

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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September 23, 2003

Mr. John Genskow, P.E.  
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City of Eau Claire  
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Eau Claire, WI 54702-5148

Mr. Terry Classen, P.E.  
Director, Facilities Planning & Management  
University of Wisconsin Eau Claire (UWEC)  
105 Garfield Ave.  
Eau Claire, WI 54701

SUBJECT: WPDES Municipal Storm Water Group Permit Issuance No. WI-S050032-1

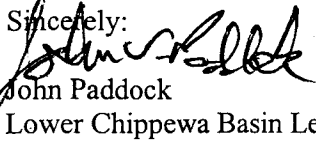
Dear Sirs:

Enclosed please find the Wisconsin Pollutant Discharge Elimination System (WPDES) Permit regulating storm water discharges from the City of Eau Claire and UWEC. The conditions of the attached permit were determined using the permit application, information from your WPDES permit file, other information available to the Department, comments received during the public notice period, and applicable Wisconsin Administrative Codes. All discharges from the City of Eau Claire and the UWEC Municipal Separate Storm Sewer System, and actions or reports relating to this system are regulated under this permit.

This permit requires the periodic submittal of program proposals and contains specific compliance dates. The Department has the authority under chs. 160 and 283, Stats., to establish effluent limitations, monitoring requirements, and other permit conditions for discharges to groundwater and surface waters of the State. The Department also has the authority to issue, reissue, modify, suspend or revoke WPDES permits under ch. 283, Stats., and has adopted Wis. Adm. Code Chapters NR 200, NR 203, NR 205, and NR 216 under this authority.

To challenge the reasonableness of or necessity for any term or condition of the attached permit, s. 283.63, Stats, and ch. NR 203, Wis. Adm. Code require that you file a verified petition for review with the Secretary of the Department of Natural Resources within 60 days of the date of this letter. This notice is provided pursuant to s. 227.48, Stats.

Sincerely:

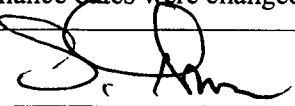
  
John Paddock  
Lower Chippewa Basin Leader

Dated:

cc: Steve Thon -WCR, Lacey Hoyt - WCR  
Eric Rortvedt - WT/2, Permits Unit - WT/2  
Ken Stromborg, USFWS - [ken\\_stromborg@fws.gov](mailto:ken_stromborg@fws.gov)  
DOT

Final 9/30/03  
47

## File Memo-Summary of Public Participation

Permit Number: WI-S050032-01-0	
Permittee Name: Eau Claire/UW-EC Municipal Stormwater	
Facility Name and Address: Eau Claire/UW-EC Municipal Stormwater, City-wide MS4 system	
Receiving Water and Location: Various Surface and Groundwater in the Lower Chippewa Basin	
Date Notice Issued: August 18, 2003	
<b>Comments Received During Public Notice</b>	
<input checked="" type="checkbox"/> No significant comments have been received	
<input type="checkbox"/> See comment letters attached (List and describe briefly)	
<b>EPA Review</b>	
<input checked="" type="checkbox"/> No comments by EPA	
<input type="checkbox"/> Changes Requested by EPA (List and attach)	
<b>Action Taken After Public Notice</b>	
<input type="checkbox"/> No changes have been made	
<input checked="" type="checkbox"/> Changes made after Public Notice. (Account for all changes below)	
<input type="checkbox"/> The Expiration Date has changed	
<input type="checkbox"/> The Schedule of Compliance has changed	
<input checked="" type="checkbox"/> Other. Summarize Changes Briefly	Minor typographical and grammar changes were made. Some interim progress dates were changed to allow logical progression. No overall compliance dates were changed.
Permit Drafter - Signature and Date:  9/23/03	

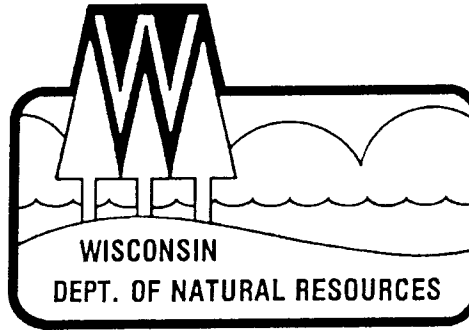
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# WPDES PERMIT

## STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

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

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

**THE CITY OF EAU CLAIRE (CITY) AND UNIVERSITY OF WISCONSIN-EAU CLAIRE (UWEC)**

is permitted to discharge storm water from  
**ALL PORTIONS OF THE CITY AND UWEC MUNICIPAL SEPARATE STORM SEWER SYSTEM**

owned or operated by the permittees listed above to waters of the state including:

Various Surface and  
Groundwater

All within the Lower Chippewa Basin

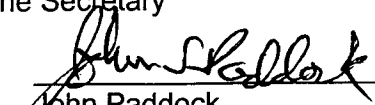
in accordance with the storm water management program, and other conditions set forth in this permit. This permit will become effective on the date of signature.

