



***STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES***

**PERMIT TO DISCHARGE UNDER THE  
WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WPDES PERMIT NO. WI-S050041-2**

In compliance with the provisions of ch. 283, Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code, the City of Altoona is permitted to discharge storm water from all portions of the

**MUNICIPAL SEPARATE STORM SEWER SYSTEM**

owned or operated by the city to waters of the state within the Lower Chippewa Basin including:

**Various Surface and Groundwaters  
Within the Lower Chippewa Basin**

in accordance with the conditions set forth in this permit.

This permit will become effective on December 1, 2009. The permit to discharge shall expire at 11:59 p.m. on November 30, 2014. To retain authorization to discharge after the expiration date an application shall be filed by the City for reissuance of this permit in accordance with the requirements of Chapter NR 216, Wis. Adm. Code, at least 180 days prior to the expiration date. The Department is required to charge an annual permit fee to owners and operators authorized to discharge under this permit in accordance with s. NR 216.08, Wis. Adm. Code.

State of Wisconsin Department of Natural Resources  
For the Secretary

By \_\_\_\_\_  
Paul LaLiberte  
Lower Chippewa Watershed Program Supervisor

\_\_\_\_\_  
Date Permit Signed/Issued

**PERMIT EFFECTIVE DATE: December 1, 2009      EXPIRATION DATE: November 30, 2014**

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## **1. APPLICABILITY CRITERIA**

### **1.1 Permitted Area**

This permit covers all areas under the ownership, control or jurisdiction of the City that contribute to discharges from a “municipal separate storm sewer system” or “MS4” that receives runoff from an "urbanized area", adjacent developing areas and areas whose runoff will connect to an MS4 regulated under subch. I of ch. NR 216 Wis. Adm. Code.

Note: “MS4” and "urbanized area" are defined in section 6 of this permit.

### **1.2 Authorized Discharges**

This permit authorizes storm water point source discharges from the City of Altoona MS4 to waters of the state in the permitted areas. This permit also authorizes the discharge of storm water co-mingled with flows contributed by process wastewater, non-process wastewater, and storm water associated with industrial activity, provided the discharges are regulated by other WPDES permits or are discharges which are not considered illicit discharges.

### **1.3 Water Quality Standards**

**1.3.1** This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105 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.

**1.3.2** This permit does not authorize storm water discharges that the Department, prior to issuance of 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 permit issuance, the Department may notify the municipality that an individual permit application is necessary. However, the Department may continue coverage under this permit where the storm water management programs required under this permit will include appropriate controls and implementation procedures designed to bring the storm water discharge into compliance with water quality standards.

### **1.4 Outstanding and Exceptional Resource Waters**

**1.4.1** The City of Altoona shall each 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.

**1.4.2** The City may not establish a new MS4 discharge of pollutants to an ORW or 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.

**1.4.3** “New discharge of pollutants” means a MS4 discharge that would first occur after the effective date of this permit. This new discharge must occur to a surface water to which the MS4 did not previously discharge storm water, and does not include an increase in the MS4’s discharge to surface water to which the MS4 discharged on or before coverage under this permit.

- 1.4.4 If the City has an existing MS4 discharge to an ERW, it may increase the discharge of pollutants if the increased discharge would not result in a violation of water quality standards.
- 1.4.5 If the City has an existing MS4 discharge to an ORW, it may increase the discharge of pollutants provided all of the following are met:
- 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 the issuance of this permit.
  - The increased discharge would not result in a violation of water quality standards.

### **1.5 Impaired Water Bodies and Total Maximum Daily Load Requirements**

- 1.5.1** The City shall each determine whether any part of its MS4 discharges to a 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/303d.html>
- 1.5.2** If the City MS4 discharges to an impaired water body, the City shall include a written section in its storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of pollutant(s) of concern that contribute to the impairment of the water body. This section of the City's program 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.
- 1.5.3** After the effective date of this permit, the City may not establish a new MS4 discharge of a pollutant of concern to a newly listed impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharge causes the receiving water to meet applicable water quality standards, or the Department has approved a total maximum daily load (TMDL) for the impaired water body.
- 1.5.4** The City shall determine whether its MS4 discharges to an impaired water body for which the Department has approved a TMDL. If so, the City 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 City assessment of whether the TMDL wasteload allocation is being met shall focus on the adequacy of the City's storm water controls (implementation and maintenance). Approved TMDLs are listed on the Department Internet site at:  
<http://dnr.wi.gov/org/water/wm/wqs/303d/index.html>

- 1.5.5** The storm water management program developed under this permit shall be revised as necessary to achieve and maintain compliance with any Department approved-TMDL wasteload allocation for any impaired water to which the MS4 discharges. The redesigned storm water management programs shall be implemented as soon as possible.

