



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

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

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

CITY OF SHEBOYGAN

is permitted to discharge storm water from

ALL PORTIONS OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

owned or operated by the City of Sheboygan to waters of the state in the following watersheds:

**LAKE MICHIGAN
SHEBOYGAN RIVER
PIGEON RIVER
FISHERMAN'S CREEK
BLACK RIVER**

in accordance with the conditions set forth in this permit.

This permit will become effective on the date of signature.

This permit to discharge shall expire at midnight, May 31, 2011.

To retain authorization to discharge after this expiration date, an application shall be filed for reissuance of this permit in accordance with the requirements of Chapter NR 216.08, Wis. Adm. Code, at least 180 days prior to this expiration date.

State of Wisconsin Department of Natural Resources For the Secretary

By

Susan A. Eichelkraut
Storm Water Specialist

Date of Signature

EFFECTIVE DATE: June 1, 2006

EXPIRATION DATE: May 31, 2011

TABLE OF CONTENTS

Part I. Applicability

Part II. Individual Conditions

Part III. Compliance Schedule

Part IV. General Conditions

Part V. Definitions

GENERAL DESCRIPTION AND PURPOSE OF THE WPDES STORM WATER PERMIT FOR THE CITY OF SHEBOYGAN

The City of Sheboygan owns and operates a municipal separate storm sewer system that discharges to waters of the state.

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

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

PART I. APPLICABILITY

- A. PERMITTED AREA:** This permit covers all areas within the jurisdiction of the City of Sheboygan that contribute to discharges from the municipal separate storm sewer system owned or operated by the City of Sheboygan. Municipal separate storm sewer system means a conveyance or system of conveyances designed or used for the collection or conveyance of storm water. These include, but are not limited to; storm sewers, roads with drainage systems, municipal streets, catch basins, inlets, curbs, gutters, ditches, constructed channels or storm drains.
- B. AUTHORIZED DISCHARGES:** This permit authorizes storm water point source discharges to waters of the state from the municipal separate storm sewer system in the permitted area. This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, and storm water associated with industrial activity, provided the discharges are regulated by other WPDES permits or are discharges which are not considered illicit discharges.
- C. WATER QUALITY STANDARDS**
1. This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105 and NR 140, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to general narrative-type storm water discharge limitations and implementation of storm water management programs and practices.
 2. This permit does not authorize water discharges that the Department, prior to authorization of coverage under this permit, determines will cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standards. Where such determinations have been made prior to authorization, the Department may authorize coverage under this permit where the storm water management programs required under this permit will include appropriate controls and implementation procedures designed to bring the storm water discharge into compliance with water quality standards.
- D. GENERAL STORM WATER DISCHARGE LIMITATIONS:** The City of Sheboygan may not discharge the following substances from its municipal separate storm sewer system in amounts that have an unreasonable effect on receiving water quality or aquatic life:
1. Solids that may settle to form putrescence or otherwise objectionable sludge deposits.
 2. Oil, grease, and other floating material that form noticeable accumulations of debris, scum, foam, or sheen.
 3. Color or odor that is unnatural and to such a degree as to create a nuisance.
 4. Toxic substances in amounts toxic to aquatic life, wildlife, or humans.
 5. Nutrients conducive to the excessive growth of aquatic plants and algae to the extent that such growths are detrimental to desirable forms of aquatic life, create conditions that are unsightly, or are a nuisance.
 6. Any illicit discharge that has been discovered for more than 3 days.
 7. Any other substances that may impair, or threaten to impair, beneficial uses of the receiving water.

E. INDIVIDUAL RESPONSIBILITY: The City of Sheboygan is responsible for:

1. Compliance with conditions of this permit relating to discharges from those portions of the municipal separate storm sewer system where the City of Sheboygan is the owner or operator.
2. Storm water management program implementation, as required by this permit, on portions of the City that drain to its municipal separate storm sewer system where it is the owner or operator.
3. All other activities required by this permit.

