PERMIT TO DISCHARGE UNDER THE
WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM
WPDES PERMIT NO. WI-S058416-3

In compliance with the provisions of ch. 283, Wisconsin Statutes, and chs. NR 151 and 216, Wisconsin Administrative Code,

THE CITIES OF FITCHBURG, MADISON, MIDDLETON, MONONA, SUN PRAIRIE, AND VERONA; THE VILLAGES OF DEFOREST, MAPLE BLUFF, MCFARLAND, SHOREWOOD HILLS, AND WAUNAKEE; THE TOWNS OF BLOOMING GROVE, BURKE, MADISON, MIDDLETON, WESTPORT, AND WINDSOR; DANE COUNTY; AND THE UNIVERSITY OF WISCONSIN – MADISON

are permitted to discharge storm water from

ALL PORTIONS OF THE CO-PERMITTEES' MUNICIPAL SEPARATE STORM SEWER SYSTEMS

owned or operated by the co-permittees listed above to the following waters of the state and associated tributaries:

BADFISH CREEK
BLACK EARTH CREEK
MAUNESHA RIVER
MIDDLE SUGAR RIVER
SIX MILE, PHEASANT BRANCH AND DORN CREEKS
UPPER KOSHKONONG CREEK
UPPER SUGAR RIVER
YAHARA RIVER AND LAKE KEGONSA
YAHARA RIVER AND LAKE MENDOTA
YAHARA RIVER AND LAKE MONONA
YAHARA RIVER AND LAKE WAUBESA

in accordance with the conditions set forth in this permit.

This permit to discharge shall expire at midnight, June 30, 2014.

To retain authorization to discharge after this expiration date an application shall be filed by the co-permittees for reissuance of this permit in accordance with the requirements of s. NR 216.09, Wis. Adm. Code, at least 180 days prior to this permit's expiration date.

State of Wisconsin Department of Natural Resources
For the Secretary

By: Lloyd L Eagan
Lloyd Eagan, South Central Region Director

Dated: June 29, 2009

EFFECTIVE DATE: July 1, 2009

EXPIRATION DATE: June 30, 2014

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Description and Purpose of this WPDES Municipal Storm Water Discharge Permit

Each municipality listed as a co-permittee under this permit submitted a reissuance application letter to the Department pursuant to s. NR 216.09, Wis. Adm. Code, to be covered under a group WPDES Municipal Storm Water Discharge Permit for storm water discharges from the group's municipal separate storm sewer systems (MS4s) to waters of the state. Discharges from these MS4s consist of runoff from rain, and snow and ice melt. Pollutants of concern in storm sewer system discharges include organic materials, suspended solids, metals, nutrients, bacteria, pesticides, fertilizer, and traces of toxic materials.

This permit regulates storm water discharges in accordance with ch. 283, Wis. Stats. and subch. I of ch. NR 216, Wis. Adm. Code, and implements the non-agricultural and transportation facility performance standards of ch. NR 151, Wis. Adm. Code. A municipality that is a co-permittee under this permit is only responsible for permit conditions relating to discharges from the MS4 under its jurisdiction for which it is the owner or operator.

The co-permittees under this permit are continuing to work together under an intermunicipal agreement to refine and implement an extensive joint information and education plan and have agreed to cooperate as appropriate on permit requirements. This permit authorizes and regulates the discharge of storm water from the co-permittees' MS4s, in accordance with subch. I of ch. NR 216, Wis. Adm. Code. Permit requirements are intended to reduce the amount of pollutants entering storm water runoff or otherwise entering MS4s. Many of the permit requirements are focused on pollution prevention efforts. Major components of the permit include storm water management programs to address public information and education, public involvement and participation, illicit discharge detection and elimination, construction site pollution control, post-construction site storm water management, pollution prevention, monitoring, and biennial reporting. However, the implementation of the developed urban area performance standards of s. NR 151.13, Wis. Adm. Code, are expected to require a combination of treatment practices to be implemented to meet the total suspended solids (TSS) performance standards.

Note: Wisconsin Administrative Codes referenced in this permit are available online at: http://www.legis.state.wi.us/rsb/

A. APPLICABILITY

(1) WATERS OF THE STATE: This permit regulates the discharge of storm water to waters of the state from the MS4s of the co-permittees under this permit. For the purposes of this permit, "waters of the state" means all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters that are entirely confined and retained completely upon the property of a person.

(2) PREVIOUS GROUP PERMIT: This permit replaces WPDES Permit No. WI-S058416-2 issued on April 28, 2004.

(3) PERMITTED AREA: This permit covers all areas under the ownership, control or jurisdiction of the co-permittees that contribute to discharges from a "municipal separate storm sewer system" or "MS4." "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, that are owned or operated by a co-permittee and designed or used for collecting or conveying storm water.

(4) CO-PERMITTEES: The co-permittees under this permit consist of the following municipalities: The Cities of Fitchburg, Madison, Middleton, Monona, Sun Prairie, and Verona; the Villages of DeForest, Maple Bluff, McFarland, Shorewood Hills, and Waunakee; the Towns of Blooming Grove, Burke, Madison, Middleton, Westport, and Windsor; Dane County; and the University of Wisconsin – Madison.

(5) DANE COUNTY: Specifically for Dane County as a co-permittee, this permit only authorizes discharges of storm water from the MS4 owned or operated by Dane County that occur within the geographical boundaries of the other co-permittees.

(6) COMPLIANCE DATES: Unless specified otherwise in Section G., all co-permittees under this permit shall comply with the provisions and requirements of this permit as of its effective date and thereafter.

(7) AUTHORIZED DISCHARGES: This permit only authorizes storm water discharges to waters of the state from the co-permittees' MS4s as provided under subch. I of ch. NR 216, Wis. Adm. Code. 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 that are not considered illicit discharges.

(8) WATER QUALITY STANDARDS: 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 to 105 and NR 140, Wis. Adm. Code. Compliance with water quality standards will be addressed by adherence to the provisions and storm water management program requirements of this permit. If the Department of Natural Resources determines that the discharge of storm water from a co-permittee's MS4 contributes to an exceedance of any applicable water quality standard, the Department of Natural Resources may require the co-permittee to develop an action plan to adequately address the identified water quality concern, or submit valid and verifiable data and information that are representative of ambient conditions to indicate that the receiving water is attaining the water quality standard.

(9) GENERAL STORM WATER DISCHARGE LIMITATIONS: Each co-permittee shall take all reasonable and necessary actions to prevent discharges from its MS4 that may adversely affect receiving water quality or aquatic life including:

(a) Solids that may settle to form putrescent or otherwise objectionable sludge deposits.

(b) Oil, grease, and other floating material that form noticeable accumulations of debris, scum, foam, or sheen.

(c) Color or odor that is unnatural and to such a degree as to create a nuisance.

(d) Toxic substances in amounts toxic to aquatic life, wildlife, or humans.

(e) Nutrients conducive to the excessive growth of aquatic plants and algae to the extent that such growth is detrimental to desirable forms of aquatic life, creates conditions that are unsightly, or are a nuisance.

(f) Any other substances that may impair, or threaten to impair, beneficial uses of the receiving water.

(10) OTHER REGULATORY PROGRAMS: Nothing in this permit shall exempt a co-permittee from the responsibility to comply with other federal, state or local laws.

(11) CO-PERMITTEE COOPERATION: To the maximum extent practicable, co-permittees are encouraged to cooperate with other co-permittees to jointly meet the requirements of this permit. Co-permittees may, by written agreement, implement conditions of this permit with another co-permittee or contract with another entity to perform one or more of the conditions of this permit. However, each co-permittee is ultimately responsible for compliance with the conditions of this permit.

