

FINAL APPROVED  
PERMIT



## STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

### PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

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

is permitted to discharge storm water from

#### ALL PORTIONS OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

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

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

Saratoga Lake (Barstow Impoundment)

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

in accordance with the conditions set forth in this permit.

This permit will become effective on the date of signature.

This permit to discharge shall expire at midnight, October 29, 2014.  
To retain authorization to discharge after this expiration date, an application shall be filed for reissuance of this permit in accordance with the requirements of Chapter NR 216.09, Wis. Adm. Code, at least 180 days prior to this expiration date.

State of Wisconsin Department of Natural Resources For the Secretary

By

Maureen McBroom

Maureen McBroom  
Storm Water Specialist

10/30/2009

Date of Signature

EFFECTIVE DATE: October 30, 2009

EXPIRATION DATE: October 29, 2014

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

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

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

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

#### PART I. APPLICABILITY

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

**C. WATER QUALITY STANDARDS**

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

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

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

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

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

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

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

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

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

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

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

2. If the co-permittee's MS4 discharges to an impaired water body, the co-permittee shall include a written section in its annual report beginning March 31, 2011 that discusses the management practices and control measures it will implement in the receiving water body's drainage area as part of its program to reduce, with the goal of eliminating, the discharge of pollutant(s) of concern that the co-permittee's MS4 may be a source of. This section of the co-permittee's annual report shall explain why these control measures and practices were implemented as opposed to other alternatives. These efforts shall be revisited annually, to determine if other options may be more effective or efficient. The communities are encouraged to coordinate their efforts with neighboring communities, the Department, and other interested parties on impaired waterways that flow across political boundaries. Pollutant(s) of concern means a pollutant that is causing impairment of a water body.
3. After the co-permittee's start date of coverage under this permit, the co-permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharges combined with modifications to existing discharges do not cumulatively contribute to the receiving water's impairment beyond the condition that exists on the effective date of the permit or the US Environmental Protection Agency and the Department have approved a total maximum daily load (TMDL) for the impaired water body. For new stormwater discharges to an impaired water body where an approved TMDL has not been established, the Department

encourages not only meeting the construction, post-construction and developed urban area performance standards of ch. NR 151, Wis. Adm. Code., but implementing additional strategies to mitigate the impact of the pollutants of concern.

**NOTE: At the time of permit issuance, a TMDL report has not been prepared or approved for the Upper Fox River Watershed. A TMDL is in process for the Rock River basin, which covers portions of the Town of Delafield and the Town of Lisbon.**

4. 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. Co-permittees shall implement any numeric standards that are determined during future TMDL development after the TMDL has been approved. Approved TMDLs are listed on the Department Internet site at: [http://dnr.wi.gov/org/water/wm/wqs/303d/Approved\\_TMDLs.html](http://dnr.wi.gov/org/water/wm/wqs/303d/Approved_TMDLs.html)
  5. 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 annual 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:
    - a. Baseline conditions showing the wasteload allocation area boundary, drainage basins and land uses.
    - b. 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.
    - c. 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.
    - d. Proposed schedule for implementing the storm water management practices or control measures necessary to achieve the wasteload allocation.
  6. 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 Part I Section G(5).
- H. **WETLANDS:** The Upper Fox River Watershed Group's MS4 discharges shall comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.
- I. **ENDANGERED AND THREATENED RESOURCES:** The Upper Fox River Watershed Group MS4 discharges shall comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.
- J. **HISTORIC PROPERTY:** The Upper Fox River Watershed Group's MS4 discharges may not affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the MS4 discharge will not have an adverse effect on any historic property pursuant to s. 44.40 (3), Wis. Stats.

**K. EXCLUSIONS:** The following are excluded from coverage under this permit:

**1. Combined Sewer and Sanitary Sewer Systems**

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

**2. Agricultural Facilities and Practices**

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

**3. Other Excluded Discharges**

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

**4. Indian Country**

Storm water discharges within Indian Country. The federal Clean Water Act requires that owners and operators of storm water discharges within Indian Country to obtain permit coverage directly from the United States Environmental Protection Agency.

