



**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**PERMIT TO DISCHARGE UNDER
WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM
WPDES PERMIT NO. WI-S050059-2**

In compliance with the provisions of ch. 283, Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code, the Root River Group municipalities:

**CITY OF RACINE - CITY OF NEW BERLIN - CITY OF FRANKLIN
VILLAGE OF GREENDALE - VILLAGE OF HALES CORNERS
VILLAGE OF MOUNT PLEASANT - VILLAGE OF CALEDONIA**

are permitted to discharge storm water from all portions of the

MUNICIPAL SEPARATE STORM SEWER SYSTEM

owned or operated by the Root River Group municipalities to waters of the state in the following watersheds:

**ROOT RIVER - FOX RIVER - PIKE RIVER
OAK CREEK - LAKE MICHIGAN**

in accordance with the conditions set forth in this permit.

State of Wisconsin Department of Natural Resources
For the Secretary

By

A handwritten signature in black ink, appearing to read 'Peter C. Wood', is written over a horizontal line.

Peter C. Wood, P.E.
Water Resources Engineer
Southeast Region - Sturtevant Service Center

12/4/08

Date

PERMIT EFFECTIVE DATE: December 4, 2008

EXPIRATION DATE: July 1, 2013

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1. APPLICABILITY CRITERIA

1.1 Permitted Area

This permit covers all areas under the ownership, control or jurisdiction of the Root River Group municipalities that contribute to discharges from the municipal separate storm sewer system (MS4) owned or operated by the Root River Group municipalities. 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.

1.2 Authorized Discharges

This permit authorizes storm water point source discharges to waters of the state from the Root River Group MS4s 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.

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 If the Department determines that discharges from a Root River Group MS4 are responsible for causing or contributing to an excursion above any applicable water quality standard, the municipality responsible for the discharges may be required to develop and implement a plan to address the water quality concern. However, the municipality may submit valid and verifiable information to the Department demonstrating that the receiving water is attaining water quality standards or that discharges from the MS4 are not the source of the water quality concern.

1.3.3 This permit does not authorize discharge to any outstanding resource water (ORW) or exceptional resource water (ERW) as listed in ss. NR102.10 and 102.11, Wis. Adm. Code.

1.4 General Storm Water Discharge Limitations

The Root River Group municipalities may not discharge the following substances from the MS4s in amounts that have an unreasonable effect on receiving water quality or aquatic life:

1.4.1 Solids that may settle to form putrescence or otherwise objectionable sludge deposits.

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

1.4.3 Color or odor that is unnatural and to such a degree as to create a nuisance.

1.4.4 Toxic substances in amounts harmful to aquatic life, wildlife, or humans.

1.4.5 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.

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

1.5 Responsibility

1.5.1 Each Root River Group municipality is responsible for compliance with conditions of this permit relating to discharges from those portions of the MS4 where the municipality is the owner or operator.

1.5.2 The Root River Group municipalities may implement one or more conditions of this permit as a cooperative effort with each other or other municipalities.

1.5.3 The Root River Group municipalities may contract with another entity to implement one or more conditions of this permit.

1.6 Transfers

Coverage under this permit is not transferable to another municipality without the express written approval of the Department.

1.7 Wetlands

Discharges from the Root River Group MS4s shall comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

1.8 Endangered and Threatened Resources

Discharges from the Root River Group MS4s shall comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.

1.9 Historic Property

Discharges from the Root River Group MS4s 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 storm water discharges will not have an adverse effect on any historic property pursuant to s. 44.40 (3), Wis. Stats.

1.10 Exclusions

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

1.10.1 Combined Sewer and Sanitary Sewer Systems

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

1.10.2 Agricultural Facilities and Practices

Discharges from agricultural facilities and practices as defined in s. 281.16(1), Wis. Stats.

1.10.3 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. Although storm water from industrial or construction activity may discharge to the Root River Group MS4s, this permit does not satisfy the need for the owner or operator of an industrial facility or landowner of a construction activity to obtain the appropriate permits for these discharges. This exclusion does not apply to the responsibility of Root River Group municipalities to regulate construction sites within their jurisdiction in accordance with Sections 2.3 and 2.4 of this permit.