(12) OUTSTANDING AND EXCEPTIONAL RESOURCE WATERS

(a) The co-permittee shall determine whether any part of its MS4 discharges to an outstanding resource water (ORW) or exceptional resource water (ERW). ORWs and ERWs are listed in ss. NR 102.10 and 102.11, Wis. Adm. Code. An unofficial list of ORWs and ERWs may be found on the Department's Internet site at: http://dnr.wi.gov/org/water/wm/wqs/. Black Earth Creek is an ORW and Sixmile Creek and the Sugar River are ERWs.

(b) The co-permittee may not establish a new MS4 discharge of pollutants to an outstanding resource water (ORW) or an exceptional resource water (ERW) unless the storm water management programs required under this permit are designed to ensure that any new MS4 discharge of pollutants to an ORW or ERW will not exceed background levels within the ORW or ERW.

1. "New MS4 discharge of pollutants" means an MS4 discharge that would first occur after the co-permittee's effective date of coverage under this 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, whether at an existing discharge point or at a new location to a surface water to which the MS4 discharged on or before coverage under this permit.

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

(d) If the co-permittee has an existing MS4 discharge to an ORW, it may increase the discharge of pollutants, either at the existing point of discharge or a new location, provided all of the following are met:

1. The pollutant concentration within the receiving water and under the influence of the existing discharge would not increase as compared to the level that existed prior to coverage under this permit.

2. The increased discharge would not result in a violation of water quality standards.

(13) IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

(a) 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). Impaired waters are those that are not meeting applicable water quality standards. A list of Wisconsin impaired water bodies may be found on the Department's Internet site at: http://dnr.wi.gov/org/water/wm/wqs/303d/2008/2008Updates.htm.

Note: At the time of permit issuance, the following waters were listed as impaired: Pheasant Branch Creek, Dorn Creek, Token Creek, Maunesha River, Starkweather Creek, Murphy (Wingra) Creek, Nine Springs Creek, Yahara River and Rock River. Dorn Creek has also been labeled as Spring (Dorn) Creek in some publications. The Department has proposed that the following beaches be listed as impaired due to E. coli: Spring Harbor, James Madison and Marshall Park beaches on Lake Mendota; Bernies, Brittingham, Esther Park, Olbrich and Olin Park beaches on Lake Monona; and Vilas Park Beach on Lake Wingra. The Department's proposed listing does not classify the beaches as impaired until such time that USEPA approves of the listing.

(b) If the co-permittee's MS4 discharges to an impaired water body, the co-permittee shall include a written section in its biennial report 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 pollutant(s) of concern that contribute to the impairment of the water body. This section of the co-permittee's biennial report shall specifically identify control measures and practices that will collectively be used to try to eliminate the MS4's discharge of pollutant(s) of concern that contribute to the impairment of the water body 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 water body.

(c) After the co-permittee's effective 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 discharge does not contribute to the receiving water's impairment, or the US Environmental Agency and the Department have approved a total maximum daily load (TMDL) for the impaired water body.

(d) Co-permittees whose MS4 discharges to an impaired water body for which US Environmental Protection Agency and the Department have approved a TMDL shall assess whether the TMDL wasteload allocation for the MS4 is being met through the existing storm water management controls or whether additional control measures are necessary. The co-permittee's assessment of whether the TMDL wasteload allocation is being met shall focus on the adequacy of the co-permittee's implementation and maintenance of the storm water controls. Approved TMDLs are listed on the Department Internet site at:
http://dnr.wi.gov/org/water/wm/wqs/303d/Approved_TMDLs.html

(e) If the co-permittee's existing storm water management controls are adequate to meet a wasteload allocation, then the co-permittee shall submit documentation to that effect with the biennial report. If the co-permittee's existing storm water management controls are not adequate to meet a wasteload allocation for its MS4, then the co-permittee shall develop a proposed storm water management plan to comply with the wasteload allocation. The co-permittee shall submit the proposed storm water management plan to the Department within 3 years of the TMDL being approved by both the Department and the US Environmental Protection Agency. This proposed storm water management plan shall include the following:

1. Baseline conditions showing the wasteload allocation area boundary, drainage basins and land uses.

2. Use of WinSLAMM version 9.2 or subsequent version of WinSLAMM, P8 version 3.4 or a subsequent version of P8, or an equivalent methodology that is approved by the Department to quantify loadings.

3. Identification of storm water management practices or control measures necessary to achieve the wasteload allocation, including locations and estimated costs of implementing the practices or control measures.

4. Proposed schedule for implementing the storm water management practices or control measures necessary to achieve the wasteload allocation.

(f) A co-permittee shall implement storm water management practices necessary to achieve compliance with the wasteload allocation as soon as practicable after the Department has reviewed and provided a written response to the co-permittee on its storm water management plan submitted to the Department under section (13)(e).

(14) WETLANDS: The co-permittee's MS4 discharge shall comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

(15) ENDANGERED AND THREATENED RESOURCES: The co-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.

(16) HISTORIC PROPERTY: The co-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.

(17) EXCLUSIONS: The following are excluded from coverage (i.e. are not authorized) under this permit:

(a) 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 a separate WPDES permit issued pursuant to s. 283.31, Wis. Stats.

(b) 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; growing of grain, grass, mint and seed crops; growing 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 growing.

(c) Other Excluded Discharges: Storm water discharges from industrial operations or land disturbing construction activities that require separate coverage under a WPDES permit pursuant to subchs. II or III of ch. NR 216, Wis. Adm. Code. For example, while storm water from industrial or construction activity may discharge from an MS4, this permit does not satisfy the need to obtain any other permits for those discharges. This exclusion does not apply to the co-permittee's responsibility to regulate construction sites within its jurisdiction in accordance with sections C.(4) and C.(5) of this permit.

(d) Non-MS4 Discharge: Storm water discharges that do not enter an MS4.

B. GENERAL RESPONSIBILITIES FOR ALL CO-PERMITTEES

In addition to the requirements specified in Sections A. and C. through I., each co-permittee shall:

(1) Minimize the discharge of pollutants from its MS4.

(2) Implement the stormwater management program and other pertinent requirements of this permit in all new areas added to the co-permittee's MS4 as the result of annexation by the co-permittee.

(3) Implement the storm water management program and other pertinent requirements of this permit in all new areas added to the co-permittee's MS4 as the result of installation or taking jurisdiction of a new or existing MS4.

(4) Individually or as agreed upon by the co-permittees, provide adequate financing, staff, equipment, and support capabilities to implement the requirements of this permit.

(5) Comply with the conditions of this permit relating to discharges from the MS4 where it is the owner or operator.

(6) Implement a storm water management program, as required by this permit, in portions of the municipality that discharge to an MS4.

(7) Exercise and enforce its legal authority to control discharges to and from those portions of the MS4 that it owns or operates. This legal authority may be a statute, ordinance, permit, order or intermunicipal agreement, a series of contracts, or administrative rule in order to:

(a) Control the contribution of pollutants to and the discharge of pollutants from the MS4.

(b) Prohibit illicit discharges to the MS4.

(c) Control the discharge of spills, dumping and disposal of materials other than storm water into the MS4.

(d) Require compliance with conditions in ordinances, permits, contracts, orders or administrative rules.

(e) Require compliance with the standards of ss. NR 151.11 and 151.23, Wis. Adm. Code, or equivalent local standards.

(f) Require compliance with the standards of ss. NR 151.12 and 151.24, Wis. Adm. Code, or equivalent local standards.