## PART II. INDIVIDUAL CONDITIONS

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

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

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

**C. ILLICIT DISCHARGE DETECTION AND ELIMINATION**

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

1. Conduct on-going dry weather field screening at all priority outfalls at least once per year. Priority outfalls include major outfalls that were identified to be screened each year in the established illicit discharge program previously submitted by the co-permittee. Future determinations of priority outfalls shall consider the following:
  - a. Field screening points shall, where possible, be located downstream of any source of suspected illicit activity.
  - b. Field screening points shall be located where practicable at the farthest manhole or other accessible location downstream in the system. Safety of personnel and accessibility of the location shall be considered in making this determination.
  - c. Consideration shall be given to hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or building in the area, history of the area and land use types.
2. Conduct on-going dry weather field screening at all other major (non-priority) outfalls at least once every 3 years.

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

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

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

4. Within 24 hours after a known or suspected illicit discharge is detected or reported, a field investigation shall be conducted in the contributing drainage area in an attempt to find the source.
  - a. If the source of an illicit discharge is found, appropriate action shall be taken to prevent and contain spills that may discharge into or are already within the municipal separate storm sewer system, to eliminate identified illicit discharges within three working days to the maximum extent practicable, and to remove the illicit discharge as soon as possible but no later than 30 days.
  - b. If the source of an illicit discharge cannot be found, the associated outfall shall be added to the list of priority outfalls for on-going dry weather field screening.
  - c. In the case of an illicit discharge that originates from the co-permittee's permitted area and that discharges directly to a municipal separate storm sewer or property under the jurisdiction of another municipality, the co-permittee shall notify the affected municipality within one working day.
5. Submit inspection reports and follow-up summaries to the Department on outfalls that had flow observed or that were a known or suspected illicit discharge source within 30 days of inspection.
6. Immediately notify the Department in accordance with ch. NR 706, Wis. Adm. Code, in the event that the co-permittee identifies a spill or release of a hazardous substance, which has resulted or may result in the discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour toll free spill hotline at 1-800-943-0003. The co-permittee shall cooperate with the Department in efforts to investigate and prevent such discharges from polluting waters of the state.
7. Eliminate leakage from sanitary conveyance systems into the municipal separate storm sewer system.
8. Provide the Department with 24 hours advance notice of the time and location of dye testing within a MS4. (Because the dye may get reported to the Department as an illicit discharge or spill, the Department requires prior notification of dye testing.)

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

**D. CONSTRUCTION SITE POLLUTANT CONTROL:** The Upper Fox River Watershed Group shall continue a program to control erosion and sediment from construction sites and establish measurable goals for its construction site pollutant control program.

1. The co-permittees shall:

- a. Maintain inspection and enforcement authority.
- b. Enforce permitting requirements, procedures and fees. Notification by the co-permittee to landowners who apply for local construction or land disturbance permits of the possible applicability of Subchapter III of NR 216, Wis. Adm. Code, *Construction Site Storm Water Discharge Permits*, or other waterway and wetland permits to the landowner's construction projects.

- c. Review and approve plans per the co-permittee's established program; approve plans with design criteria, standards and specifications that meet or exceed the technical standards approved by the Department and the City's ordinance.
- d. Enforce the co-permittee's erosion control ordinance that meets or exceeds the requirements, including construction site performance standards, found in ss. NR 151.11 and 151.23.
- e. Conduct erosion control inspections at all sites within the co-permittee's jurisdiction following the frequency and actions outlined in the co-permittee's construction site pollutant control program, which was previously submitted to the Department. The co-permittee shall contact the Department if there are significant or repeat violations at a site, or if there are threats or impacts to waters of the state.
- f. Maintain records of site inspections, including any follow up necessary on sites out of compliance with their erosion control plans, as stated in the co-permittee's program and in compliance with Section P of Part IV of this permit.
- g. Ensure that municipal projects that meet the permit requirements of the co-permittee or other authorities have obtained the proper permit coverage. Ensure that all municipal projects have met the permit requirements and are following the applicable technical standards and inspection requirements.
- h. Remove the commercial building site exemption from the erosion and sediment control ordinance, if applicable, and exercise such authority as soon as possible.

