Notice: Pursuant to ss. 283.33 and 283.37, Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code, this form is used to apply for coverage under Wisconsin Pollutant Discharge Elimination System (WPDES) Municipal Separate Storm Sewer System (MS4) General Permit No. WI-S050181-1. This form and any required attachments constitute the permit application. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin’s Public Records Laws (ss. 19.31-19.39, Wis. Stats.).

Instructions: Complete all sections of this permit application. If additional space is needed to respond to a question, attach additional pages. Provide descriptions below that explain the program activities that you expect to develop and implement to comply with the MS4 general permit. Information on the MS4 general permit and the MS4 storm water program are available at: [http://dnr.wi.gov/topic/stormwater/municipal/](http://dnr.wi.gov/topic/stormwater/municipal/). Section 3 of the MS4 general permit contains the compliance schedule that directs when the individual program activities need to be developed and submitted to the Department for review. The detailed programs that are developed and submitted to the Department for review may deviate from the program activities described below if necessary. The descriptions provided below are necessary for the Department to verify that the municipality’s program activities comply with the permit.

### Section I: Applicant Information

#### Name of Municipality

**Town of Clayton**

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>8348 CTR &quot;T&quot;</td>
<td>Larsen</td>
<td>WI</td>
<td>54947</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>County(s) in which Applicant is located</th>
<th>Type of Municipality: (check one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winnebago</td>
<td>☐ County  ☐ City  ☐ Village  ☑ Town  ☐ Other (specify)</td>
</tr>
</tbody>
</table>

#### Name of Municipal Contact Person

**Richard Johnston**

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
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<td>54947</td>
</tr>
</tbody>
</table>

**Email address**

TOAdmin@NEW.RR.COM  
(920) 836-2007

<table>
<thead>
<tr>
<th>Phone Number (incl. area code)</th>
<th>Website address, if available</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Town of Clayton.net</td>
</tr>
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</table>

### Section III: Water Quality Concerns

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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</table>
| ☐   | ☑  | Does any part of the MS4 discharge to an outstanding resource water (ORW) or exceptional resource water (ERW) listed under s. NR 102.10 or 102.11, Wis. Adm. Code? (A list of ORWs and ERWs may be found on the Department's Internet site at: [http://dnr.wi.gov/topic/surfacewater/forerw.html](http://dnr.wi.gov/topic/surfacewater/forerw.html))

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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</table>
| ☑   | ☐  | Does any part of the MS4 discharge to an impaired waterbody listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC § 1313(d)(1)(C)? (A list of Wisconsin impaired waterbodies may be found on the Department's Internet site at: [http://dnr.wi.gov/topic/impairedwaters/](http://dnr.wi.gov/topic/impairedwaters/))

### Section IV: Potential Permit Exemption

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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</table>
| ☐   | ☑  | Section NR 216.023, Wis. Adm. Code, allows certain MS4s that have less than 1000 people residing in an urbanized area to be waived from municipal storm water permit coverage.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>☐</td>
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</table>

If yes, please provide documentation supporting a permit exemption including the following (Attach additional pages if necessary):

- **Total municipal area in square miles**
- **Total municipal population (2010 U.S. census)**
- **MS4 service area within Urbanized Area in square miles**
- **Municipal population within Urbanized Area (2010 U.S. census)**
- Additional information supporting an exemption under s. NR 216.023, Wis. Adm. Code

Note: Urbanized Area information is available from the USEPA at: [http://water.epa.gov/pdnpwaste/npdes/stormwater/Urbanized-Area-Maps-for-NPDES-MS4-Phase-II-Stormwater-Permits.cfm](http://water.epa.gov/pdnpwaste/npdes/stormwater/Urbanized-Area-Maps-for-NPDES-MS4-Phase-II-Stormwater-Permits.cfm)
Section V: Summary of Municipal Storm Water Program Activities

Describe the programs or activities the municipality is doing or will do to comply with the requirements of the MS4 general permit. Attach additional pages if necessary.

A. Public Education and Outreach

Describe the public education and outreach program activities that the municipality will implement to comply with section 2.1 of the MS4 general permit.

See Attached

B. Public Involvement and Participation

Describe the public involvement and participation program activities that the municipality will promote to comply with section 2.2 of the MS4 general permit.

See Attached

C. Illicit Discharge Detection & Elimination

Describe the illicit discharge detection and elimination program authority and activities that the municipality will develop and implement to comply with section 2.3 of the MS4 general permit.

See Attached

D. Construction Site Pollution Control

Describe the construction site pollutant control program authority and activities that the municipality will develop and implement to comply with section 2.4 of the MS4 general permit.

See Attached

E. Post-Construction Site Storm Water Management

Describe the post-construction storm water management program authority and activities that the municipality will develop and implement to comply with section 2.5 of the MS4 general permit.

