human sanitation use
(10) Any other source that the permittee identifies as discharging to the MS4.

c) By September 30, 2023, the permittee shall develop and submit to the Department a fecal coliform source elimination plan. The plan shall include:

(1) Prioritization of source removal with and explanation of the prioritization criteria. Prioritization criteria shall include, at a minimum, fecal coliform source, exposure risk, ease of removal, and cost.
(2) A description of the type and extent BMPs to be employed to address each source
(3) A cost estimate of BMP implementation, operation, and maintenance
(4) A schedule for implementation of the bacteria elimination plan that reflects expeditious reduction with specific actions or benchmarks identified to be implemented during the next permit term.
(5) BMPs identified may be structural, non-structural, targeted outreach, new or revised ordinances, new design criteria, or new plan review considerations, but the plan shall include rationale for using each BMP, the reasons selection of each BMP, and the expected result of BMP implementation.

B. INDIVIDUAL BENCHMARKS

The following requirements represent specific actions each permittee must complete. The requirements build upon the existing pollutant reductions and move the permittees towards achieving future load reduction goals. The requirements are individual in nature because each MS4 has its own pollutant reduction goals and associated plans for achieving the reductions. Where appropriate, completion of a benchmark may incorporate cooperative efforts with other entities regulated or not by this permit on the condition that requirements defined in section I.D.2. of this permit are upheld.

The permittee shall achieve the following benchmarks applicable to their MS4. All benchmarks shall be completed by the end of the permit term unless specified sooner.

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

a) Implement control measures identified in its January 8, 2018 SWMP as development and redevelopment occurs.

b) Develop and execute a study to determine the impacts of sediment removal in four storm water ponds. The findings shall be incorporated into the Post-Construction program through the adaptive management process.

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

   a) Complete at least two water quantity or quality projects. At least one project must be within the Village limits.

3. The **Village of Elm Grove** shall:

   a) Complete the Tonawanda Wetland Restoration project

   b) Complete one project which replaces curb and gutter drainage with grassed swale drainage.

4. The **Village of Germantown** shall:

   a) By, September 30, 2021, develop an enhanced pond maintenance program. The program shall:

      (1) Develop and implement a system for evaluating and maintaining storm water ponds within the Village. The system shall include evaluation criteria to be used during inspections, criteria which inspection results will be compared to for determining maintenance needs, and prioritization criteria for determining which ponds receive maintenance beyond routine maintenance.

      (2) Provide maintenance when inspections identify deficiencies with the structure. The prioritization criteria may be used if multiple structures need maintenance to target the highest need structures.

      (3) Evaluate all ponds by permit expiration.

      (4) Evaluate ponds for retrofit potential. If a pond is identified as a retrofit site, it shall be included in the WLA Attainment Assessment under Section A.2.

   b) Utilize the 10-year Road Capital Improvement Project program to reduce impervious pavement.

      (1) By September 30, 2021, develop Criteria for roadway evaluation which will be used to identify planned road projects which can reduce impervious area.

      (2) Roadways which can reduce impervious area after reconstruction shall be included in the WLA Attainment Assessment under Section A.2

   c) Complete one green infrastructure project within the Village.

5. The **City of Greenfield** shall:

   a) Update the City's storm water website to provide additional educational material and promote usage of rain barrels.

   b) Develop a partnership between the local schools and parks to provide education on storm water management to students.

c) Coordinate education and outreach with planned illicit discharge screening to supply educational material to residents and businesses tributary to the screening locations. The coordinated education shall begin March 31, 2022**.**

d) Develop or update storm water pollution prevention plans for public works yards by December 31, 2020.

e) Complete two storm water quality projects within the City's MS4 boundary.

6. The **Village of Menomonee Falls** shall:

a) Complete three storm water quantity or quality projects. One project must be water quality related and be completed within the Village's MS4 boundary.

b) Revise the municipal street sweeping program by March 31, 2022. The Program shall:

(1) Update and implement the street sweeping program to more effectively remove pollutants.

(2) Develop a coordinated leaf collection and street sweeping program.

c) Clean all catch basins at least once per year beginning January 1, 2021.

d) Develop a Storm Water Pollution Prevention Plan for the new public works facility by December 31, 2020.

e) Inspect stormwater outfalls in accordance with Section II. D.

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

a) Update the storm water management website and provide additional educational material.

b) Install BMPs to provide treatment for an additional 275,000 gallons annually. The quantity can be achieved on an average basis over the permit term. The City shall provide a summary of progress with each annual report.

c) Update storm water pollution prevention plan inspection procedures. Procedures shall be updated by March 31, 2021.

8. **Milwaukee County** shall:

a) Install BMPs to provide treatment for an additional 5,000,000 gallons of storm water over the course of the permit term.

b) Coordinate one storm water workshop as part of the education and outreach program. The workshop shall focus on one of the pollution prevention activities under Section II.G.

c) Develop and Execute one pilot project which evaluates an innovative BMP design or innovative contracting mechanism for storm water related services.