1.10.4 Non-MS4 Discharges

Storm water discharges that do not enter the Root River Group MS4s.

2. PERMIT CONDITIONS

The following permit conditions shall apply to the Root River Group municipalities:

2.1 Public Education and Involvement

The Root River Group municipalities shall implement a public education and involvement program to increase the awareness of storm water pollution impacts and encourage public participation to help reduce impacts. The program shall include the following measurable goals:

- 2.1.1** Educational activities shall be implemented that address each of the following topics during the term of the permit:
 - 2.1.1.1** Prevention and reporting of illicit discharges.
 - 2.1.1.2** Proper disposal of waste products from automobiles, pets and household practices.
 - 2.1.1.3** Benefits of onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides.
 - 2.1.1.4** Proper management of streambanks by riparian landowners to minimize erosion and enhance the ecological value of waterways.
 - 2.1.1.5** Benefits of infiltration of residential storm water runoff from rooftop downspouts, driveways and sidewalks.
 - 2.1.1.6** Proper design, installation and maintenance of construction site erosion and storm water management practices.
 - 2.1.1.7** Methods of storm water pollution prevention for businesses.
 - 2.1.1.8** Benefits of environmentally sensitive land develop concepts.
- 2.1.2** Educational activities shall be directed at target audiences (e.g., homeowners, business owners, developers, contractors, citizen groups) that are appropriate for each topic identified in Section 2.1.1.
- 2.1.3** Target audiences shall be encouraged to provide input and participate in activities required by this permit where appropriate.

Note: It is recommended that the public education and involvement program is implemented as a cooperative effort as authorized in Section 1.5.2. The *Southeast Wisconsin Clean Water Network Public Education & Involvement Program* is an approved cooperative effort. Root River Group municipalities that do not participate in this cooperative effort are expected to implement an equivalent program within the municipality.

2.2 Illicit Discharge Detection and Elimination

The Root River Group municipalities shall enforce the municipal ordinance regarding the prevention and elimination of illicit discharges and connections to the MS4. The enforcement program shall include the following measurable goals:

2.2.1 Conduct on-going dry weather field screening at all priority outfalls at least once per year.

2.2.1.1 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.

2.2.1.2 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.

2.2.2 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.

2.2.3 If the source of an illicit discharge is found, appropriate action shall be taken to remove the illicit discharge as soon as possible but no later than 30 days.

2.2.4 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.

2.2.5 Notify the Department immediately in accordance with ch. NR 706, Wis. Adm. Code, in the event that the municipality 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 Root River Group municipalities shall cooperate with the Department in efforts to investigate and prevent such discharges from polluting waters of the state.

2.2.6 In the case of an illicit discharge that originates from a Root River Group municipality and discharges to a storm sewer or property under the jurisdiction of another municipality, the Root River Group municipality shall notify the affected municipality within 24 hours.

2.3 Construction Site Pollutant Control

The Root River Group municipalities shall enforce the municipal ordinance regarding erosion and sediment control at construction sites. The program shall include the following measurable goals:

2.3.1 Ordinance

Maintain the construction site erosion and sediment control ordinance in compliance with Department standards.

2.3.2 Permits

Issue permits for construction sites after review and approval of permit applications and erosion and sediment control plans.

2.3.3 Inspection & Enforcement

2.3.2.1 Inspect construction sites within 48 hours after receiving a complaint or other information indicating that land disturbing construction activities are being undertaken without a permit, erosion and sediment control plans are not being implemented or conditions of the permit are not being met.

2.3.2.2 Inspect all permitted construction sites at least once per month.

2.3.2.3 Document construction site inspections and enforcement actions taken.

2.3.3 Commercial Building Sites

2.3.3.1 Delegated Municipalities

Root River Group municipalities that have Department of Commerce commercial buildings delegation shall remove the commercial building site exemption from the erosion and sediment control ordinance.