**1.6 Wetlands**

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

**1.7 Endangered and Threatened Resources**

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

**1.8 Historic Property**

The City's MS4 discharge may not affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the MS4 discharge will not have an adverse effect on any historic property pursuant to s. 44.40 (3), Wis. Stats.

**1.9 General Storm Water Discharge Limitations**

The City may not discharge the following substances from the MS4s 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 harmful to aquatic life, wildlife, or humans.
5. 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 is a nuisance.
6. Any other substances that may impair, or threaten to impair, beneficial uses of the receiving water.

**1.10 Transfers**

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

**1.11 Exclusions**

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

**1.11.1 Combined Sewer and Sanitary Sewer Systems**

Discharges of water from a sanitary sewer or a combined sewer system conveying both sanitary and storm water.

**1.11.2 Agricultural Facilities and Practices**

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

**1.11.3 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 are excluded from coverage under this permit. 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 City’s responsibility to regulate construction sites within its jurisdiction in accordance with sections 2.4 and 2.5 of this permit.

**1.11.4 Indian Country**

Storm water discharges within Indian Country as defined in 18 U.S.C. section 1151. The federal Clean Water Act requires owners and operators of storm water discharges within Indian Country in Wisconsin to obtain permit coverage directly from the United States Environmental Protection Agency.

**1.11.5 Non-MS4 Discharge**

Storm water discharges that do not enter an MS4.

**2. PERMIT CONDITIONS**

The City shall establish written, measurable goals for achieving compliance with the programs developed under sections 2.1 through 2.6 in accordance with the compliance schedule contained in section 4 of this permit. The following permit conditions apply to the City, unless the Department issues a written determination that a condition is not appropriate under the circumstances:

**2.1 Public Education and Outreach**

The City shall continue to implement a public education and outreach program to increase the awareness of storm water pollution impacts on waters of the state to encourage changes in public behavior to reduce such impacts. The program shall establish measurable goals and, at a minimum, include the following elements:

**2.1.1** Promote detection and elimination of illicit discharges and water quality impacts associated with such discharges from MS4s.

**2.1.2** 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.

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

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

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

**2.1.6** Inform and educate those responsible for the design, installation, and maintenance of construction site erosion control practices and storm water management facilities on how to design, install and maintain the practices.

**2.1.7** Target businesses and activities that may pose a storm water contamination concern, and where appropriate, educate specific audiences on methods of storm water pollution prevention.

**2.1.8** Promote environmentally sensitive land development designs by developers and designers.

## **2.2 Public Involvement and Participation**

The City shall continue to implement a program to notify the public of activities required by this permit and to encourage input and participation from the public regarding these activities. This program shall include measurable goals for public involvement and participation and comply with applicable state and local public notice requirements.

## **2.3 Illicit Discharge Detection and Elimination**

By June 30, 2010 the City shall develop, implement and enforce a program to detect and remove illicit connections and discharges to the MS4. The program shall include measurable goals and include all of the following:

**2.3.1** Ordinances or other regulatory mechanisms to prevent and eliminate illicit discharges and connections to the MS4s. At a minimum, the ordinances or other regulatory mechanisms shall:

**2.3.1.1** Prohibit the discharge, spilling or dumping of non-storm water substances or materials into waters of the state or the MS4.

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

**2.3.1.3** Establish inspection and enforcement authority.

**Note:** Chapter NR 815, Wis. Adm. Code, regulates injection wells including storm water

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

**2.3.2** Initial field screening at all major outfalls during dry weather periods. At a minimum, field screening shall be documented and include:

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

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

*Note: Detergent, ammonia, potassium and fluoride indicator parameters provide a better screening tool to identify whether the flow is contaminated with sanitary or wastewater, and also whether the source is a tap water or a natural source of water. The Center for Watershed Protection (CWP) has illicit discharge identification and elimination guidance available at [http://www.cwp.org/idde\\_verify.htm](http://www.cwp.org/idde_verify.htm). The CWP guidance includes illicit discharge field sampling guidance developed by Robert Pitt from the University of Alabama on how best to detect illicit discharges including recommended indicator parameters and associated levels of detection.*

**2.3.2.2.1** Field screening points shall, where possible, be located downstream of any source of suspected illicit activity.

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

**2.3.3** On-going dry weather field screening of outfalls during the term of the permit. Outfalls that will be evaluated on an on-going basis and the field screening frequency shall be identified. Consideration shall be given to hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or buildings in the area, history of the area and land use types.