This permit to discharge shall expire at midnight, September 30, 2008.

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, Wis. Adm. Code, at least 180 days prior to this expiration date.

State of Wisconsin Department of Natural Resources  
For the Secretary

By

  
John Paddock  
Water Team Leader, Lower Chippewa Basin

Sept. 30, 2003  
Date of Signature

**EFFECTIVE DATE: October 1, 2003**

**EXPIRATION DATE: September 30, 2008**

SPECIAL CONDITIONS

A. APPLICABILITY

- (1) **PERMITTED AREA:** This permit covers all areas within the corporate limits and under the jurisdiction of the City and UWEC that contribute to discharges from the municipal separate storm sewer system owned or operated by the City and UWEC. Municipal separate storm sewer system (MS4) 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.  
*NOTE: Navigable waterways are not considered part of the MS4*
- (2) **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 illicit discharges as provided in Section E. (6)(a)4 of these Special Conditions.
- (3) **WATER QUALITY STANDARDS:** This permit specifies the conditions under which storm water can be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 to NR 105 and NR 140, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by the following:
  - (a) Adherence to the narrative type general storm water discharge limitations described in Subsection (4).
  - (b) Implementation of the best management practices of the City and UWEC storm water management program described under Section E. (5) of these Special Conditions.
  - (c) Specific numeric effluent limitations may be included in subsequent permits when procedures applicable to establishing such limits for storm water discharges are promulgated.
- (4) **GENERAL STORM WATER DISCHARGE LIMITATIONS:** The City and UWEC may not discharge from the municipal separate storm sewer system the following substances in amounts that may adversely effect receiving water quality or aquatic life:
  - (a) Solids that may settle to form putrescent or otherwise objectionable sludge deposits.
  - (b) Oil, grease, and other floating material that form noticeable accumulations of debris, scum, foam, or sheen.
  - (c) Color or odor that are unnatural and to such a degree as to create a nuisance .
  - (d) Toxic substances in amounts toxic to aquatic life, wildlife, or humans.

**SPECIAL CONDITIONS**

- (e) 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.
  - (f) Any other substances in concentrations that may impair or threaten to impair beneficial uses of the receiving water.
- (5) **INDIVIDUAL RESPONSIBILITIES:** The City and UWEC shall each individually be responsible for:
- (a) Compliance with conditions of this permit relating to discharges from those portions of the municipal separate storm sewer system where it is the owner or operator.
  - (b) Storm water management program implementation, as required by this permit, in areas that drain to the municipal separate storm sewer system where it is the owner or operator.
  - (c) All other activities required by this permit.

**SPECIAL CONDITIONS**

**B. APPLICATION DEFICIENCIES**

- (1) **LEGAL AUTHORITY:** Because of the nature of the land and MS4 ownership within the UWEC system it has been determined that no additional legal authority is necessary for UWEC. Modifications to legal authority are only applicable to the City. In addition to enforcing current ordinances listed in the City's NR 216 application, submitted June 21, 2002, ("the permit application") the City shall demonstrate its ability to meet the legal authority requirements of NR 216.06(1)(a-f). Accordingly, the City shall:
- (a) Submit to the Department a plan to consolidate and clarify the City's stormwater regulatory program. The plan must include an identification of the party within the city responsible for enforcement of each ordinance.
  - (b) Submit to the Department additional legal authority as necessary to control the discharge of stormwater from areas of construction and from areas of new development or redevelopment. This additional authority shall be consistent the model ordinances contained in NR 152.

**A proposed modified legal authority shall be submitted to the Department for approval no later than SEPTEMBER 30, 2004**

**If accepted, the modified legal authority shall be in place no later than MARCH 31, 2005**

- (2) **INDUSTRIAL SOURCE IDENTIFICATION:** In addition to the industrial sources of stormwater identified in Part 4.0, Table 5 of the permit application, the City and UWEC shall conduct an industrial source survey to identify any existing undisclosed sources and develop procedures for identification of new industrial sources as they develop.