2.3.3.2 Non-Delegated Municipalities

Root River Group municipalities that do not have Department of Commerce commercial buildings delegation shall request the authority from the Department of Commerce to regulate erosion control at public buildings and places of employment. If the Department of Commerce delegates to the municipality the authority to regulate erosion control at public buildings and places of employment, the municipalities shall remove the commercial building site exemption from the erosion and sediment control ordinance.

2.4 Post-Construction Storm Water Management

The Root River Group municipalities shall enforce the municipal ordinance regarding post-construction storm water discharges from new development and redevelopment. The program shall include the following measurable goals:

2.5.1 Maintain the post-construction storm water management ordinance for new development and redevelopment in compliance with Department standards.

2.5.2 Issue permits for new development and redevelopment after review and approval of permit applications, storm water management plans and maintenance agreements.

2.5.3 Enforce long-term maintenance agreements and requirements for storm water management facilities.

2.5 Pollution Prevention

The Root River Group municipalities shall implement a pollution prevention program. The program shall include the following measurable goals:

- 2.5.1 At least once per year, inspect and maintain all municipally owned or operated storm water management facilities to maintain pollutant removal efficiency.
- 2.5.2 Sweep curbed roads in accordance with the schedule used to achieve and maintain compliance with s. NR 151.13(2)(b)1.b., Wis. Adm. Code (i.e., 20% total suspended solids reduction requirement).
- 2.5.3 Remove accumulated material from municipally owned catch basins with sumps in accordance with the schedule used to achieve and maintain compliance with s. NR 151.13(2)(b)1.b., Wis. Adm. Code.
- 2.5.4 Dispose of street sweeping and catch basin cleaning waste at a licensed municipal solid waste landfill.
- 2.5.5 Apply road salt or other deicers only as necessary to maintain public safety and in accordance with Wisconsin Department of Transportation Highway Maintenance Manual, Chapter 35.
- 2.5.6 Implement storm water pollution prevention plans for municipal garages, storage areas and other sources of storm water pollution from municipal facilities.
- 2.5.7 Apply 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.
- 2.5.8 At least once per year, educate municipal staff involved in implementing the pollution prevention program.

2.6 Storm Water Quality Management

The Root River Group municipalities shall implement a municipal storm water quality management program that shall achieve compliance with the developed urban area performance standards of s. NR 151.13(2), Wis. Adm. Code.

- 2.6.1 **Stage 1 Requirement:** Implement storm water management practices in the Root River Group permitted area that are necessary to collectively achieve and maintain compliance with the 20% total suspended solids reduction requirement.
- 2.6.2 **Stage 2 Requirement:** 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 MS4 to surface waters of the state as compared to implementing no storm water management controls, by March 10, 2013. Each Root River Group municipality shall conduct an assessment of compliance with the 40% total suspended solids reduction requirement. The assessment shall include the following:

- 2.6.2.1 Revised and/or updated pollutant loading analysis (WinSLAMM).
- 2.6.2.2 Identification of storm water management practices necessary to achieve the 40% total suspended solids reduction requirement, including locations and estimated costs of implementing the practices.
- 2.6.2.3 Identification of storm water management practices that are or will be implemented to control the discharge of pollutants of concern to impaired water bodies as identified in Section 2.7.
- 2.6.2.4 Proposed schedule for implementing the storm water management practices necessary to achieve the 40% total suspended solids requirement.

Note: It is recommended that the Root River Group municipalities consider the collective compliance approach for the Stage 2 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.