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

- 1. Implementing the Storm Water Management Ordinance to regulate post-construction storm water discharges from new development and re-development. At a minimum, the co-permittees shall enforce:
  - a. Applicability and jurisdiction.
  - b. Design criteria, standards and specifications equivalent to the technical standards approved by the Department, which take precedence over the Wisconsin Storm Water Manual. technical standards can currently be found on the Department's web-site at: [http://dnr.wi.gov/runoff/storm water/techstds.htm](http://dnr.wi.gov/runoff/storm%20water/techstds.htm)
  - c. Minimum post-construction performance standards as established in ss. NR 151.12 and 151.24, Wis. Adm. Code.
  - d. Storm water plan requirements equivalent to those contained in s. NR 216.47, Wis. Adm. Code.
  - e. Permitting requirements, procedures and fees.
  - f. Long-term maintenance requirements.
  - g. Enforcement authority.
- 2. Establishing procedures that will be used to ensure the long-term maintenance of storm water management facilities. Routine inspections should be conducted to determine if these BMP's are still functioning as designed, and appropriate repairs/maintenance should be implemented within a reasonable amount of time to ensure that water quality goals are being accomplished.

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

1. Inspection, maintenance and inventory of post-construction storm water management facilities:
  - a. Annual inspection and maintenance of structural post-construction storm water management facilities, including but not limited to storm water ponds and infiltration basins, to maintain their pollutant removal operating efficiency.
  - b. An inventory must be developed and maintained for each of the post-construction storm water management facilities within the community. This inventory should be used to track the inspection frequency and project how far into the future required maintenance may be necessary. This inventory shall be submitted to the Department by March 31, 2011 and should contain information such as location, general condition, age of facility, owners, whether a Long-Term Maintenance Agreement (LTMA) exists for the facility, inspection results such as sediment depths and other required maintenance, when the required maintenance was completed, and any other information that the co-permittee determines useful to determine the effectiveness of the storm water structure.

**NOTE: At the time of this permit re-issuance, the Department is in the process of promulgating Wis. Stat. NR 528 to streamline regulations regarding the disposal of storm water sediment.**

2. Each catch basin will be cleaned as detailed in the pollution prevention plan submitted under the previous permit. Catch basin cleaning schedule may be modified if suggested by future storm water management planning and or modeling to meet the performance standards and is approved by the Department.
3. Street sweeping shall occur as detailed in the pollution prevention plan submitted under the previous permit. Street sweeping schedule may be modified if suggested by future storm water management planning or modeling to meet the performance standards and approved by the Department.
4. Proper disposal of street sweeping and catch basin cleaning waste. Solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of storm water shall be temporarily and permanently stored and disposed of in a manner to prevent any pollutant from the materials from entering the waters of the state, and to comply with all applicable Federal, State, and Local regulations. Street sweeping and catch basin waste should typically be disposed of in a landfill, not a compost or other accessible area.
5. If road salt or other deicers are applied by the Upper Fox River Watershed communities, no more shall be applied than the amount necessary to maintain public safety. The existing winter road management plan outlining the methods used to maintain public safety during winter precipitation events shall be revised and submitted by March 31, 2011 to include:
  - a. Contact information for responsible parties
  - b. Maps of truck routes and products used specific to these routes
  - c. Description of type of equipment used
  - d. Disposal locations of any snow removal operations, if applicable
  - e. Anti-icing strategies vs. de-icing actions
  - f. Monthly records shall be kept per use event for November 1<sup>st</sup> through March 31<sup>st</sup>, including:
    - i. how much product was used,
    - ii. weather data including temperatures ranges and precipitation amounts,

- iii. any other measurable data that is useful to the community to evaluate the program on a yearly basis.
- g. Seasonal winter road management data shall be submitted to the Department by April 30 of each year. (The information for January – June 2009 should be submitted by March 31, 2010 in the 2009 annual report, as was required in the previous MS4 permit.)
- h. An evaluation of the road de-icing program shall be submitted each year with the annual report. The evaluation shall compare past years' snow removal data, including a cost comparison, information about the types of precipitation events and de-icing methods used for these events, and alternatives to the products and equipment currently used. This evaluation will determine if the community is making progress toward reducing pollutants entering the wetlands and waterways from de-icing activities.