See Attached

F. Pollution Prevention

Describe the pollution prevention program activities that the municipality will implement to comply with section 2.6 of the MS4 general permit.

See Attached

Section VI: Certification

I hereby certify that I am an authorized representative of the municipality that is the subject of this application for general permit coverage, and that the information provided is true and complete, to the best of my knowledge. I understand that Wisconsin law provides severe penalties for submitting false information.

Authorized Representative Name: Richard Johnston
Title: Town Administrator
Signature: [Signature]
Date Signed: 02/04/2015
Email address: TOAdmin@NEW.RR.COM
Phone Number (incl. area code): (920) 836-2007

Return this completed form to: Wisconsin Department of Natural Resources
Storm Water Program – WT/3
PO Box 7921
Madison, WI 53707-7921
TOWN OF CLAYTON, COUNTY OF WINNEBAGO

NOTICE OF INTENT TO APPLY FOR COVERAGE UNDER WPDES MS4 PERMIT No. WI-S050181-1

Section V: Summary of Municipal Storm Water Program Activities

A. Public Education and Outreach:

Describe the public education and outreach program activities that the municipality will implement to comply with section 2.1 of the MS4 permit.

In order to facilitate the expected implementation of the MS4 permit process the Town created a Storm Water Management Utility in CY 2013. The Town will use some of the Utility’s funding to take affirmative action to increase the residents’ awareness and the effectiveness of the Town’s storm water management system by more actively enforcing the existing Town Ordinances relating to storm water management. Town staff will provide information relative to the subject in the materials distributed when issuing building permits, access and culvert permits, pet licensing, the material published in the Town’s Newsletter, and on the Town’s Home Page. Additionally, staff will recommend that the Board approve new Ordinances and Policies relating to pre and post construction, construction site erosion control and erosion control site maintenance, and roadside ditch maintenance.

In order to mitigate the inappropriate disposal of lawn waste and household hazardous waste the Town operates a Yard Waste Site that allows residents to dispose of lawn clippings, tree trimmings, and other yard waste in a controlled environment where the yard waste is composted and used as fertilizer by local farmers and where the tree trimmings are chipped and used by the Town in its parks and on the playground sites. The Town is also investigating the option of installing a wood burning system to heat the Town’s Public Works Department buildings. Staff will also place advisory information on the proper use of pesticides and fertilizers and the proper disposal of hazardous waste in the Town’s Newsletter and on the Town’s Home Page. Since the Town’s water supply is provided with private on-site wells, staff would also like to promote a well head protection process for the Town’s wells.

In order to mitigate the impact of development on the Town’s storm water management system the Town has included conservation by design and cluster development elements in its Subdivision Ordinance; these elements include the use of onsite rain gardens and bio filters. Additionally, the Town has started placing storm water management ponds on out lots that are being deeded to the Town; this should clarify who owns the ponds and who is responsible for maintain those ponds.

B. Public Involvement and Participation:

Describe the public involvement and participation program activities that the municipality will promote to comply with section 2.2 of the MS4 general permit.
The Town has and will continue to routinely inform the Public of its Capital Construction activities including development, storm water management and routine roadside ditching projects. For larger projects, part of this process includes public notice to property owners in the immediate area of the project and resident informational meetings prior to the start of any construction project. Residents are encouraged to provide input on the project and to advise staff of any unique conditions on their property. In addition to the specific notice to property owners the Town routinely posts its agenda to inform residents of the wider community.

C. Illicit Discharge Detection & Elimination:
Describe the illicit discharge detection and elimination program authority and activities that the municipality will develop and implement to comply with section 2.3 of the MS4 general permit.

The Town has Ordinances limiting the disposal of grey water into the Town’s storm water management system. These Ordinances are routinely enforced on a complaint basis: when a complaint is made Town staff investigates the complaint and, if appropriate, sends a cease and desist order to the parties involved. The Town receives few complaints relating to illicit discharges to the Town’s storm water management system; however, the local farming community is inclined to push the limits on erosion control on local streams and farm ditches. One other area the Town will need to work on is the routine burning of leaves in the Town’s ditch lines during the fall season. At this time the Ordinances are enforced by the Town Administrator and the Town’s Attorney; the Board is looking into the possibility of creating a full time building inspector position with enforcement and compliance authority for the Town’s zoning, storm water management, and erosion control Ordinances. This individual would have access to the budgeted funding from the Town’s Storm Water Management Utility to ensure and document compliance with all Ordinances and Permits.

D. Construction Site Pollution Control:
Describe the construction site pollutant control program authority and activities that the municipality will develop and implement to comply with section 2.4 of the MS4 general permit.