2.7 Impaired Water Bodies & Total Maximum Daily Loads

The Root River Group municipalities shall implement a program to control the discharge of pollutants of concern to impaired water bodies 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). The program shall be implemented as follows:

- 2.7.1 **Root River**
Implement specific storm water management practices to control the discharge of sediment and phosphorus from MS4 outfalls to the Root River.
- 2.7.2 **Oak Creek & Poplar Creek (Fox River)**
If the Department identifies pollutants of concern prior to expiration of the permit, implement specific storm water management practices to control the discharge of the pollutants of concern from MS4 outfalls to Oak Creek and/or Poplar Creek.
- 2.7.3 **Pike River & Lake Michigan**
If the Department identifies MS4 discharges as the source of the impairment and associated pollutants of concern prior to the expiration of the permit, implement specific storm water management practices to control the discharge of the pollutants of concern from MS4 outfalls to Pike River and/or Lake Michigan.
- 2.7.4 **New Discharge of Pollutants**
After the permit effective date, the Root River Group municipalities may not establish a new MS4 discharge of a pollutant of concern to an impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharge 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.

2.7.5 Total Maximum Daily Loads

If the Department establishes a total maximum daily load (TMDL) wasteload allocation for an impaired water body prior to expiration of this permit, the storm water management program implemented under Section 2 of this permit shall be revised as necessary to achieve and maintain compliance with the TMDL wasteload allocation. The redesigned storm water management programs shall be implemented as soon as possible.

2.8 Storm Sewer System Map

The Root River Group municipalities shall maintain a municipal separate storm sewer system map. The municipal storm sewer system map shall include:

- 2.8.1 Identification of waters of the state including name and classification, watershed boundaries, storm water drainage basin boundaries for each outfall and municipal separate storm sewer conveyance systems.
- 2.8.2 Identification of all known municipal storm sewer system outfalls discharging to waters of the state or other municipal separate storm sewer systems. Major outfalls shall be uniquely identified.
- 2.8.3 Location of any known discharge to the municipal separate storm sewer system that has been issued a WPDES permit by the Department.
- 2.8.4 Location of structural storm water management facilities including detention basins, infiltration basins, and manufactured treatment devices.
- 2.8.5 Identification of publicly owned parks, recreational areas and other open lands.
- 2.8.6 Location of municipal garages and other public works facilities.
- 2.8.7 Identification of streets.

2.9 Annual Report

Each Root River Group municipality shall submit an annual report to the Department for each calendar year. The Root River Group municipalities shall encourage 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 and compliance with permit schedules.
- 2.9.2 A summary of compliance with measurable goals including the number and nature of inspections and enforcement actions conducted to ensure compliance with the required ordinances.
- 2.9.3 A fiscal analysis which includes the annual expenditures and budget for the reporting year, and the budget for the next year.
- 2.9.4 Identification of known water quality improvements or degradation in the receiving water to which the Root River Group MS4 discharges. Where degradation is identified,

describe why the degradation has occurred and what actions are being taken to improve the water quality of the receiving water.

- 2.9.5** A duly authorized representative of the Root River Group municipality 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 DNR Sturtevant Service Center, 9531 Rayne Road, Sturtevant, WI 53177.

3. COMPLIANCE SCHEDULE

The following compliance schedule shall apply to the Root River Group municipalities:

3.1 General Compliance Schedule

Implementation of required ordinances and programs shall be ongoing to achieve the measureable goals.

3.2 Specific Compliance Schedule

Activities with specific implementation frequencies or deadlines are as follows:

Permit Condition	Activity	Frequency/Deadline
Illicit Discharge Detection & Elimination	Conduct field screening at all priority outfalls	At least once per year
	Respond to known or suspected illicit discharges	Within 24 hours
	Notify the DNR of spills	Within 24 hours
	Remove illicit discharges and connections	Within 30 days
	Notify other affected municipality	Within 24 hours
Construction Site Pollutant Control	Inspect construction sites	At least once per month and within 48 hours after receiving a complaint
	Remove commercial building site exemption from ordinance	March 31, 2009 or within 6 months after receiving DCOMM delegation
	Request commercial building site authority from DCOMM	March 31, 2009
Pollution Prevention	Inspect and maintain municipal facilities	At least once per year
	Sweep curbed streets	See Section 2.5.2
	Clean catch basins	See Section 2.5.3
	Educate municipal staff	At least once per year
Storm Water Quality Management	Complete & submit assessment of compliance with 40% total suspended solids reduction requirement	March 31, 2011
Annual Report	Complete & submit annual report	March 31 st of each year
Reapplication for Permit Coverage	Reapply for permit	January 1, 2013

4. STANDARD CONDITIONS

The conditions in s. NR 205.07(1) and (3), Wis. Adm. Code, are incorporated by reference in this permit. The Root River Group municipalities shall be responsible for meeting these requirements.