(g) Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance with permit conditions including the prohibition of illicit discharges to the MS4.

Note: As a state entity, the University of Wisconsin – Madison has different statutory authority than that of other municipal co-permittees regulated under this permit. See Section H. (19) for the University of Wisconsin – Madison's individual responsibility to meet the requirements of Section B. (7).

(8) Attend and participate in quarterly meetings of the co-permittees. Unless an alternative quarterly date or dates are agreed upon by the co-permittees, the quarterly meetings shall take place the first Tuesday of February, May, August, and November of each year. If appropriate, a quarterly meeting may be cancelled due to a lack of meeting agenda items. These meetings are to be used for review and approval schedules, receive work progress reports, and discuss issues pertaining to this permit or other relevant storm water management issues. Each co-permittee shall designate a representative to attend these meetings. The representative of the City of Madison shall facilitate the conduct of the meetings and provide a record of the proceedings in the form of minutes. The meetings shall be held at times and places determined by the co-permittees. Adequate notices of and agendas for the meetings shall be

provided by the facilitator to the designated representatives for each co-permittee.

(9) Cooperate with other co-permittees on sharing information and resources to facilitate storm water management activities on a regional or watershed basis and to avoid duplicative efforts.

(10) Fulfill the commitments of an intermunicipal agreement to cooperate on storm water information and education.

(11) Notify the affected co-permittee in the case of discovering a potential illicit discharge originating from its jurisdiction and discharging to the MS4 of the affected co-permittee.

(12) Work cooperatively with other affected co-permittees in the case of discovering a potential illicit discharge of unknown source to determine the best actions to resolve the illicit discharge.

(13) Submit information requested by the Department of Natural Resources pertinent to the MS4, discharges from the system, activities related to implementation of the requirements of this permit, or other relevant information.

(14) Meet with the Department of Natural Resources on an as needed basis to discuss implementation of this permit or other relevant issues.

(15) Keep contact information up-to-date and notify the Department of Natural Resources in a timely manner when personnel changes occur for the appropriate contact person(s) knowledgeable about this permit and its implementation.

(16) Respond to and resolve in a timely manner complaints received from citizens and concerns raised by the Department of Natural Resources relating to pollution and storm water issues within the co-permittee's jurisdiction.

(17) Coordinate the requirements of this permit internally between the co-permittee's agencies, departments, and programs, and ensure that elected and municipal officials and appropriate staff are advised of the permit.

(18) Implement the requirements of this permit in a manner that is consistent with the recommendations contained in priority watershed plans, the Dane County Water Quality Plan, and other storm water management plans funded by the Department of Natural Resources and applicable to the co-permittee.

(19) Incorporate the requirements of this permit in the development of master plans, neighborhood plans, development plans, and any other comprehensive planning activity to address water quality impacts from storm water discharges associated with implementation of these plans.

(20) Undertake actions required by this permit in manner that is consistent and in conformance with other applicable regulatory programs.

Note: Examples of other regulatory programs that may be applicable are the U.S. Army Corps of Engineers 404 permit program and permits required under ch. 30, Wis. Stats.

C. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

(1) PUBLIC EDUCATION AND OUTREACH: Each co-permittee shall:

(a) Continue to be a member of the Madison Area Municipal Storm Water Partnership (MAMSWaP) information and education program. Alternatively, if a co-permittee discontinues to be a member of the MAMSWaP information and education program then they must develop and implement a work plan on their own that otherwise meets the requirements of section C.(1) of this permit.

(b) Participate in the implementation of the *Madison Area Municipal Storm Water Partnership (MAMSWaP) Information and Education Plan 2009-2013 (January 2009)* prepared on behalf of the co-permittees (herein known as the information and education plan). By December 1 of each year, the co-permittees shall collectively develop a work plan to guide implementation of the information and education plan for the following calendar year. The information and education plan shall establish measurable goals and, at a minimum, include the following elements:

1. Promote detection and elimination of illicit discharges and water quality impacts associated with such discharges from municipal separate storm sewer systems.

2. Inform and educate the public about the proper management of materials that may cause storm water pollution from sources including automobiles, pet waste, household hazardous waste and household practices.

3. Promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides.

4. Promote the management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways.

5. Promote infiltration of residential storm water runoff from rooftop downspouts, driveways and sidewalks.

6. 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. Educate private businesses on methods of storm water pollution prevention.

8. Promote environmentally sensitive land development designs by developers and designers.

Note: Copies of the information and education plan are available online at http://www.danewaters.com/management/mamswap.aspx.

(c) Cooperate with and assist the person functioning in the Storm Water Education Coordinator position created pursuant to the information and education agreement by providing pertinent information requested by the coordinator to facilitate implementation of the information and education plan. This section is not applicable if the co-permittee discontinues participation in the MAMSWaP information and education program.

(d) Within its jurisdiction, distribute and make available to the public the information and education materials created pursuant to the information and education plan and take actions identified in the plan for which it is responsible.

(e) Provide and maintain a link to storm water information if a municipal website has been developed and activated by the co-permittee.

Note: The types of information to link on a website include municipal ordinances, local regulatory programs, contact information, storm water informational and educational materials, waste oil and household hazardous waste collection sites, public participation opportunities, biennial reports, and other storm water related websites. The Department of Natural Resources will work with the co-permittees on what information is appropriate for posting on the website.

(2) PUBLIC INVOLVEMENT AND PARTICIPATION: Each co-permittee shall notify the public in its respective jurisdiction of activities required by this permit and shall encourage involvement and participation by the public regarding these activities. Information in the biennial report required under Section F. of this permit shall be an agenda item for discussion before the appropriate governing board or council of each co-permittee contemporaneous with the submittal of the biennial report to the Department of Natural Resources.

(3) ILLICIT DISCHARGE DETECTION AND ELIMINATION: In consultation with the Department of Natural Resources, each co-permittee shall continue to implement a program to detect and remove illicit discharges and improper disposal of wastes into its respective MS4, or require the discharger to obtain a separate WPDES permit. For the purposes of this section, the following non-storm water discharges or flows are not considered illicit discharges unless identified by either a co-permittee or the Department of Natural Resources as a significant source of pollutants to waters of the State: Landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn and garden watering, individual residential car washing, non-commercial charity car washing, flows from riparian habitats and wetlands, fire fighting, and other discharges covered by a WPDES permit issued by the Department of Natural Resources and in compliance with that permit. Other occasional or incidental non-storm water discharges may be considered not illicit discharges on a case-by-case basis and with the concurrence of the Department of Natural Resources. Each co-permittee shall:

(a) Exercise the adequate legal authority to prevent, detect, and eliminate illicit connections and illicit discharges to its MS4.

(b) Continue to implement a strategy to prevent, detect, and eliminate all types of illicit connections and illicit discharges to its MS4 in accordance with this section.

(c) Document activities undertaken to meet the requirements of this section, including methodologies used; date, time, and place of activities; personnel involved; observations; corrective actions; and any enforcement actions.

(d) Conduct on-going field screening activities in areas or locations of the MS4 identified as having the highest potential for being sources of illicit discharges.

(e) Investigate portions of the MS4 that, based on the results of field screening or other information, indicate a reasonable potential for containing illicit discharges or other sources of non-storm water. Procedures may include sampling for the field screening parameters (pH, total chlorine, total copper, total phenol and detergents, unless the co-permittee elects instead to use detergent, ammonia, potassium and fluoride as the indicator parameters), testing with fluorometric dyes or conducting inspections of the MS4 where safety and other considerations allow. The Department of Natural Resources shall be given advance notice of the time and location of dye testing within an MS4.