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

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

1. The City of Sheboygan shall determine whether any part of its MS4 discharges to an impaired water body listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC §1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR §130.7(c)(1). Impaired waters are those that are not meeting applicable water quality standards. A list of Wisconsin impaired water bodies is listed on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/303d/303d.html>.
2. If the City of Sheboygan's MS4 discharges to an impaired water body, the City of Sheboygan 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 any pollutant(s) of concern. This section of the City of Sheboygan's program shall specifically identify control measures and practices that will collectively be used to try to eliminate the discharge of the 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 an impaired water body.
3. The City of Sheboygan shall determine whether its MS4 discharges to an impaired water body for which the Department has approved a total maximum daily load (TMDL). If so, the City of Sheboygan shall assess whether the TMDL allocation for the MS4 is being met through the existing storm water management controls or whether additional control measures are necessary. The City of Sheboygan's assessment of whether the TMDL allocation is being met shall focus on the adequacy of the City of Sheboygan'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>.
4. The storm water management program developed under Part II of this permit shall be redesigned as necessary to achieve and maintain compliance with any Department approved-TMDL allocation for an impaired water to which the MS4 discharges. The redesigned storm water management programs shall be implemented as soon as possible.

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

I. ENDANGERED AND THREATENED RESOURCES: The City of Sheboygan'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.

- J. HISTORIC PROPERTY:** The City of Sheboygan’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.
- K. EXCLUSIONS:** The following are excluded from coverage under this permit:
1. **Combined Sewer and Sanitary Sewer Systems**
Discharges of water from a sanitary sewer or a combined sewer system conveying both sanitary and storm water. These discharges are regulated under s. 283.31, Wis. Stats, and require a separate individual permit.
 2. **Agricultural Facilities and Practices**
Discharges from “agricultural facilities” and “agricultural practices”. “Agricultural facility” means a structure associated with an agricultural practice. “Agricultural practice” means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.
 3. **Other Excluded Discharges**
Storm water discharges from industrial operations or land disturbing construction activities that require separate coverage under a WPDES permit pursuant to subchs. II or III of ch. NR 216, Wis. Adm. Code. For example, while storm water from industrial or construction activity may discharge from the City of Sheboygan’s MS4, this permit does not satisfy the need to obtain any other permits for those discharges. This exclusion does not apply to the City of Sheboygan’s responsibility to regulate construction sites within its jurisdiction in accordance with Part II. sections C and D of this permit.
 4. **Indian Country**
Storm water discharges within Indian Country. The federal Clean Water Act requires that owners and operators of storm water discharges within Indian Country to obtain permit coverage directly from the United States Environmental Protection Agency.

Part II. INDIVIDUAL CONDITIONS

- A. PUBLIC EDUCATION AND OUTREACH:** The City of Sheboygan shall continue existing public and staff education and outreach programs to increase the awareness of stormwater impacts on waters of the state to encourage changing public behavior to reduce such impacts. The City of Sheboygan shall establish measurable goals for its public education program and meet the goals identified in their re-application form dated September 29, 2004. The City shall address each of the following elements at least once per year, using different material or activities and contact other interest groups that may be able to provide assistance for this program.
1. Promote detection and elimination of illicit discharges and water quality impacts associated with discharges of pollution into municipal separate storm sewer system. This may include storm water inlet stenciling, neighborhood storm watches, and hot lines to report dumping.
 2. Inform and educate the public to facilitate the proper management of materials that may cause storm water pollution from sources including automobiles, pets, household hazardous waste and household practices.
 3. Promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides.
 4. Promote the management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways.
 5. Promote infiltration of residential storm water runoff from rooftop downspouts, driveways and sidewalks.
 6. 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.
 7. Identify businesses and activities that may pose a storm water contamination concern, and where appropriate, educate specific audiences on methods of storm water pollution prevention.
 8. Promote environmentally sensitive land development designs by developers and designers, including preserving environmental corridors.
- B. PUBLIC INVOLVEMENT AND PARTICIPATION:** The City of Sheboygan shall 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, from various interest groups such as river partnerships, and comply with applicable state and local public notice requirements.