**2.3.4** Procedures for responding to known or suspected illicit discharges. At a minimum, procedures shall be established for:

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

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

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

**2.3.4.4** Notifying the Department immediately in accordance with ch. NR 706, Wis. Adm. Code, in the event that the City 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 City shall cooperate with the Department in efforts to investigate and prevent such discharges from polluting waters of the state.

**2.3.4.5** To the maximum extent practicable, eliminating leakage from sanitary conveyance systems into the MS4.

**2.3.4.6** Providing the Department with 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.)

**2.3.5** The City shall take appropriate action to remove illicit discharges from its MS4 system as soon as possible. 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.

**2.3.6** In the case of an illicit discharge that originates from the City's permitted area and that discharges directly to a storm sewer or property under the jurisdiction of another municipality, the City shall notify the affected municipality within one working day.

**2.3.7** The name, title and phone number of the individual(s) responsible for responding to reports of illicit discharges and spills shall be included in the illicit discharge response procedure and submitted to the Department.

## **2.4 Construction Site Pollutant Control**

The City shall continue to implement and enforce the previously developed programs to reduce the discharge of sediment and construction materials from construction sites. If necessary, the program shall establish measurable goals and include:

**2.4.1** Implementation of the previously approved ordinances or other regulatory mechanism to require erosion and sediment control at construction sites and establish sanctions to ensure compliance.

**2.4.2** Implementation of the previously developed procedures for construction site inspection and enforcement of erosion and sediment control measures.

## **2.5 Post-Construction Storm Water Management**

The City shall continue to implement and enforce a program to require control of the quality of discharges from areas of new development and redevelopment, after construction is completed. The program shall establish measurable goals and include:

**2.5.1** Implementation of previously approved ordinances or other regulatory mechanisms to regulate post-construction storm water discharges from new development and redevelopment.

**2.5.2** Continued implementation of procedures that will be used by the City to ensure the long-term maintenance of storm water management facilities.

## **2.6 Pollution Prevention**

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

**2.6.1** Routine inspection and maintenance of municipally owned or operated structural storm water management facilities to maintain their pollutant removal operating efficiency.

**2.6.2** Routine street sweeping and cleaning of catch basins with sumps where appropriate.

**2.6.3** Proper disposal of street sweeping and catch basin cleaning waste.

**2.6.4** If road salt or other deicers are applied by the City, no more shall be applied than necessary to maintain public safety.

Note: The Wisconsin Department of Transportation (WisDOT) “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/>. WisDOT’s highway salt storage requirements are contained in ch. Trans 277, Wis. Adm. Code.

**2.6.5** Proper management of leaves and grass clippings, which may include beneficial on-site reuse as opposed to collection.

**2.6.6** Storm water pollution prevention planning for municipal garages, storage areas and other sources of storm water pollution from municipal facilities.

**2.6.7** 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.

**2.6.8** Education of appropriate municipal and other personnel involved in implementing this program.

**2.7 Storm Water Quality Management** The City shall develop and implement a municipal storm water management program. This program shall achieve compliance with the developed urban area performance standards of s. NR 151.13(2), Wis. Adm. Code, for those areas of the municipality that were not subject to the post-construction performance standards of s. NR 151.12 or 151.24, Wis. Adm. Code. The program shall include:

**2.7.1** To the maximum extent practicable, implementation of storm water management practices necessary to achieve a 40% reduction in the annual average mass of total suspended solids (TSS) discharging from the MS4 to surface waters of the state as compared to implementing no storm water management controls, by **March 10, 2013**.

Note: The 40% TSS reduction requirements are applied to runoff from areas of urban land use and are not applicable to agricultural or rural land uses and associated roads. Additional MS4 modeling guidance for modeling the TSS control is given on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm>.

**2.7.3** Assessment of compliance with s. NR 151.13(2), Wis. Adm. Code, by conducting a pollutant-loading analysis using a model such as SLAMM, P8 or equivalent methodology approved by the Department. At a minimum, the average annual TSS and total phosphorus loads to the MS4 shall be determined for the cumulative discharge from all outfalls for the controls and no controls conditions. For purposes of evaluating the modeling, pollutant loads from grouped drainage areas as modeled shall be reported. The modeling shall calculate the theoretical annual average mass of TSS generated for the entire area served by a MS4 within the City's jurisdiction with no controls or best management practices (BMPs) applied. Modeling to reflect the current state of controls and BMPs shall be judged against the no controls condition to determine the percent of reduction. A storm water infiltration system is considered to be a control or BMP. Controls and BMPs that exist at the time of permit issuance may be used to achieve this reduction. This pollutant level reduction applies to TSS only.