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

a) Continue to promote and subsidize the sale of rain barrels within the City's MS4 boundary.

b) Develop and implement a green infrastructure plan for City parking lots. The City shall implement green infrastructure on three lots during the permit term.

c) Review existing development ordinances and study feasibility of creating requirements above the existing minimum requirements. This can include new design standards or TMDL performance standards.

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

a) Install two storm water quality improvement projects during the permit term.

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

a) Install BMPs which will provide treatment for an additional 400,000 gallons of storm water during the permit term.

IV. IMPLEMENTATION SCHEDULE

A. ALL PERMITTEES:

The permittees shall comply with the specific permit conditions contained in Permit Sections II and III according to the schedules in Table 3. All permittees shall begin implementing any updates to their storm water management programs no later than March 31, 2022. 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

Table 3: Implementation Schedule for Permit Requirements

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE	COMMENTS
Section I.H.1	Identify discharges to an impaired waterbody.	12 months after 303(d) list is updated.	All permittees
Section II	Submit written Storm Water Management Program document updates and begin implementation.	March 31, 2022	All permittees
Section II.B.1. (b)	Individual Education and Outreach – Submit prioritized education needs based upon survey results.	September 30, 2021	All permittees (excluding Milwaukee County)
Section II.B.2. (a)	Individual Education and Outreach – Complete targeted education and outreach for one high priority education need.	September 30, 2023	All permittees (excluding Milwaukee County)
Section II.B.2. (c)	Individual Education and Outreach – Submit results of education effort and planned future efforts with permit application.	September 30, 2024	All permittees (excluding Milwaukee County)
Section II.D.4	Illicit Discharge Detection and Elimination- Submit Enforcement response plan.	March 31, 2022	All permittees (excluding Milwaukee County)
Section II.E.3	Construction Site Pollutant Control – Conduct inspections according to the specified frequency.	April 1, 2021	All permittees
Section II.F.4	Post-Construction Storm Water Management – Remove barriers to green infrastructure.	March 31, 2022, and 18 months after barrier identification	All permittees
Section II.G.1.b	Pollution Prevention – Calibrate salt application machinery.	Annually beginning November 2020.	All permittees
Section II.G.1.c	Pollution Prevention – Provide salt application training.	Every other year	All permittees

Section II.G.4.d	Leaf Management – Submit the BMPs the permittee will employ to reduce nutrient loading from leaves.	March 31, 2023	All permittees
Section II.G.5.a	Pollution Prevention – Submit storm water pollution prevention plans (SWPPP) for all sites without a current SWPPP.	December 31, 2020	All permittees
Section II.K	Submit Annual Report	March 31 of each year reporting on previous calendar year	All permittees
Section II.L	Submit Permit Application	September 30, 2024	All permittees
Section III.A.1	Total Maximum Daily Load—Submit pollutant reduction analysis report.	March 31, 2023	All Permittees
Section III.A.2	Total Maximum Daily Load—Submit wasteload allocation attainment analysis.	September 30, 2023	All Permittees
Section III.A.3	Total Maximum Daily Load—Submit TSS and TP benchmarks for the next permit term.	September 30, 2024	All Permittees
Section III.A.4 (a)	Total Maximum Daily Load—Develop bacteria action level for illicit discharge screening.	June 30, 2021	All Permittees
Section III.A.4 (b)	Total Maximum Daily Load—Submit fecal coliform source inventory.	March 31, 2023	All Permittees
Section III.A.4 (c)	Total Maximum Daily Load—Submit fecal coliform source elimination plan.	September 30, 2023	All Permittees

B. INDIVIDUAL CONDITIONS:

Each Permittee shall complete their individual benchmarks identified in Section III. B. by the end of the permit, March 31, 2025, unless otherwise specified in Table 3.

Table 3: Individual Benchmark Schedule

PERMITTEE	ACTIVITY	COMPLIANCE DATE	PERMIT SECTION
All Permittees	Complete all individual benchmarks.	March 31, 2025	Section III.B
Village of Germantown	Develop storm water pond maintenance program.	September 30, 2022	Section III.B.4.(a)
Village of Germantown	Develop roadway evaluation criteria for future stormwater projects.	September 30, 2021	Section III.B.4.(b)

City of Greenfield	Coordinate Public Education and Outreach with Illicit Discharge Screening.	March 31, 2022	Section II.B.5. (c)
City of Greenfield	Develop or update all SWPPPs.	December 31, 2020	Section II.B.5. (d)
Village of Menomonee Falls	Update municipal street sweeping program.	March 31, 2022	Section II.B.6. (b)
Village of Menomonee Falls	Clean all catch basins annually.	Beginning 2021, annually thereafter	Section II.B.6. (c)
Village of Menomonee Falls	Develop SWPPP for new public works facility.	December 31, 2020	Section II.B.6. (d)
City of Milwaukee	Update SWPPP inspection procedures.	March 31, 2021	Section II.B.7. (c)

V. STANDARD CONDITIONS

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated by reference in this permit. The Menomonee River Watershed Permittees shall meet 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 municipalities shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action, permit revocation or modification, or denial of a permit reissuance application.