C. ILLICIT DISCHARGE DETECTION AND ELIMINATION: The City of Sheboygan shall continue a program to detect and remove illicit connections and discharges to the municipal separate storm sewer system. The City of Sheboygan shall establish measurable goals for illicit discharge detection and elimination program. The program shall include:

1. The Illicit Discharge and Connection Stormwater Ordinance to prevent and eliminate illicit discharges and connections to the municipal separate storm sewer system. At a minimum, the City shall continue to enforce the Illicit Discharge and Connection Stormwater Ordinance to:
 - a. Prohibit the discharge, spill or dumping of non-storm water substances or material into waters of the state or theMS4.
 - b. 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 of Sheboygan as significant source of pollutants to waters of the state.
 - c. Maintain 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. On-going dry weather field screening of outfalls during the term of the permit. Outfalls will be evaluated on an on-going basis at a minimum of **once per year at all major outfalls** during dry weather periods (typically 72 hours after any measurable rainfall) or as approved alternative by the Department. At a minimum, field screening shall include:
 - a. 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 illegal dumping. (Include narrative in annual report)
 - b. Field Analysis - If flow is observed, one grab sample will be tested at each location using a field test kit to determine the presence of illicit non-storm water discharges or dumping. The test kit will provide approximate readings for pH, total chlorine, total copper, total phenols, and detergents or surfactants.
 - i. Field screening points shall, where possible, be located downstream of any source of suspected illicit activity.
 - ii. 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.
 - iii. Consideration shall be given to hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or building in the area, history of the area and land use types.

3. Procedures for responding to known or suspected illicit discharges. At a minimum, procedures shall continue to:
 - a. Immediately investigate portions of the municipal separate storm sewer system 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.
 - b. Responding to spills that discharge into and/or from the municipal separate storm sewer system including tracking and locating the source of the spill if unknown.
 - c. Preventing and containing spills that may discharge into or are already within the municipal separate storm sewer system.
 - d. Immediately notify the Department in accordance with ch. NR 706, Wis. Adm. Code, in the event that the City of Sheboygan 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 of Sheboygan shall cooperate with the Department in efforts to investigate and prevent such discharges from polluting waters of the state.
 - e. Identified illicit discharges shall be eliminated within three working days to the maximum extent practicable.
 - f. To the maximum extent practicable, eliminating leakage from sanitary conveyance systems into the municipal separate storm sewer system.
 - g. 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.)
 - h. In the case of an illicit discharge that originates from the City of Sheboygan's permitted area and that discharges directly to a municipal separate storm sewer or property under the jurisdiction of another municipality, the permittee shall notify the affected municipality within one working day.

D. CONSTRUCTION SITE POLLUTANT CONTROL: The City of Sheboygan shall continue a program to control erosion and sediment from construction sites and establish measurable goals for its construction site pollutant control program.

1. The City shall:
 - a. Enforce the City's erosion control ordinance that meets or exceeds the requirements in ss. NR 151.11 and 151.23.
 - b. Only approve plans with design criteria, standards and specifications that meet or exceed the technical standards approved by the Department and the City's ordinance once it is adopted.
 - c. Enforce construction site performance standards in ss. NR 151.11 and 151.23.
 - d. Conduct, at a minimum, monthly compliance erosion control inspections at all sites in the City. The City must keep records of these inspections, including any follow up necessary on sites out of compliance their erosion control plans. The City shall contact the Department if there are significant or repeat violations at a site.
 - e. Enforce permitting requirements, procedures and fees.
 - f. Maintain inspection and enforcement authority.

D. POST-CONSTRUCTION STORM WATER MANAGEMENT: The City of Sheboygan shall continue a program to control the quantity and quality of discharges from areas of new development and redevelopment, after construction is completed. The City of Sheboygan shall establish measurable goals for its post-construction storm water management program, including:

1. Implementing the Stormwater Management Ordinance to regulate post-construction storm water discharges from new development and re-development. At a minimum, the City shall enforce:
 - a. Applicability and jurisdiction.
 - b. Design criteria, standards and specifications equivalent to the technical standards approved by the Department, which take precedence over the Wisconsin Stormwater Manual.
 - c. Minimum post-construction performance standards as established in ss. NR 151.12 and 151.24, Wis. Adm. Code.
 - d. Storm water plan requirements equivalent to those contained in s. NR 216.47, Wis. Adm. Code.
 - e. Permitting requirements, procedures and fees.
 - f. Long-term maintenance requirements.
 - g. Enforcement authority.
2. Establishing procedures that will be used to ensure the long-term maintenance of storm water management facilities.