(f) Prevent, contain and respond to reports of spills that may discharge into the MS4.

(g) Immediately notify the Department of Natural Resources 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 that results in the discharge of pollutants into waters of the state. The Department of Natural Resources shall be notified via the 24-Hour Spill Emergency Hotline (1-800-943-0003).

(h) Eliminate any detected leakage from sanitary conveyance systems to the MS4.

(i) Eliminate illicit connections or discharges to the MS4 following detection. The elimination of an illicit connection or discharge shall be done as soon as possible upon identification of the responsible party. Prior to elimination of an illicit connection or discharge, the co-permittee shall require the party responsible for the illicit connection or discharge to take all reasonable measures to minimize the discharge of pollutants to the MS4 and waters of the state. If it will take more than 30 days to remove an illicit connection, the Department shall be contacted to discuss an appropriate action and/or timeframe for removal.

(j) Promote reporting by the public of the presence of illicit discharges or water quality impacts associated with illicit discharges from the MS4. This may include storm water inlet stenciling, neighborhood watches, and/or a local hotline to report illegal dumping or discharges.

(k) Consult with the Department of Natural Resources as necessary to resolve instances of a potential illicit discharge.

(l) 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.

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.

(4) CONSTRUCTION SITE POLLUTION CONTROL: Except as specified for the University of Wisconsin – Madison under Section H. (19), each co-permittee shall enforce a program to require the implementation and maintenance of erosion and sediment control storm water management practices to reduce pollutants in storm water runoff from construction sites. The program shall apply to construction site activities undertaken by the co-permittee and those of other landowners. Each co-permittee shall:

(a) Exercise legal authority to enforce the standards of ss. NR 151.11 and 151.23, Wis. Adm. Code, or equivalent local standards.

(b) Notify landowners who apply for local construction or land disturbance permits of the possible applicability of subch. III of ch. NR 216, Wis. Adm. Code, *Construction Site Storm Water Discharge Permits*, to the landowner's construction projects.

(c) Implement procedures for site planning that incorporate timely consideration of potential water quality impacts from construction sites and that ensure implementation of the standards of ss. NR 151.11 and 151.23, Wis. Adm. Code, or equivalent local standards.

(d) Implement requirements for erosion and sediment control practices that meet or exceed the standards of ss. NR 151.11 and 151.23, Wis. Adm. Code, or equivalent local standards.

(e) Inspect construction sites and enforce erosion control standards.

(f) Document enforcement actions.

(g) Designate a qualified professional with responsibility to ensure implementation of the standards of ss. NR 151.11 and 151.23, Wis. Adm. Code, and the requirements of subch. III of NR 216, Wis. Adm. Code, *Construction Site Storm Water Discharge Permits*, where applicable.

Note: As a state entity, the University of Wisconsin – Madison has different statutory authority than that of other municipal co-permittees regulated under this permit. See Section H. (19) for the University of Wisconsin – Madison's individual responsibility to meet the requirements of Section C. (4).

(5) POST-CONSTRUCTION SITE STORM WATER MANAGEMENT: Except as specified for the University of Wisconsin – Madison under Section H. (19), each co-permittee shall enforce a program to address controls on storm water discharges from areas of new development and redevelopment, after construction is completed. The program shall apply to areas of new development and significant redevelopment undertaken by the co-permittee and those of other landowners. The co-permittee shall:

(a) Exercise legal authority to enforce the standards of ss. NR 151.12 and 151.24, Wis. Adm. Code, or equivalent local standards.

(b) Notify landowners who apply for local construction or land disturbance permits of the possible applicability of subch. III of ch. NR 216, Wis. Adm. Code, *Construction Site Storm Water Discharge Permits*, to the landowner's construction projects.

(c) Implement procedures for site planning that incorporate timely consideration of potential water quality impacts from storm water runoff from new development and redevelopment, and that ensure the implementation of the standards of ss. NR 151.12 and 151.24, Wis. Adm. Code, or equivalent local standards.

(d) Implement requirements for source area controls and on-site storm water management practices that meet or exceed the standards of ss. NR 151.12 and 151.24, Wis. Adm. Code, or equivalent local standards.

(e) Implement policies and take appropriate enforcement action to ensure long-term maintenance of storm water management facilities.

(f) Document enforcement actions.

(g) Designate a qualified professional with responsibility to ensure implementation of the standards on ss. NR 151.12 and 151.24, Wis. Adm. Code, and the requirements of subch. III of ch. NR 216, Wis. Adm. Code, *Construction Site Storm Water Discharge Permits*, where applicable.

Note: As a state entity, the University of Wisconsin – Madison has different statutory authority than that of other municipal co-permittees regulated under this permit. See Section H. (19) for the University of Wisconsin – Madison's individual responsibility to meet the requirements of Section C. (5).

(6) MUNICIPAL POLLUTION PREVENTION: Each co-permittee shall implement their municipal operation and maintenance program to prevent or minimize pollutants entering the MS4 and waters of the state. At a minimum, the co-permittee shall:

(a) Annually update their inventory of long-term storm water management practices owned, operated, managed, or maintained by the co-permittee.

(b) Implement maintenance procedures and schedules for practices identified under Section C. (6) (a), other source area controls, catch basin cleaning, and the physical condition of elements of the MS4 that may adversely affect water quality.

(c) Implement roadway maintenance procedures that include de-icing management with consideration of effects on water quality.

(d) Enforce collection procedures and/or instruction to citizens for on-site management of leaves, yard waste, and grass clippings.

(e) Carry out pollution prevention procedures at municipal garages, public works facilities, and storage areas.

(f) Conduct proper management of the storage of salt for roadway de-icing in accordance with ch. TRANS 277, Wis. Adm. Code.

(g) Continue to implement pollution prevention procedures for the use and application of lawn and garden fertilizers on co-permittee-controlled properties. The application of lawn and garden fertilizers on municipally controlled properties, with pervious surface over 5 acres each, shall be done in accordance with s. NR 151.13(1)(b)3., Wis. Adm. Code.

(h) Document the estimated amount of leaves collected, solids captured from street sweeping, solids removed from catch basins, and solids removed from structural controls.

(i) Continue development and implementation of policies and procedures to meet the developed urban area performance standard of s. NR 151.13(2)(b)2., Wis. Adm. Code. This section requires co-permittees to achieve, to the maximum extent practicable, a 40% reduction in total suspended solids discharged from its MS4 to surface waters of the state as compared to no controls, by March 10, 2013.

Note: MS4 modeling guidance documents are available on the DNR web page at: http://www.dnr.state.wi.us/runoff/stormwater/muni.htm

D. STORM SEWER SYSTEM MAP REQUIREMENTS

(1) Each co-permittee shall annually update and maintain a sufficiently sized and detailed map with a scale suitable for the level of detail to identify the information below. This map does not need to be submitted to the Department with the biennial report but shall be kept on file by the co-permittee and provided to the Department at no charge upon request. The map shall identify the following:

(a) The name/label and outline of the storm water drainage basins, the watersheds and municipal separate storm sewer systems.

(b) Other major municipal, government or privately owned storm water conveyance systems lying within, but not owned or operated by the co-permittee shall be identified.

(c) A boundary defining the final urban storm water planning area and all municipal borders in the area.

(d) All known MS4 outfalls discharging to waters of the state. Indicate the pipe size and identify those outfalls that are considered major outfalls. A major outfall includes any of the following:

1. A single pipe with an inside diameter ≥ 36 inches and associated with a drainage area ≥ 50 acres; a similar conveyance (box culvert, ditch, etc., other than a round pipe) with a cross sectional area ≥ 1018 sq. inches and associated with a drainage area > 50 acres.