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

- 6. Proper management of leaves and grass clippings, which may include on-site beneficial reuse as opposed to collection.
- 7. Storm water pollution prevention planning for municipal garages, storage areas and other municipally owned sources of storm water pollution. The initial submittal is due March 31, 2011, and should include:
  - a. site location and contact information
  - b. an air photo / map of the yard, including:
    - i. locations of major activities or storage areas
    - ii. identification of drainage patterns and potential storm water runoff source and discharge areas
    - iii. identification of any wetlands and/or waterways on-site or nearby
    - iv. identification of MS4 connections, and where this portion of the MS4 system drains to
  - c. recommendations to prevent polluted runoff from reaching nearby water resources
  - d. information on any suggested retrofits to current storm water practices on site
  - e. a timeline for installation and/or implementation of these recommendations
  - f. inspection frequency (minimum 1 annual full inspection and semi-annual visual inspections)
  - g. employee training on storm water pollution prevention
  - h. spills prevention plan and response procedures
- 8. Application of lawn and garden fertilizers on municipally controlled properties, with pervious surfaces over 5 acres each, in accordance with a site-specific nutrient application schedule based on appropriate soil tests.

**G. STORM WATER QUALITY MANAGEMENT:** The Upper Fox River Watershed Group shall continue the municipal storm water management program. The storm water management program shall achieve compliance with the developed urban area performance standards of s. NR 151.13(2), Wis. Adm. Code, for those areas included in the Upper Fox River Watershed Group that were not subject to the post-construction performance standards of ss. NR 151.12 or 151.24, Wis. Adm. Code. (Projects where construction site runoff permit coverage was issued prior to Oct. 1, 2004). The program shall meet the following:

1. Maintain at least a 20% reduction in the annual average mass of total suspended solids discharging from the municipal separate storm sewer system to waters of the state as compared to no controls, and met as a condition of the previous MS4 permit.
2. 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 June 30, 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 specific storm water management practices and proposed locations necessary to achieve the 40% total suspended solids reduction requirement, including locations and estimated costs of implementing the practices. When selecting potential practices and locations, consideration should be given to the proximity of the practice to the local water resources, and the benefit of treating a particular drainage area in comparison to another.
  - 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 that the co-permittee's MS4 may be the source of as identified in Part 1 F.
  - d. Proposed schedule for implementing the storm water management practices necessary to achieve the 40% total suspended solids reduction requirement.

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

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

**H. STORM SEWER SYSTEM MAP:** The Upper Fox River Watershed Group shall verify that each of the co-permittees and the Department has an accurate MS4 map reflecting the entire system by March 31, 2010. The co-permittee shall review the current municipal separate storm sewer system map and update it as necessary to meet all of the following requirements and of NR 216.07(7), including:

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

2. Identification of all known municipal storm sewer system outfalls discharging to waters of the state or other municipal separate storm sewer system. Major outfalls (36" in diameter or industrial land-use; see definition in Part V.) shall be uniquely identified. A list of the outfalls with pipe size indicated shall also be included.
  3. Location and permit number of any known discharge to the municipal separate storm sewer system that has been issued WPDES permit coverage by the Department.
  4. Location of structural storm water facilities including detention basins, infiltration basins, and other manufactured treatment devices. If the co-permittee will be taking credit for pollutant removal from privately-owned facilities, they must be identified separately than other privately-owned facilities.
  5. Identification of publicly owned parks, recreational areas and other open lands.
  6. Location of municipal garages, storage areas and other public works facilities.
  7. Identification of streets.
- I. **ANNUAL REPORT:** The members of the Upper Fox River Watershed Group shall submit an annual report for each calendar year. This primary purpose of this report is to allow the community to evaluate the various programs in the municipal storm water discharge permit, and to determine where improvements and cost-effective changes should be made. The municipal governing body, interest groups and the general public shall be encouraged to review and comment on the annual report. The annual report shall include:
1. A narrative status of implementing the permit requirements, status of meeting measurable program goals and compliance with permit schedules. The past year should be compared to previous years' efforts.
  2. Updated storm sewer system maps, where necessary, to identify any new outfalls, structural controls, or other note worthy changes.
  3. A summary of measurable activities from the past calendar year describing:
    - a. The number and nature of inspections and enforcement actions conducted to ensure compliance with the required ordinances;
    - b. Public education programs within the community, including items that may not be included in the Waukesha County Storm water program annual summary;
    - c. Internal education efforts, including what topics were discussed, who the target audiences were, how the information was received and what follow-up information or activities are/were recommended;
    - d. Number and nature of reported spills and responses;
    - e. Street sweeping frequency and the amount collected, and the disposal location(s) for this material;
    - f. Catch basin cleaning frequency and the amount collected, and the disposal location(s) for this material;
    - g. Municipal yard evaluations, including any retrofits or operations changes;
    - h. Road salt/de-icing summary, including the amount of salt used, methods, and costs compared to previous years;