## **2.8 Storm Sewer System Map**

The City shall maintain an up-to-date MS4 map.

## **2.9 ANNUAL REPORT**

The City shall submit an annual report to the Department in accordance with section 4.5 of this permit. The City shall invite their municipal governing bodies, interest groups and the general public to review and comment on the annual report. The annual report shall include:

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

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

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

**2.9.4** Identification of any known or perceived water quality improvements or degradation in the receiving water to which the City's MS4s discharge. Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water.

**2.9.5** A duly authorized representative of the City shall sign and certify the annual report and include a statement or resolution that the City's governing body or delegated representatives have reviewed or been apprised of the content of the annual report. A signed copy of the annual report and other required reports shall be submitted to the appropriate Department regional storm water contact or to the Wisconsin DNR, Storm Water Program – WT/2, PO Box 7921, Madison, WI 53707-7921. Section 4.5 of this permit contains the date by which annual reports shall be submitted to the Department.

### **2.10 Cooperation**

The City may, by written agreement, implement portions of this permit with another municipality or contract with another entity to fulfill one or more of the requirements of this permit. *For example, if a county is implementing and enforcing an adequate storm water ordinances within a town, the town would then not have to adopt its own ordinance.* However, the City is ultimately individually responsible for compliance with the conditions of this permit.

## **3. SPECIAL CONDITIONS FOR CITY OF ALTOONA**

The City of Altoona has not demonstrated compliance with NR 151.13(2)(b)1. requiring a 20% reduction in TSS discharged by March 31, 2008. Consequently, the City submitted a revised Storm Water Management Plan (SWMP) dated May 18, 2009. The revised SWMP indicates that the City will achieve compliance with this section of the code by construction of the South Willson Infiltration Basin. As a condition of this permit the City must complete construction of the South Willson Infiltration Basin by **December 31, 2010.**

## **4. COMPLIANCE SCHEDULE**

The City shall comply with the specific permit conditions contained in section 2 according to following schedule:

### **4.1 Illicit Discharge Detection and Elimination**

The City shall develop and implement the illicit discharge program to fulfill the requirements of Part 2.3 by **June 30, 2010.**

### **4.2 Storm Water Quality Management**

To comply with Part 2.7 the City shall achieve a 40% reduction in the annual average mass of total suspended solids (TSS) discharging from the MS4 to surface waters of the state as compared to implementing no storm water management controls, by **March 10, 2013**

### **4.3 Special Requirements for City of Altoona**

The City of Altoona shall complete construction of the South Willson Infiltration Basin as per Part 3. by **December 31, 2010.**

### **4.4 Amendments**

The City shall amend a program required under this permit as soon as possible if the City become aware that it does not meet a requirement of this permit. The City shall amend their program if notified by the Department that a program or procedure is insufficient or ineffective in meeting a requirement of this permit. The Department notice to the City may include a deadline for amending and implementing the amendment.

### **4.5 Annual Report**

The City shall submit an annual report for each calendar year by **March 31<sup>st</sup> of the following year.** However, an annual report does not have to be submitted after the initial calendar year of permit coverage. The first annual report sent to the Department shall report on the previous 2 calendar years of permit coverage.

### **4.6 Reapplication for Permit Coverage**

To retain authorization to discharge after the expiration date of this permit, the City shall apply 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.

**COMPLIANCE SCHEDULE SUMMARY**

<b>PERMIT CONDITION</b>	<b>ACTIVITY</b>	<b>DUE DATE</b>
Illicit Discharge Detection and Elimination – Part 2.3	Develop and Implement Illicit Discharge Program	By June 30, 2010
Storm Water Quality Management – Part 2.7	40% reduction in discharge of total suspended solids (TSS)	By March 10, 2010
Special Requirements for City of Altoona – Part 3.	Complete construction of the South Willson Infiltration Basin	By December 31, 2010
Annual Report – Part 4.5	Submit annual report	By March 31 of each year
Reapplication for Permit Coverage – Part 4.6	Submit reapplication	By March 31, 2013

## 5 STANDARD CONDITIONS

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated by reference into this permit. The City shall be responsible for meeting these requirements. Some of these requirements are outlined below in sections 5.1 through 5.18. Requirements not specifically outlined below can be found in s. NR 205.07(1) and (3), Wis. Adm. Code.

**5.1 Duty to Comply:** The City shall comply with all conditions of the permit. Any act of noncompliance with this permit is a violation of this permit and is grounds for enforcement action or suspension, modification or revocation of this permit.

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

### 5.3 Noncompliance

**5.3.1** Upon becoming aware of any permit noncompliance that may endanger public health or the environment, the City 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 City becoming 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.