2. A single pipe serving land zoned for industrial activity with an inside diameter of ≥ 12 inches and associated with a drainage area > 2 acres; or a similar conveyance, serving land zoned for industrial activity, with a cross sectional area ≥ 113 sq. inches and associated with a drainage area ≥ 2 acres.

(h) The location of any known discharge to the MS4 covered under an individual WPDES permit (not a general WPDES permit).

(e) All municipally owned or operated structural storm water management facilities including detention basins, infiltration basins, and manufactured treatment devices. If the co-permittee will be taking credit for pollutant removal from a privately-owned facility to meet the developed urban area performance standards of s. NR 151.13, Wis. Adm. Code, it must be identified.

(f) The location of publicly owned parks, recreational areas and other open lands.

(g) The location of municipal garages, storage areas and other public works facilities.

(h) Geographic features including streets, highways, railroads, airports, and water features.

(2) The City of Madison shall maintain the common storm sewer system map for the entire group permit area. Each co-permittee is responsible for providing biennial updates to the City of Madison for updating the common storm sewer system map for inclusion in the biennial report as outlined in Section F. The common storm sewer system map shall contain the following components:

(a) Delineation and identification of storm water drainage basins including watersheds, sub-watersheds, and sewersheds using the naming conventions developed by the City of Madison.

(b) Locations of major structural controls including retention, detention, and infiltration facilities.

(c) Locations of publicly owned parks, recreational areas, and other open lands such as environmental corridors and conservancies.

(d) Municipal boundaries for all co-permittees.

(e) Central Urban Service Area boundaries.

(f) Geographic features including streets, highways, railroads, airports, and water features.

(g) Township and Range System.

(h) Ten foot contours intervals.

(3) Each co-permittee shall ensure that the information provided on the common storm sewer system map for the co-permittee's areas of jurisdiction is updated biennially to reflect improvements to the MS4 by December 31, 2010 and every other December 31st thereafter. Each co-permittee shall be responsible for delivering hard copy changes for the storm sewer system map to the City of Madison by January 31, 2011 and every other January 31st thereafter.

(4) The City of Madison shall submit the biennially updated common storm sewer system map to the Department of Natural Resources with the biennial report as outlined in Section F.

E. ASSESSMENT OF CONTROLS

(1) BIENNIAL REVIEW: Each co-permittee shall conduct a biennial review and assessment of its respective storm water management program in conjunction with preparation of the biennial report required in Section F. The assessment of the effectiveness of the storm water management program required in Section C. shall report on the prior 2 calendar years for the following:

(a) A description of the public information and education efforts as required under Section C. (1) and the status of implementation of the information and education plan, including an assessment of the effectiveness of reaching targeted audiences and delivery of intended messages.

Note: Dane County will provide the information for the assessment and biennial review of the information and education plan since it has taken the lead in the implementation of the plan. However, individual co-permittees will be expected to report on their respective public information and education efforts.

(b) A description of public involvement and participation activities required under Section C. (1)(c), (d) and (e) and (2), including an assessment of the effectiveness of efforts to involve the public and the level of participation.

(c) A description of illicit discharge detection and elimination program implementation under Section C. (3) with an assessment of the effectiveness of detection and elimination of illicit discharges, prevention of the improper disposal of waste and dumping, and the handling of spills.

(d) A description of construction site pollution control program implementation under Section C. (4) with an assessment of program effectiveness in meeting the construction site performance standards of ss. NR 151.11 and 151.23, Wis. Adm. Code.

(e) A description of post-construction site storm water management program implementation under Section C. (5) with an assessment of program effectiveness in meeting the post-construction standards of ss. NR 151.12 and 151.24, Wis. Adm. Code.

(f) A description of enforcement actions taken pursuant to the programs implemented under (c), (d), and (e) above and an assessment of the effectiveness of enforcement efforts.

(g) A description of pollution prevention efforts through the implementation of the municipal operation and maintenance program under Section C. (6) with an assessment of program effectiveness.

(h) An updated determination of whether the MS4 discharges to any impaired water, in accordance with section A.(13)(a) of this permit.

(2) DEVELOPED URBAN AREA PERFORMANCE STANDARD: To the maximum extent practicable, implement storm water management practices necessary to achieve a 40% reduction in the annual average mass of total suspended solids discharging from the co-permittee's MS4 to surface waters of the state as compared to implementing no storm water management controls, by March 10, 2013. Each co-permittee shall conduct an assessment of compliance with the 40% total suspended solids reduction requirement. The assessment shall be submitted to the Department by March 31, 2011 and shall include the following:

(a) Use of WinSLAMM version 9.2 or subsequent version of WinSLAMM, P8 version 3.4 or a subsequent version of P8, or an equivalent methodology that is approved by the Department of Natural Resources.

(b) Identification of storm water management practices necessary to achieve the 40% total suspended solids reduction requirement, including locations and estimated costs of implementing the practices.

(c) Identification of storm water management practices that are or will be implemented to control the discharge of pollutants of concern to impaired water bodies as identified in Section A.(13).

(d) Proposed schedule for implementing the storm water management practices necessary to achieve the 40% total suspended solids reduction requirement.

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/runoff/stormwater/muni.htm

(3) REPORTING ON ASSESSMENT: The information in the biennial assessment of controls under Section E. (1) shall be included in the biennial report required under Section F. The biennial report that is due on March 31, 2011, shall include the assessment and analysis performed under Section E. (2).

F. BIENNIAL REPORT

(1) REPORT DUE DATE: Each co-permittee shall submit its own biennial report to the Department by **March 31, 2011 and by March 31st of every other year that follows (odd calendar years).** The Department will provide co-permittees with an electronic biennial report form. Each co-permittee shall invite the municipal governing body, interest groups and the general public to review and comment on the biennial report.

(2) CERTIFICATION: A duly authorized representative of the co-permittee shall sign and certify the biennial report and include a statement or resolution that the co-permittee's governing body or delegated representatives have reviewed or been apprised of the content of the biennial report.

(3) CONTENTS: The biennial report shall cover the prior 2 calendar years and include the following:

(a) Proposed revisions to the storm water management program and a summary of any revisions made to the storm water management program.

(b) The information in the biennial assessment of controls under Section E.

(c) A summary describing the number and nature of enforcement actions taken pursuant to the programs implemented under Section C. (3), (4), and (5).

(d) A summary of development and/or implementation of any municipal-wide storm water management plans prepared by the co-permittee, and a summary of implementation of any other plans guiding the co-permittee, such as the Lake Mendota Priority Watershed Plan, the Dane County Land and Water Resource Management Plan, and the Dane County Water Quality Plan.

(e) An updated listing and contact information for any new industrial facilities that may be regulated under subch. II of ch. NR 216, Wis. Adm. Code, and that have commenced operation in the prior 2 calendar years.

(f) A summary of any other activities undertaken to comply with the conditions of this permit.

(g) A fiscal analysis that includes the annual expenditures and budget for the prior two calendar years, and the budget for the next year.

(4) SUBMITTAL OF REPORT: A signed copy of the biennial report shall be submitted to the Department of Natural Resources office listed below:

Storm Water Program
WDNR South Central Region
3911 Fish Hatchery Road
Fitchburg, WI 53711

G. SCHEDULE OF COMPLIANCE

Each co-permittee shall comply with the provisions and requirements of this permit as of the effective date of this permit, except compliance shall be achieved with the following conditions of this permit in accordance with the schedule indicated:

Action to be taken	**Reference**	**Due date**
All Co-Permittees:		
Annual I&E Work Plan	Section C. (1)(b)	December 1, annually
Biennial Report	Section F	March 31st of every odd calendar year (2011, 2013, etc.)
Developed Urban Area Assessment	Section E. (2)	March 31, 2011
Compliance with Developed Area Performance Standard of s. NR 151.13(2)(b)2.	Section C.(6)(i)	March 10, 2013
City of Madison:		
Common Storm Sewer Map	Section D. (4)	March 31st of every odd calendar year (2011, 2013, etc.)