- i. Any changes to the pollutant Loading removal rates and status of meeting performance standards;
  - j. Any other activities that may reduce the amount of pollutants reaching the local wetlands and waterways via the municipal storm sewer system that have measurable results; this information should be used to assess the success of the programs and to determine if any details should be adjusted to complete a successful implementation.
4. A summary of revisions made to the storm water management plan.
  5. Proposed revisions to the storm water management program, based on a comparison to previous years' efforts, budget, etc.
  6. A strategy to reduce the pollutants of concern entering local impaired (303(d)) waterways that the co-permittee's MS4 system may be the source of. (Beginning March 31, 2011, to be re-evaluated and reported annually.)
  7. A fiscal analysis including annual expenditures and budget for the reporting year and proposed next year, along with the amount spent on the individual programs and efforts compared to previous years.
  8. Identification of water quality improvements or degradation as perceived by the co-permittees. Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water.
  9. A duly authorized representative of each community shall sign and certify the annual report and include a statement or resolution that the municipal governing body or delegated representatives have reviewed or been appraised of the content of the annual report. A signed copy of the annual report and other required reports shall be submitted to the DNR Waukesha Service Center, 141 NW Barstow Street, Room 180, Waukesha, WI 53188.
  10. A statement of re-application for continued coverage under the WPDES permit to retain authorization to discharge storm water through the municipal separate storm sewer system at least 180 days prior to expiration of this permit.
- J. COOPERATION:** The members of the Upper Fox River Watershed Group may, by written agreement, implement this permit with another municipality or contract with another entity to perform one or more of the conditions of this permit.

### PART III. COMPLIANCE SCHEDULE

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

PERMIT CONDITION	ACTIVITY	DUE DATE
Impaired Water Bodies - Part I.F.	1. Develop a strategy to reduce the pollutants of concern entering impaired water bodies from the municipal storm sewer system.	March 31, 2011
Public Education and Outreach - Part II. A	1. Address, at a minimum, the 10 items listed Part II. A.	Ongoing
Illicit Discharge Detection and Elimination - Part II. C.	1. Dry weather field screening of priority outfalls	Minimum of once per year
	2. Dry weather field screening of all other major outfalls	At least 1 time every 3 years
	3. Enforce the Illicit Discharge and Connection Storm Water Ordinance	Ongoing
Construction Site Pollutant Control - Part II. D.	1. Enforce the Construction Site Pollutant Control Ordinance	Ongoing
	2. Construction site inspection, documentation, and enforcement	Ongoing
Post-Construction Storm Water Management - Part II. E.	1. Enforce the Post-Construction Storm Water Management Ordinance	Ongoing
	2. Continue procedures for long-term maintenance procedures	Ongoing
Pollution Prevention - Part II. F.	1. Inspection and maintenance of structural storm water management facilities	Ongoing
	2. Inventory of storm water facilities	March 31, 2011
	3. Catch basin cleaning	Ongoing
	4. Street sweeping	Ongoing
	5. Winter Road Management Plan Revisions	March 31, 2011
	6. Proper collection and disposal of leaves and grass clippings	Ongoing
	7. Storm Water Pollution Plan for public works yard, garages, or other municipally owned properties	March 31, 2011
	8. Inspections of all department of public work yards, garages, or other municipally owned properties: Full Inspection:  Visual Inspection:	Annually, beginning March 31, 2011  Semi-annually, beginning March 31, 2011

	9. Application of lawn and garden fertilizer on municipally controlled properties, with pervious surfaces over 5 acres each, in accordance with a site-specific nutrient application schedule based on appropriate soil tests	Ongoing
Storm Water Quality Management - Part II. G.	1. Future 40% goal assessment	June 30, 2011
	2. 40% reduction in total suspended solids in runoff that enters waters of the state, to the maximum extent practicable	March 10, 2013
Storm Sewer System Map - Part II. H.	1. Verify currently submitted map is accurate or submit updated map	March 31, 2010
	2. Maintain a current storm sewer system map	Ongoing
Annual Report - Part II. I.	1. Submit annual reports	March 31, 2010
		March 31, 2011
		March 31, 2012
		March 31, 2013
		March 31, 2014
	2. Submit new application	March 31, 2014