**5.3.2** Reports of any other noncompliance not covered under STANDARD CONDITIONS in Section 5 shall be submitted with the annual report. The reports shall contain all the information listed in STANDARD CONDITIONS in Section 5.

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

**5.5 Spill Reporting:** The City 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 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 hotline (1-800-943-0003).

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

of this permit.

- 5.7 Bypass:** The City 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.
- 5.8 Duty to Halt or Reduce Activity:** Upon failure or impairment of storm water management practices identified in the storm water management program, the City shall, to the extent practicable and necessary to maintain permit compliance, modify or curtail operations until the storm water management practices are restored or an alternative method of storm water pollution control is provided.
- 5.9 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.
- 5.10 Additional Monitoring:** If the City monitors any pollutant more frequently than required by the permit, using test procedures specified in ch. NR 219, Wis. Adm. Code, the results of that monitoring shall be recorded and reported in accordance with this chapter. Results of this additional monitoring shall be included in the calculation and reporting of the data submitted in the annual report.
- 5.11 Inspection and Entry:** The City shall allow authorized representatives of the Department, upon the presentation of credentials, to:
- 5.11.1** Enter upon the municipal premises where a regulated facility or activity is located or conducted, or where records are required to be maintained under the conditions of the permit;
  - 5.11.2** Have access to and copy, at reasonable times, any records that are required under the conditions of the permit;
  - 5.11.3** Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and
  - 5.11.4** Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.
- 5.12 Duty to Provide Information:** The City 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 City shall also furnish the Department, upon request, copies of records required to be kept by the City.
- 5.13 Property Rights:** The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or an invasion of personal rights, or any infringement of federal, state or local laws or regulations.
- 5.14 Other Information:** Where the City becomes aware that it failed to submit any relevant

facts in applying for permit coverage or submitted incorrect information in any plan or report sent to the Department, it shall promptly submit such facts or correct information to the Department.

**5.15 Records Retention:** The City shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the notice of intent for a period of at least 5 years from the date of the sample, measurement, report or application.

**5.16 Permit Actions:** Under s. 283.53, Wis. Stats., after notice and opportunity for a hearing this permit may be suspended, modified or revoked, in whole or in part, for cause.

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

**5.18 Attainment of Water Quality Standards after Authorization:** At any time after permit issuance, the Department may determine that the discharge of storm water from the City's MS4 may cause, have the reasonable potential to cause, or contribute to an excursion of any applicable water quality standard. If such determination is made, the Department may require the City to do one of the following:

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

**5.18.2** 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.

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

## 6 DEFINITIONS

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

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

**6.2 City** means the owners or operators of MS4s authorized to discharge storm water into waters of the state under this group permit.

**6.3 Department** means the Wisconsin Department of Natural Resources.

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

**6.5 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.

**6.6 Illicit connection** means any man-made conveyance connecting an illicit discharge to a MS4.

**6.7 Illicit discharge** means any discharge to a MS4 that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting and similar discharges.

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

**6.9 Infiltration system** means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

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

**6.11 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.

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

**6.12.1** 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.

**6.12.2** A single pipe with an inside diameter of 12 inches or more or equivalent conveyance (cross sectional area of 113 square inches) which receives storm water runoff from land zoned for industrial activity with 2 or more acres of industrial activity, but not land zoned for industrial activity that does not have any industrial activity present.

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

**6.13.1** Owned or operated by a municipality.

**6.13.2** Designed or used for collecting or conveying storm water.

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

- 6.14 Maximum extent practicable** means a level of implementing management practices in order to achieve a performance standard or other goal 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.
- 6.15 Outfall** means the point at which storm water is discharged to waters of the state or leaves one municipality and enters another.
- 6.16 No controls condition** means a surface water pollutant-loading analysis that does not include pollutant reductions from existing storm water management practices including, but not limited to, infiltration systems.
- 6.17 Permitted area** refers to the areas of land under the jurisdiction of the City that drain into a MS4 which is regulated under a permit issued pursuant to subch. I of ch. NR 216, Wis. Adm. Code.
- 6.18 Redevelopment** means areas where development is replacing older development.
- 6.19 Riparian landowners** are the owners of lands bordering lakes and rivers.
- 6.20 Sediment** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- 6.21 Start date** means the effective date of this permit.
- 6.22 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.
- 6.23 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.
- 6.24 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.
- 6.25 Urbanized area** means a place and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people, as determined by the U.S. bureau of the census based on the latest decennial federal census.
- 6.26 Waters of the state** include surface waters, groundwater and wetlands.
- 6.27 WPDES permit** means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to ch. 283, Wis. Stats.