H. SPECIAL RESPONSIBILITIES FOR CERTAIN CO-PERMITTEES

In addition to the requirements specified in Section A. through G. of this permit, co-permittees have additional or special requirements that apply to them as follows:

(1) CITY OF FITCHBURG: Portions of the City of Fitchburg MS4 discharge into or upstream of impaired waters including Nine Springs Creek, Yahara River, and Rock River. The MS4 discharge to impaired waters shall comply with the requirements of Section A.(13) of this permit.

(2) CITY OF MADISON: The City of Madison shall meet the following requirements:

(a) Facilitate and prepare and provide the agenda and minutes for the quarterly meetings required under Section B. (8).

(b) Manage and biennially update the common storm sewer system map required under Section D.(2) of this permit. Any apportioning of the funds needed to manage and update the storm sewer system map may be negotiated between the City of Madison and the co-permittees.

(c) Within the jurisdiction of the City of Madison, give special attention to activities affecting the quality of storm water discharges in the Badger Mill Creek watershed. The City of Madison shall ensure that post-construction site storm water management at new development facilitates infiltration within the Badger Mill Creek watershed to the maximum extent practicable. The City of Madison shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges within the City of Madison and to promote infiltration. The City of Madison shall notify the Department of Natural Resources of new development in the Badger Mill Creek watershed early in the City's review process to accommodate the Department of Natural Resources' input. The Department of Natural Resources may make similar requests beyond the Badger Mill Creek watershed.

(d) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The City of Madison MS4 discharges into or upstream of impaired waters including Starkweather Creek, Murphy (Wingra) Creek, Nine Springs Creek, Yahara River, and Rock River. The following beaches in the City of Madison are proposed to be listed as impaired due to E. coli: Spring Harbor, and James Madison beaches on Lake Mendota; Bernies, Brittingham, Esther Park, Olbrich and Olin Park beaches on Lake Monona; and Vilas Park Beach on Lake Wingra.

(3) CITY OF MIDDLETON: The City of Middleton shall meet the following requirements:

(a) Within the jurisdiction of the City of Middleton, give special attention to activities affecting the quality of storm water discharges in the Black Earth Creek watershed. The City of Middleton shall ensure that post-construction site storm water management at new development facilitates infiltration within the Black Earth Creek watershed to the maximum extent practicable. The City of Middleton shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges within the City of Middleton and to promote infiltration. The City of Middleton shall notify the Department of Natural Resources of new development in the Black Earth Creek watershed early in the City's review process to accommodate the Department of Natural Resources' input. The Department of Natural Resources may make similar requests beyond the Black Earth Creek watershed.

(b) Comply with the requirements of Section A.(12) of this permit with respect to discharges to Outstanding and Exceptional Resource Waters (ORWs and ERWs). The City of Middleton MS4 discharges into Black Earth Creek, which is an ORW. MS4 discharge to ORWs and ERWs shall comply with the requirements of Section A.(12) of this permit.

(c) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The City of Middleton MS4 discharges directly into or upstream of impaired waters including Pheasant Branch Creek, Yahara River, Rock River and potentially in the future, Dorn Creek. Marshall Park beach on Lake Mendota is also proposed by the Department to be listed as impaired due to E. coli. MS4 discharge to impaired waters shall comply with the requirements of Section A.(13) of this permit.

(4) CITY OF MONONA: The City of Monona MS4 discharges upstream of impaired waters including the Yahara River and Rock River. The MS4 discharge to impaired waters shall comply with the requirements of Section A.(13) of this permit.

(5) CITY OF SUN PRAIRIE: The City of Sun Prairie shall meet the following requirements:

(a) Within the jurisdiction of the City of Sun Prairie, give special attention to activities affecting the quality of storm water discharges in the Token Creek watershed. The City of Sun Prairie shall ensure that post-construction site storm water management at new development facilitates infiltration within the Token Creek watershed to the maximum extent practicable. The City of Sun Prairie shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges within the City of Sun Prairie and to promote infiltration. The City of Sun Prairie shall notify the Department of Natural Resources of new development in the Token Creek watershed early in the City's review process to accommodate the Department of Natural Resources' input. The Department of Natural Resources may make similar requests beyond the Token Creek watershed.

(b) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The City of Sun Prairie MS4 discharges into or upstream of impaired waters including Token Creek, Maunesha River, Yahara River and Rock River, which are impaired waters. Note that a TMDL has been approved for Token Creek.

(6) CITY OF VERONA: The City of Verona shall meet the following requirements:

(a) Within the jurisdiction of the City of Verona, give special attention to activities affecting the quality of storm water discharges in the Badger Mill Creek and Sugar River watersheds. The City of Verona shall ensure that post-construction site storm water management at new development facilitates infiltration within the Badger Mill Creek and Sugar River watersheds to the maximum extent practicable. The City of Verona shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges within the City of Verona and to promote infiltration. The City of Verona shall notify the Department of Natural Resources of new development in the Badger Mill Creek and Sugar Creek watersheds early in the City's review process to accommodate the Department of Natural Resources' input. The Department of Natural Resources may make similar requests beyond the Badger Mill Creek and Sugar River watersheds.

(b) Comply with the requirements of Section A.(12) of this permit with respect to discharges to Outstanding and Exceptional Waters (ORWs and ERWs). The City of Verona MS4 discharges into the Sugar River, which is an ERW. MS4 discharge to ORWs and ERWs shall comply with the requirements of Section A.(12) of this permit.

(7) VILLAGE OF DEFOREST: The Village of DeForest shall meet the following requirements:

(a) Within the jurisdiction of the Village of DeForest, give special attention to activities affecting the quality of storm water discharges to the Yahara River and Token Creek watersheds. The Village of DeForest shall ensure that post-construction site storm water management at new development facilitates infiltration within the Yahara River and Token Creek watersheds to the maximum extent practicable. The Village of DeForest shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges within the Village of DeForest and to promote infiltration. The Village of DeForest shall notify the Department of Natural Resources of new development in to the

Yahara River and Token Creek watersheds early in the Village's review process to accommodate the Department of Natural Resources' input.

(b) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The Village of DeForest MS4 discharges into or upstream of impaired waters including Token Creek, Yahara River and Rock River. Note that a TMDL has been approved for Token Creek.

(8) VILLAGE OF MAPLE BLUFF: The Village of Maple Bluff MS4 discharges upstream of impaired waters including the Yahara River and Rock River. The MS4 discharge to impaired waters shall comply with the requirements of Section A.(13) of this permit.

(9) VILLAGE OF McFARLAND: The Village of McFarland MS4 discharges upstream of impaired waters including the Yahara River and Rock River. The MS4 discharge to impaired waters shall comply with the requirements of Section A.(13) of this permit.

(10) VILLAGE OF SHOREWOOD HILLS: The Village of Shorewood Hills MS4 discharges upstream of impaired waters including the Yahara River and Rock River. The MS4 discharge to impaired waters shall comply with the requirements of Section A.(13) of this permit.