4.1 Duty to Comply: The Root River Group municipalities 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 withdrawal of permit coverage. If a Root River Group municipality files a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the municipality of any permit condition.

4.2 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 municipality's ability to meet the remaining scheduled due dates.

4.3 Noncompliance

4.3.1. Upon becoming aware of any permit noncompliance that may endanger public health or the environment, Root River Group municipalities 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 permittee 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.

4.3.2 Reports of any other noncompliance not covered under STANDARD CONDITIONS sections 4.2, 4.3.1, or 4.5. shall be submitted with the annual report. The reports shall contain all the information listed in STANDARD CONDITIONS section 4.3.1.

4.4 Duty to Mitigate: The Root River Group municipalities shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.

4.5 Spill Reporting: The Root River Group municipalities 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).

4.6 Proper Operation and Maintenance: The Root River Group municipalities 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.

4.7 Bypass: The Root River Group municipalities 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.

4.8 Duty to Halt or Reduce Activity: Upon failure or impairment of storm water management practices identified in the storm water management program, the Root River Group municipalities 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.

4.9 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.

4.10 Additional Monitoring: If Root River Group municipalities monitor 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.

4.11 Inspection and Entry: The Root River Group municipalities shall allow authorized representatives of the Department, upon the presentation of credentials, to:

4.11.1 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;

4.11.2 Have access to and copy, at reasonable times, any records that are required under the conditions of the permit;

4.11.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and

4.11.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

4.12 Duty to Provide Information: The Root River Group municipalities 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 permittee shall also furnish the Department, upon request, copies of records required to be kept by the Root River Group municipalities.

4.13 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.

4.14 Other Information: Where a Root River Group municipality 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.

4.15 Records Retention: The Root River Group municipalities 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.

4.16 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.

4.17 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 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 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. DEFINITIONS

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

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

5.2 Department means the Wisconsin Department of Natural Resources.

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

5.4 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.

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

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

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

5.8 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.

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

5.10 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.

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

5.11.1 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.

5.11.2 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.

5.12 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.

5.13 Measurable Goals are objectives that quantify the progress of program implementation and performance.

5.14 Municipal Separate Storm Sewer or MS4 means a conveyance of 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:

5.14.1 Owned or operated by a municipality

5.14.2 Designed or used for collecting or conveying storm water

5.14.3 Which is not a combined sewer conveying both sanitary and storm water

5.15 New MS4 Discharge of Pollutants means an MS4 discharge that would first occur after the permit effective date to a surface water to which the MS4 did not previously discharge storm water, and does not include an increase in an MS4's discharge to a surface water to which the MS4 discharged on or before the effective date of the permit.

5.16 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.

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

5.18 Permittee means the owner or operator of a municipal separate storm sewer system authorized to discharge storm water into waters of the state.

5.19 Permitted Area refers to the areas of land under the jurisdiction of the permittee that drains into a municipal separate storm sewer system, which is regulated under a permit issued pursuant to subch. I of NR 216, Wis. Adm. Code.

5.20 Pollutant of Concern means a pollutant that is causing impairment of an impaired water body.

5.21 Priority Outfall is an outfall that was determined to be a potential source of illicit discharges during initial outfall field screening or any other outfall that the municipality has determined to be a potential source of illicit discharges.

5.22 Redevelopment means areas where development is replacing older development.

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

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

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

5.26 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.

5.27 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.

5.28 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.

5.29 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.

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

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

5.32 WinSLAMM refers to the Source Loading and Management Model for Windows.