E. POLLUTION PREVENTION: The City of Sheboygan shall continue a pollution prevention program and establish measurable goals which includes:

1. Annual inspection and maintenance of municipally owned or operated structural storm water management facilities to maintain their pollutant removal operating efficiency.
2. Each catch basin will be cleaned one time per year (in fall if possible, otherwise the following spring) and as needed (when >45% full). Catch basin cleaning schedule may be modified if future storm water management planning and or modeling suggests to meet the performance standards and is approved by the Department.
3. Sweeping the streets in the critical areas once per week and all others once per month, as snow cover permits. Street sweeping schedule may be modified if future storm water management planning or modeling suggests to meet the performance standards and approved by the Department.
4. Proper disposal of street sweeping and catch basin cleaning waste.
5. If road salt or other deicers are applied by the City of Sheboygan, no more shall be applied than the amount necessary to maintain public safety.

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

6. Proper management of leaves and grass clippings, which may include on-site beneficial reuse as opposed to collection.
7. Storm water pollution prevention planning for municipal garages, storage areas and other sources of storm water pollution, including quarterly inspections of all department of public work yards.
8. Application of lawn and garden fertilizers on municipally controlled properties, with pervious surfaces over 5 acres each, in accordance with a site-specific nutrient application schedule based on appropriate soil tests.
9. Ensure all utility staff are aware of general WPDES permits and requirements, such as the hydrostatic test water and water supply system water when discharging to the MS4. A list of these permits and requirements can be found at the following website:
<http://dnr.wi.gov/org/water/wm/ww/pmttypes.htm#general>

F. STORM WATER QUALITY MANAGEMENT: The City of Sheboygan shall continue a municipal storm water management program. The storm water management program shall achieve compliance with the developed urban area performance standards of s. NR 151.13(2), Wis. Adm. Code, for those areas of the City of Sheboygan that were not subject to the post-construction performance standards of ss. NR 151.12 or 151.24, Wis. Adm. Code. (Note: projects where NOI's were submitted prior to Oct. 1, 2004). The program shall meet the goals listed in the re-application for dated September 29, 2004 and meet the following:

1. Implementation of storm water management practices necessary to achieve a 20% reduction in the annual average mass of total suspended solids discharging from the municipal separate storm sewer system to waters of the state as compared to no controls, to the maximum extent practicable, by October 1, 2008. (Please note that by Oct. 1, 2013 the requirement for reduction of total suspended solids will be 40%)
2. 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 total suspended solids and phosphorus loads shall be determined for the cumulative discharge from all outfalls for the controls and no controls conditions. Additionally, pollutant loads for grouped drainage areas as modeled shall be reported. The modeling shall calculate the theoretical annual average mass of total suspended solids generated for the entire area served by a municipal separate storm sewer system within the City of Sheboygan's jurisdiction with no controls or 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 and/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 total suspended solids only. Areas that are or were subject to the requirements of ss. NR 151.12 and 151.24, Wis. Adm. Code, shall not be included in the calculation to meet this reduction. If the assessment of compliance indicates that compliance with s. NR 151.13(2), Wis. Adm. Code, will not be achieved by October 1, 2008, a compliance plan and schedule shall be developed.

G. STORM SEWER SYSTEM MAP: The City of Sheboygan shall maintain a current municipal separate storm sewer system map. The municipal storm sewer system map shall include:

1. Identification of waters of the state, name and classification of receiving water(s), identification of whether the receiving water is an ORW, ERW or listed as an impaired water under s. 303(d) of the Clean Water Act, storm water drainage basin boundaries for each MS4 outfall and municipal separate storm sewer conveyance system.
2. Identification of all known municipal storm sewer system outfalls discharging to waters of the state or other municipal separate storm sewer system. Major outfalls shall be uniquely identified.
3. Location of any known discharge to the municipal separate storm sewer system that has been issued WPDES permit coverage by the Department.
4. Location of municipally owned or operated structural storm water facilities including detention basins, infiltration basins, and manufactured treatment devices. If the City of Sheboygan will be taking credit for pollutant removal from privately-owned facilities, they must be identified.
5. Identification of publicly owned parks, recreational areas and other open lands.
6. Location of municipal garages, storage areas and other public works facilities.