(11) VILLAGE OF WAUNAKEE: The Village of Waunakee shall meet the following requirements:

(a) Within the jurisdiction of the Village of Waunakee, give special attention to activities affecting the quality of storm water discharges in the Six Mile Creek watershed. The Village of Waunakee shall ensure that post-construction site storm water management at new development facilitates infiltration within the Six Mile Creek watershed to the maximum extent practicable. The Village of Waunakee shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges within the Village of Waunakee and to promote infiltration. The Village of Waunakee shall notify the Department of Natural Resources of new development in the Six Mile Creek watershed early in the Village's review process to accommodate the Department of Natural Resources' input.

(b) Comply with the requirements of Section A.(12) of this permit with respect to discharges to Outstanding and Exceptional Resource Waters (ORWs and ERWs). The Village of Waunakee MS4 discharges into Sixmile Creek, which is an ERW. MS4 discharges to ORWs and ERWs shall comply with the requirements of Section A.(12) of this permit.

(c) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The Village of Waunakee MS4 discharges upstream of impaired waters including Dorn Creek, Yahara River and Rock River.

(12) TOWN OF BLOOMING GROVE: The Town of Blooming Grove shall meet the following requirements:

(a) Assist Dane County in implementation of the County's construction site pollution control program within the Town by participating in public information and education efforts.

(b) Assist Dane County in implementation of the County's post-construction storm water management program within the Town by participating in public information and education efforts.

(c) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The Town of Blooming Grove MS4 discharges upstream of impaired waters including Nine Springs Creek, Yahara River and Rock River.

(13) TOWN OF BURKE: The Town of Burke shall meet the following requirements:

(a) Assist Dane County in implementation of the County's construction site pollution control program within the Town by participating in public information and education efforts.

(b) Assist Dane County in implementation of the County's post-construction storm water management program within the Town by participating in public information and education efforts.

(c) Within the jurisdiction of the Town of Burke, give special attention to activities affecting the quality of storm water discharges in the Token Creek watershed. The Town of Burke shall ensure that post-construction site storm water management at new development facilitates infiltration within the Token Creek watershed to the maximum extent practicable. The Town of Burke shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges within the Town of Burke and to promote infiltration. The Town of Burke shall notify the Department of Natural Resources of new development in the Token Creek watershed early in the Town's review process to accommodate the Department Natural Resources' input.

(d) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The Town of Burke MS4 discharges into or upstream of impaired waters including the Token Creek, Yahara River and Rock River. Note that a TMDL has been approved for Token Creek.

(14) TOWN OF MADISON: The Town of Madison shall meet the following requirements:

(a) Assist Dane County in implementation of the County's construction site pollution control program within the Town by participating in public information and education efforts.

(b) Assist Dane County in implementation of the County's post-construction storm water management program within the Town by participating in public information and education efforts.

(c) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The Town of Madison MS4 discharges into or upstream of impaired waters including the Nine Springs Creek, Yahara River and Rock River.

(15) TOWN OF MIDDLETON: The Town of Middleton shall meet the following requirements:

(a) Assist Dane County in implementation of the County's construction site pollution control program within the Town by participating in public information and education efforts.

(b) Assist Dane County in implementation of the County's post-construction storm water management program within the Town by participating in public information and education efforts.

(c) Within the jurisdiction of the Town of Middleton, give special attention to activities affecting the quality of storm water discharges in the Black Earth Creek watershed. The Town of Middleton shall ensure that post-construction site storm water management at new development facilitates infiltration within the Black Earth Creek watershed to the maximum extent practicable. The Town of Middleton shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges within the Town of Middleton and to promote infiltration. The Town of Middleton shall notify the Department of Natural Resources of new development in the Black Earth Creek watershed early in the Town's review process to accommodate the Department of Natural Resources' input.

(d) Comply with the requirements of Section A.(12) of this permit with respect to discharges to Outstanding and Exceptional Resource Waters (ORWs and ERWs). The Town of Middleton MS4 discharges into Black Earth Creek, which is an ORW. MS4 discharges to ORWs and ERWs shall comply with the requirements of Section A.(12) of this permit.

(e) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The Town of Middleton MS4 discharges into or upstream of impaired waters including Pheasant Branch Creek, Yahara River and Rock River.

(16) TOWN OF WESTPORT: The Town of Westport shall meet the following requirements:

(a) Assist Dane County in implementation of the County's construction site pollution control program within the Town by participating in public information and education efforts.

(b) Assist Dane County in implementation of the County's post-construction storm water management program within the Town by participating in public information and education efforts.

(c) Within the jurisdiction of the Town of Westport, give special attention to activities affecting the quality of storm water discharges in the Yahara River and Six Mile Creek watersheds. The Town of Westport shall ensure that post-construction site storm water management at new development facilitates infiltration within the Yahara River and Six Mile Creek watersheds to the maximum extent practicable. The Town of Westport shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges within the Town of Westport and to promote infiltration. The Town of Westport shall notify the Department of Natural Resources of new development in the Yahara River and Six Mile Creek watersheds early in the Town's review process to accommodate the Department of Natural Resources' input.

(d) Comply with the requirements of Section A.(12) of this permit with respect to discharges to Outstanding and Exceptional Resource Waters (ORWs and ERWs). The Town of Westport MS4 discharges into Sixmile Creek, which is an ERW. MS4 discharges to ORWs and ERWs shall comply with the requirements of Section A.(12) of this permit.

(e) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The Town of Westport MS4 discharges into or upstream of impaired waters including Dorn Creek, Yahara River and Rock River.

(17) TOWN OF WINDSOR: The Town of Windsor shall meet the following requirements:

(a) Assist Dane County in implementation of the County's construction site pollution control program within the Town by participating in public information and education efforts.

(b) Assist Dane County in implementation of the County's post-construction storm water management program within the Town by participating in public information and education efforts.

(c) Within the jurisdiction of the Town of Windsor, give special attention to activities affecting the quality of storm water discharges in the Yahara River and Token Creek watersheds. The Town of Windsor shall ensure that post-construction site storm water management at new development facilitates infiltration within the Yahara River and Token Creek watersheds to the maximum extent practicable. The Town of Windsor shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges within the Town of Windsor and to promote infiltration. The Town of Windsor shall notify the Department of Natural Resources of new development in the Yahara River and Token Creek watersheds early in the Town's review process to accommodate the Department of Natural Resources' input.

(d) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The Town of Windsor MS4 discharges upstream of impaired waters including Token Creek, Yahara River and Rock River. Note that a TMDL has been approved for Token Creek.

(18) DANE COUNTY: Dane County shall meet the following requirements:

(a) As specified in the information and education agreement, maintain a half-time position to provide public information and education services under this permit on behalf of the co-permittees.

(b) In consultation with the Department of Natural Resources and other co-permittees, function as the lead agency in implementation of the information and education plan prepared on behalf of the co-permittees.

(c) Provide updates on the status and implementation of the information and education plan at the quarterly meetings, and provide information on plan implementation for the biennial report required under Section F.

(d) For activities under the jurisdiction of Dane County and within the area covered by this permit, give special attention to activities affecting the quality of storm water discharges in the Badger Mill Creek, Black Earth Creek, Six Mile Creek, Token Creek, and Upper Yahara River watersheds. Dane County shall ensure that post-construction site storm water management at new development facilitates infiltration within the watersheds of these waterways to the maximum extent practicable. Dane County shall work with developers, consultants, contractors, and others representing the development community to prevent and reduce negative water quality impacts from storm water discharges under its jurisdiction and to promote infiltration within the area covered by this permit. Dane County shall notify the Department of Natural Resources of new development in these watersheds early in the County's review process to accommodate the Department of Natural Resources' input.