The Town Administrator is responsible for compliance with the erosion control functions of Capital Construction Contractors and the Town’s Public Works Department. Compliance for the Town’s Capital Construction Projects is required in the contract language; enforcement and reporting requirements of the contracts are the responsibility of the general contractors. The Town’s Public Works Foreman is responsible for erosion control and compliance on the Town’s routine ditching and storm water management work. The Foreman has been directed to comply with the DNR requirements for erosion control on the Town’s projects. At this time new home construction erosion control permitting and enforcement is a function of the Winnebago County Land and Water Department. Town staff has been working with the Town Board to develop and approve a Construction Site Erosion Control Ordinance that would be enforced by the Town’s building inspector. Town staff has recommended this item to the Board based on its concern that the County is using limited enforcement on its permits. Town staff is of the belief that the best way to maintain a storm water management device is
to limit the amount of sediment that is put into the system with a good permitting and enforcement system.

E. Post-Construction Site Storm Water Management:
Describe the post-construction storm water management program authority and activities that the municipality will develop and implement to comply with section 2.5 of the MS4 general permit.

The Town of Clayton is a rural community with little or no redevelopment potential at this point in its life cycle. The Town has the following Ordinances and Policies in place that require developers and residents to meet post-construction DNR storm water management standards: the Town’s Subdivision Ordinance, The Town’s Commercial/Industrial Site Plan Ordinance, the Town’s Access and Culvert Ordinance, the Town’s Storm Water Management Ordinance, the Town’s Ditch Maintenance Policy, and the Town’s Ditch Mowing Policy. The combination of the Town’s Ordinances, the Town’s Policies, and the County’s Erosion Control Ordinances are the basic tools the Town uses to control the quantity and quality of the storm water created by development in the Town. The Town has created a Storm Water Management Utility that allows it to fund the ongoing maintenance of roadside ditches, existing storm water management devices, and future storm water management devices and systems. Town staff uses best management practices to maintain and/or rebuild existing ditches and storm water management systems, and to plan for the development of new ditches and storm water management systems as they come online. The Town Administrator, subject to approval by the Town Board, has enforcement authority on the maintenance of the storm water management systems in the Town. At this time the Town’s older developments (1960’s) are starting to need maintenance and updating, the Town Board is using funding from the Town’s Storm Water Management Utility to update the systems so that they are functional and meet, to the extent possible, current DNR standards.

F. Pollution Prevention:
Describe the pollution prevention program activities that the municipality will implement to comply with section 2.6 of the MS4 general permit.

The Town of Clayton is a rural community located in the County of Winnebago and adjacent to a significant developed urban area. The Town has little storm sewer (approximately 1,500 feet) which outfalls into a Town ditch. Storm water management in the rest of the community is accomplished with roadside ditches. The Town has started to place drain tile in the bottom of its ditches in order to dry the ditches; the secondary benefit of this activity is to clarify the storm water as it infiltrates into the drain tile. Where development has created both dry and wet ponds the Town does an annual inspection of the facilities and schedules the repair and maintenance of any faulty or failing devices.

The Town’s Public Works Foreman is responsible for the Town’s plowing and road treatments during the winter months. The Public Works Department uses salt brine as a pretreatment system to minimize the use of salt on Town roads. To date the Town has not used, and does not intend to use, sand as a winter road treatment. The Town’s salt is stored in a DOT approved salt shed on the Town Hall/Public Works Department site. In early spring of
the year the Town sweeps the intersections and the radii of the curves on Town roads to remove debris from the road; since the Town uses open ditches this activity has little effect on the storm water management facilities of the Town.

The Town’s Public Works facility is in need of rehabilitation and updating. At this time road maintenance supplies are stored in open bins on a paved surface. The bins are located so that storm water runs to a Town ditch at the east end of the site. The Department maintains the ditch so that the storm water is clarified prior to entering a farm ditch system maintained by the Larsen/Winchester Drainage District. Town staff is in the planning stages of updating the Public Works facility; one of the main goals of the update process is to provide the department with a wash bay -- an equipment maintenance working area that is equipped with drain basins that are connected to the sanitary sewer system. This will allow the Department to clean and maintain its equipment without putting oil, solvents, and cleaners in the Town’s storm water management ditch system.

The Town operates a Yard Waste Site that allows residents to dispose of lawn clippings, tree trimmings, and other yard waste in a controlled environment where the yard waste is composted and used as fertilizer by local farmers and the tree trimmings are chipped and used by the Town in its parks and on the playground sites. Town staff mows the Town’s parks and cemeteries with mulching mowers to minimize the work required and to allow the clippings to degrade on site.

The Town does use herbicides and fertilizers on roadside shoulders and the Town’s parks and trails. In order to control and minimize impact of this activity on the Town the Board has authorized the licensing of a staff member on the use, application, and storage of these materials. This individual has completed the State licensing process and uses best management practices as outlined in his training to apply any controlled product. The Town Board has approved Policies relating to the storage and application of herbicides and/or fertilizers on Town property and road rights-of-way.