H. ANNUAL REPORT: The City of Sheboygan shall submit an annual report for each calendar year. The municipal governing body, interest groups and the general public shall be encouraged to review and comment on the annual report. The annual report shall include:

1. The status of implementing the permit requirements, status of meeting measurable program goals and compliance with permit schedules.
2. Updated storm sewer system maps, where necessary, to identify any new outfalls, structural controls, or other note worthy changes.
3. A summary describing:
 - a. The number and nature of inspections and enforcement actions conducted to ensure compliance with the required ordinances.
 - b. Public education programs for each of the eight areas.
 - c. Spill responses.
 - d. Street sweeping frequency and the amount collected.
 - e. Catch basin cleaning frequency and the amount collected.
 - f. Any other activities that have measurable results.
 - g. DPW yard inspections
 - h. Pollutant Loading removal rates and status of meeting performance standards
4. A summary of revisions made to the stormwater management plan.
5. Proposed revisions to the stormwater management program.
6. A fiscal analysis including annual expenditures and budget for the reporting year and proposed next year.
7. Identification of water quality improvements or degradation as perceived by the City of Sheboygan. Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water.
8. A duly authorized representative of each City of Sheboygan shall sign and certify the annual report and include a statement or resolution that the municipal governing body or delegated representatives have reviewed or been appraised of the content of the annual report. A signed copy of the annual report and other required reports shall be submitted to the DNR Milwaukee Service Center, 2300 North Dr. Martin Luther King Jr. Drive, Milwaukee, WI 53212.

J. COOPERATION: The City of Sheboygan may, by written agreement, implement this permit with another municipality or contract with another entity to perform one or more of the conditions of this permit.

PART III. COMPLIANCE SCHEDULE

The City of Sheboygan shall achieve compliance with the special permit conditions contained in Parts II and III in accordance with the following schedule:

PERMIT CONDITION	ACTIVITY	DUE DATE
Public Education and Outreach - Part II.A	Address the eight elements	Minimum of once per year
Illicit Discharge Detection and Elimination - Part III.B	1. Dry weather field screening of outfalls	Minimum of once per year
	2. Enforce the Illicit Discharge and Connection Stormwater Ordinance	Ongoing
Construction Site Pollutant Control - Part III.C	1. Enforce the Construction Site Pollutant Control Ordinance	Ongoing
	2. Construction site inspection, documentation, and enforcement	Monthly - Ongoing
Post-Construction Storm Water Management - Part III.D	1. Enforce the Post-Construction Stormwater Management Ordinance	Ongoing
	2. Continue procedures for long-term maintenance procedures	Ongoing
Pollution Prevention - Part III.E	1. Inspection and maintenance of municipal owned or operated structural stormwater management facilities	Ongoing
	2. Catch basin cleaning	One time per year and as needed - Ongoing
	3. Street sweeping	Critical areas – once per week All others – twice per month Ongoing
	4. Proper collection and disposal of leaves and grass clippings	Ongoing
	5. Inspections of all department of public work yards	Quarterly - Ongoing
	6. 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	Ongoing
Storm Water Quality Management - Part IV.F	1. 20% reduction in total suspended solids in runoff that enters waters of the state, to the maximum extent practicable	October 1, 2008
	2. 40% reduction in total suspended solids in runoff that enters waters of the state, to the maximum extent practicable	October 1, 2013
Storm Sewer System Map - Part III.G	Maintain a current storm sewer system map	Ongoing
Annual Report - Part III.H	Submit annual reports	March 31, 2007
		March 31, 2008
		March 31, 2009
		March 31, 2010
	Submit new application	March 31, 2011
	Submit new application	December 1, 2010

PART IV. GENERAL CONDITIONS

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

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

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

- S. ENFORCEMENT ACTION:** The Department is authorized under s. 283.89 and 283.91, Wis. Stats., to utilize citations or referrals to the Department of Justice to enforce the conditions of this permit. Violation of a condition of this permit is subject to a fine of up to \$10,000 per day of the violation.
- T. ATTAINMENT OF WATER QUALITY STANDARDS AFTER AUTHORIZATION:** At any time after authorization, the Department may determine that the discharge of storm water from the City of Sheboygan'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 of Sheboygan to do one of the following:
1. Develop and implement an action plan to address the identified water quality concern to the satisfaction of the Department.
 2. Submit valid and verifiable data and information that are representative of ambient conditions to demonstrate to the Department that the receiving water or groundwater is attaining the water quality standard.

PART V. DEFINITIONS

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

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

Department means Department of Natural Resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

Permitted Area refers to the areas of land under the jurisdiction of the City of Sheboygan that drains into its MS4, which is regulated under a permit issued pursuant to subch. I of NR 216, Wis. Adm. Code.

Redevelopment means areas where development is replacing older development.

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

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

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

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

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

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

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