(e) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The Dane County MS4 discharges upstream of impaired waters including the Yahara River and Rock River.

(19) UNIVERSITY OF WISCONSIN – MADISON: In addition to the requirements specified in Sections A. through G. of this permit, the University of Wisconsin – Madison shall meet the following requirements:

(a) Continue to implement the storm water management policies and procedures of the University of Wisconsin – Madison's storm water management program created pursuant to the joint WPDES Permit No. WI-S058416-1 issued on October 16, 1995, to the City of Madison and the University of Wisconsin – Madison, including revisions made to the program consistent with the requirements of this permit.

Note: This requirement does not include the continuation of the monitoring program undertaken by the University of Wisconsin – Madison under joint WPDES Permit No. WI-S058416-1.

(b) Continue to implement the illicit discharge detection and elimination program described in Part 8b. of the permit application submitted to the Department of Natural Resources on January 6, 2003, and as may be amended by October 1, 2004, to comply with the requirements of Section C. (3) of this permit. The University of Wisconsin – Madison shall not be required to perform the initial screening activity undertaken pursuant to the joint WPDES Permit No. WI-S058416-1 issued on October 16, 1995, to the City of Madison and the University of Wisconsin – Madison. However, screening shall be required when unidentified flows are detected.

(c) Continue to implement policies and procedures to the extent of its legal authority to control illicit discharges to and from those portions of the MS4 that it owns or operates consistent with the requirements of Section C.(3) of this permit.

(d) Continue the implementation and administration of the municipal pollution prevention program described in Part 8e. of the permit application submitted to the Department of Natural Resources on January 6, 2003. The University of Wisconsin – Madison shall ensure that the program is consistent with the requirements of Section C. (6) of this permit to meet the performance standard specified in Section C. (6) (j).

(e) To the maximum extent practicable, the University of Wisconsin – Madison is encouraged to utilize the resources available through its academic and research programs to facilitate compliance with the requirements of this permit.

(f) Comply with the requirements of Section A.(13) of this permit with respect to discharges to impaired waters. The UW-Madison MS4 discharges upstream of impaired waters including the Yahara River and Rock River.

I. STANDARD CONDITIONS

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are hereby incorporated by reference in this permit. Each co-permittee shall be responsible for meeting these requirements within its jurisdiction where it owns or operates the MS4. Some of these requirements are outlined below in Section I. (1) through (17). Requirements not specifically outlined below can be found in s. NR 205.07(1) and (3), Wis. Adm. Code.

(1) DUTY TO COMPLY: Each co-permittee shall comply with all conditions of this permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action, permit revocation or modification, or denial of permit coverage at reissuance.

(2) NONCOMPLIANCE NOTIFICATION:

(a) In addition to immediately reporting hazardous substance spills to the Department of Natural Resources under Section I.(4), upon becoming aware of any permit noncompliance that may endanger public health or the environment, a co-permittee shall report this information by a telephone call to the Department regional storm water specialist within 24 hours. A written report describing the noncompliance shall be submitted to the Department regional storm water specialist within 5 days after the co-permittee becomes aware of the noncompliance. The Department of Natural Resources 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 recurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

(b) Reports of any other noncompliance not covered under Section I. (2) (a) shall be submitted with the biennial report required in Section F. The reports shall contain all the information listed in Section I. (2) (a).

(3) DUTY TO MITIGATE: Each co-permittee shall take all reasonable steps to minimize or prevent any adverse effect on the waters of the state resulting from noncompliance with this permit.

(4) SPILL REPORTING: The co-permittee 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 that has resulted or may result in a discharge of pollutants into waters of the state. The Department shall be notified via the 24-Hour Spill Emergency Hotline (1-800-943-0003).

(5) PROPER OPERATION AND MAINTENANCE: Each co-permittee shall at all times properly operate and maintain all facilities and systems of treatment and control that are installed or used by the co-permittee to achieve compliance with the conditions of this 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.

(6) BYPASS: A co-permittee may temporarily bypass a storm water treatment facility if necessary for maintenance, or due to runoff from a storm event that exceeds the design capacity of the treatment facility, or during an emergency.

(7) DUTY TO HALT OR REDUCE ACTIVITY: Upon failure or impairment of a storm water management practice identified in the storm water management program, a co-permittee shall, to the extent practicable and necessary to maintain permit compliance, modify or curtail use of the storm water management practice until it can be restored or an alternative method of storm water pollution control is provided.

(8) REMOVED SUBSTANCES: Solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of storm water shall be handled and disposed of in a manner to

prevent any pollutant from the materials from entering the waters of the state, and in compliance with all applicable federal, state, and local regulations.

NOTE: Storage and/or treatment of material collected under Section I. (8) may be subject to solid waste rules found under the NR 500 series of the Wisconsin Administrative Code or the hazardous waste rules found under the NR 600 series of the Wisconsin Administrative Code.

(9) ADDITIONAL MONITORING: If a co-permittee monitors any pollutant more frequently than required by this permit, the results of that monitoring shall be reported to the Department in the biennial report required under section F.

(10) INSPECTION AND ENTRY: Each co-permittee shall allow authorized representatives of the Department, upon the presentation of credentials, to:

(a) Enter upon the co-permittee's premises where a regulated facility or activity is located or conducted, or where records are kept as required under the under the conditions of this permit.

(b) Have access to and copy, at reasonable times, any records that are required under the conditions of the permit.

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit.

(d) Sample or monitor at reasonable times and for the purposes of assuring permit compliance any substances or parameters at any location.

(11) DUTY TO PROVIDE INFORMATION: Each co-permittee shall furnish the Department, within a reasonable time, any information that the Department may request to determine whether cause exists for modifying, revoking or reissuing this permit or to determine compliance with this permit. Each co-permittee shall also furnish the Department, upon request, copies of records required to be kept by the co-permittee.

(12) PROPERTY RIGHTS: This permit does not convey any property rights of any sort, or any exclusive privilege. This 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.

(13) DUTY TO REAPPLY: If a co-permittee wishes to retain authorization to discharge after the expiration date of this permit, the co-permittee shall reapply to the Department at least 180 days prior to expiration date of this permit for continued coverage under a reissued permit.

(14) OTHER INFORMATION: When a co-permittee becomes aware that it has 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 of Natural Resources, the co-permittee shall promptly submit such facts or correct information to the Department of Natural Resources.

(15) RECORD RETENTION: Each co-permittee shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 5 years from the date of the sample, measurement, report or application.

(16) PERMIT ACTIONS: As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing, this permit may be modified, suspended or revoked, in whole or in part, for cause. If a co-permittee files a request for a permit modification, revocation or reissuance, or a notification of planned change or anticipated noncompliance, this action by itself does not relieve the co-permittee of any permit condition.

(17) SIGNATORY REQUIREMENT: All applications, reports or information submitted to the Department of Natural Resources shall be signed for by a ranking elected official, or other person authorized by the co-permittee who has responsibility for the overall operation of the municipal separate

storm sewer systems and storm water management program activities regulated by this permit. The authorized representative shall certify that the information was gathered and prepared under his or her supervision and, based on inquiry of the people directly under their supervision that, to the best of his or her knowledge, the information is true, accurate, and complete.

(18) ATTAINMENT OF WATER QUALITY STANDARDS AFTER PERMIT ISSUANCE: At any time after the effective date of this permit, the Department may determine that the discharge of storm water from a co-permittee's MS4 may cause, have the reasonable potential to cause, or contribute to an exceedance of any applicable water quality standard. If such a determination is made, the Department may require the co-permittee to do either of the following:

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

(b) 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.