B. COMPLIANCE SCHEDULES:

Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of the permit shall be submitted in writing within 14 days after the schedule date, except that progress reports shall be submitted in writing on or before each schedule date for each report. Any report of noncompliance shall include the cause of noncompliance, a description of remedial actions taken, and an estimate of the effect of the noncompliance on the municipality's ability to meet the remaining schedule dates.

C. NONCOMPLIANCE NOTIFICATION:

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

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

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

E. SPILL REPORTING

The permittee shall immediately notify the Department, in accordance with s. 292.11(2)(a), Wis. Stats., which requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the DNR immediately of any discharge not authorized by the permit. The discharge of a hazardous substance that is not authorized by

this permit or that violates this permit may be a hazardous substance spill. To report a hazardous substance spill, call the DNR's 24-hour HOTLINE at 1-800-943-0003.

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

F. PROPER OPERATION AND MAINTENANCE:

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

G. BYPASS:

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

H. DUTY TO HALT OR REDUCE ACTIVITY:

Upon failure or impairment of best management practices identified in the storm water management program, each municipality shall, to the extent practicable and necessary to maintain permit compliance, modify or curtail operations until the best management practices are restored, or an alternative method of storm water pollution control is provided.

I. REMOVED SUBSTANCES:

Solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of storm water shall be stored and disposed of in a manner to prevent any pollutant from the materials from entering the waters of the state, and to comply with all applicable Federal, State, and Local regulations.

J. ADDITIONAL MONITORING:

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

K. INSPECTION AND ENTRY:

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

1. Enter upon the municipal premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit.
2. Have access to and copy, at reasonable times, any records that are required under the conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit.
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

L. DUTY TO PROVIDE INFORMATION:

Each municipality 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. Each municipality shall also furnish the Department, upon request, copies of records required to be kept by the municipality.

M. PROPERTY RIGHTS:

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

N. DUTY TO REAPPLY:

If any of the Menomonee River Watershed Permittees wish to continue an activity regulated by the permit after the expiration date of the permit, the municipality shall apply for a new permit at least 180 days prior to the expiration date of the permit. If a timely and complete application for a new permit is filed and the permit is not reissued by the time the existing permit expires, the existing permit remains in effect until the application is acted upon.

O. OTHER INFORMATION:

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

P. RECORDS RETENTION:

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

Q. PERMIT ACTIONS:

As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing the permit may be modified or revoked and reissued for cause. If a municipality files a request for a permit modification, revocation or reissuance, or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the 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 use citations or referrals to the Department of Justice to enforce the conditions of this permit. Violation of a condition of this permit is subject to a fine of up to $10,000 per day of violation.

T. ATTAINMENT OF WATER QUALITY STANDARDS AFTER AUTHORIZATION:

Except for situations where a TMDL has been approved by US EPA during the permit term, at any time after authorization, the Department may determine that the discharge of storm water from a permittee's MS4 may cause, have the reasonable potential to cause, or contribute to an excursion of any applicable water quality standard. If such determination is made, the Department may require the permittee to do one of the following:

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

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

VI. DEFINITIONS

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

A. Department means the Wisconsin Department of Natural Resources.

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

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

D. 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.

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

F. Illicit discharge means any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, firefighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges. However, the occurrence of a discharge listed above may be considered an illicit discharge on a case-by-case basis if the permittee or the Department identifies it as a significant source of a pollutant to waters of the state.

G. 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.

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

I. 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.

J. 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.

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

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

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

2. A municipal separate storm sewer system that receives storm water runoff from lands zoned for industrial activity that is associated with a drainage area of more than 2 acres or from other lands with 2 or more acres of industrial activity, but not land zoned for industrial activity that does not have any industrial activity present.

M. 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.

N. Municipality Operated BMP means a structural storm water management practice or BMP which is not owned by the Municipality which the municipality has a maintenance agreement with the owner and takes credit for pollutants removed from the BMP.

O. 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

P. 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.

Q. 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).

R. 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.

S. 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

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

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

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

W. Redevelopment means areas where development is replacing older development.

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

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

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

AA. Storm water management practice or Best Management Practice (BMP) means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in stormwater runoff to waters of the state.

BB. 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.

CC. 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.

DD. 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.

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

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

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

VII. TSS AND TP WASTELOAD ALLOCATIONS

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

Table 1: 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%

Table 2: 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%

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

Table 3: 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%

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

Reachshed (TMDL Subbasin)	Waterbody Name	Waterbody Extents	TSS % Reduction from No-controls	TP % Reduction from No-controls
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.