#### **PART IV. GENERAL CONDITIONS**

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

- A. DUTY TO COMPLY:** The members of the Upper Fox River Watershed Group shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action, permit revocation or modification, or denial of a permit reissuance application.
- B. COMPLIANCE SCHEDULES:** Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of the permit shall be submitted in writing within 14 days after the schedule date, except that progress reports shall be submitted in writing on or before each schedule date for each report. Any report of noncompliance shall include the cause of noncompliance, a description of remedial actions taken, and an estimate of the effect of the noncompliance on the co-permittees' ability to meet the remaining schedule dates.
- C. NONCOMPLIANCE NOTIFICATION:**
  - 1. Upon becoming aware of any permit noncompliance that may endanger public health or the environment, the municipalities shall report this information by a telephone call to the Department within 24 hours. A written report describing the noncompliance shall be submitted to the Department within 5 days after the municipalities became aware of the noncompliance. The Department may waive the written report on a case-by-case basis based on the oral report received within 24 hours. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.
  - 2. Reports of any other noncompliance not covered under General Condition's B., C.1, or E. shall be submitted with the annual report. The reports shall contain all the information listed in General Condition C.1.
- D. DUTY TO MITIGATE:** The members of the Upper Fox River Watershed Group shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.
- E. SPILL REPORTING:** The members of the Upper Fox River Watershed Group shall immediately notify the Department, in accordance with ch. NR 706, Wis. Adm. Code, in the event of a spill or accidental release of hazardous substances which results in a discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour spill hotline (1-800-943-0003).
- F. PROPER OPERATION AND MAINTENANCE:** The members of the Upper Fox River Watershed Group shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the municipalities to achieve compliance with the conditions of the permit and the storm water management plan. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of this permit.
- G. BYPASS:** The members of the Upper Fox River Watershed Group may temporarily bypass storm water treatment facilities if necessary for maintenance, or due to runoff from a storm event which exceeds the design capacity of the treatment facility, or during an emergency.
- H. DUTY TO HALT OR REDUCE ACTIVITY:** Upon failure or impairment of best management practices identified in the storm water management program, the municipalities shall, to the extent practicable

and necessary to maintain permit compliance, modify or curtail operations until the best management practices are restored or an alternative method of storm water pollution control is provided.

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

- R. SIGNATORY REQUIREMENT:** All applications, reports or information submitted to the Department shall be signed for by a ranking elected official, or other person authorized by them who has responsibility for the overall operation of the municipal separate storm sewer system and storm water management program activities regulated by the permit. The representative shall certify that the information was gathered and prepared under their supervision and based on inquiry of the people directly under their supervision that, to the best of their knowledge, the information is true, accurate, and complete.
- S. ENFORCEMENT ACTION:** The Department is authorized under s. 283.89 and 283.91, Wis. Stats., to utilize citations or referrals to the Department of Justice to enforce the conditions of this permit. Violation of a condition of this permit is subject to a fine of up to \$10,000 per day of the violation.
- T. ATTAINMENT OF WATER QUALITY STANDARDS AFTER AUTHORIZATION:** At any time after authorization, the Department may determine that the discharge of storm water from the Upper Fox River Watershed Communities' MS4 may cause, have the reasonable potential to cause, or contribute to an excursion of any applicable water quality standard. If such determination is made, the Department may require the co-permittee(s) to do one of the following:
1. Develop and implement an action plan to address the identified water quality concern to the satisfaction of the Department.
  2. Submit valid and verifiable data and information that are representative of ambient conditions to demonstrate to the Department that the receiving water or groundwater is attaining the water quality standard.

## PART V. DEFINITIONS

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

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

**Department** means Department of Natural Resources.

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

**Hazardous substance** means any substance which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics.

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

**Illicit Discharge** means any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as water line flushing, landscape irrigation, individual residential car washing, fire fighting and similar discharges.

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

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

**Land Disturbing Construction Activity** means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover that may result in storm water runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes, but is not limited to, clearing and grubbing, demolition, excavating, pit trench

dewatering, filling and grading activities.

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

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

**Maximum Extent Practicable** means a level of implementing management practices in order to achieve a performance standard specified in ch. NR 151, Wis. Adm. Code, which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features.

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

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

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

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

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

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

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

**Storm Water Management Practice** means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

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

**Structural Storm Water Management Facilities** are engineered and constructed systems that are designed to provide storm water quality control such as wet detention ponds, constructed wetlands, infiltration basins and grassed swales.

**Waters of the State** include surface waters, groundwater and wetlands.

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