**The industrial source survey and development of procedures to identify new sources shall be completed by MARCH 31, 2005**

**C. MONITORING REQUIREMENTS**

- (1) **CITY AND UWEC STORMWATER MONITORING PROGRAM:** The City and UWEC shall monitor representative MS4 outfalls. This monitoring data shall be used primarily to confirm the existing data files within the SLAMM model utilized to calculate pollutant loadings (see part D.3). In addition this data may be used to provide program assessment of the effectiveness and adequacy of Best Management Practices (BMP) and to identify areas that may be significant contributors of pollutants to the municipal separate sewer system. Alternate representative monitoring locations may be substituted if they provide similar representative data. Requests for approval of alternate monitoring locations shall be made to the Department in writing and include the rationale for the requested monitoring station relocation either temporary or permanent and must be approved by the Department prior to monitoring.
- (a) The City and UWEC shall submit a monitoring program proposal by **January 31, 2004** that identifies the following:

*As a practical matter,  
the City will do all the  
necessary monitoring.*

**SPECIAL CONDITIONS**

1. Purpose and goals of the monitoring program.
2. Number of rainfall events that will be sampled within the term of the permit.
3. Location of sampling point(s).
4. Parameters that the samples will be analyzed for.
5. Sampling procedures and type of sampling equipment that will be used.

- (b) All samples must be analyzed for the parameters listed in Table A found in Section C.(3). However, the parameter list may be reduced with written Department approval.

**To address the requirements in this section, the City and UWEC shall submit a monitoring program proposal that meets the requirements of NR 216.07 (5)(a), no later than JANUARY 31, 2004. A Department approved monitoring program shall be initiated no later than MARCH 31, 2004. Data obtained shall be summarized and reported to the Department as required in Section H. (4)(f), no later than SEPTEMBER 30, 2004.**

- (2) **SAMPLING EXEMPTION:** If the City and UWEC are unable to collect samples due to adverse climatic conditions, the City shall describe why samples could not be collected in the annual report. An exemption from the monitoring requirements shall be given for just cause, however, this does not relieve the City and UWEC from complying with the monitoring requirements when weather conditions allow sampling.

*NOTE: In addition to Section C. (1), the City and UWEC shall submit program proposals, as stated in Section E. (6) and (7), for illicit connection and industrial/high risk runoff programs.*

- (3) **ALTERNATIVE DATA SOURCES:** Monitoring data collected by others, such as the Department, County and priority watershed projects may be used to meet some of the City and UWEC' monitoring needs. Specifically, in-stream assessments may be useful for evaluating biological impacts relative to stormwater runoff. All data utilized to comply with this permit shall meet minimum Quality Assurance (QA) standards appropriate for the intended use.

*NOTE: Additional monitoring is required in Section E as part of the Illicit Connection/Dry Weather Screening and Industrial/High Risk Runoff program. This monitoring is explained in more detail in Section E. (6) and (7).*

**Table A - Monitoring Parameters for Storm Water Characterization**  
(all in mg/l)

Total Suspended Solids (TSS)
Total Dissolved Solids
COD
BOD <sub>5</sub>
Chloride



s/b 2 approx

Table A (cont.)

SPECIAL CONDITIONS	
Total Kjeldahl Nitrogen	
Nitrate + Nitrite Nitrogen	
Ammonia Nitrogen	
Dissolved Phosphorus	
Total Phosphorus	
Total Copper	
Total Lead	
Total Zinc	

#### D. POLLUTANT LOADING CALCULATION

- (1) **STORM WATER DISCHARGES:** The City and UWEC shall calculate the event mean concentration of each parameter, and the annual pollutant loadings from each major outfall and the cumulative discharge of all known municipal separate storm sewer outfalls.

The cumulative discharges shall be calculated for the following conditions:

- The theoretical total pollutant load as generated without any controls or BMPs.
- The total load with current drainage controls and BMPs.

*Note: This information will be used to determine compliance with Part F. of the permit.*

- (2) **POLLUTANT DATA TO REPORT:** The City and UWEC shall provide annual average pollutant loading data (as lbs/ year) for the parameters indicated in the pollutant loading column of Table B, and for any other significant pollutants identified by the City and UWEC or the Department, with the annual report due March 31st. Additionally, the City shall submit any changes to pollutant loadings, as indicated by model output, annually, as required in Section H. (4).
- (3) **PROCEDURES:** Event mean concentrations and loadings shall be calculated for each parameter by modeling analysis equivalent in accuracy to the Source Loading and Management Model (SLAMM). If the monitoring required in Part C indicates that the existing data files in the SLAMM (or equivalent) model are representative these data files may be used in the calculations. Consistent with NR 151.12(b) rainfall data from Minneapolis, 1959 (Mar.13-Nov. 4) shall be used in modeling. As required in Section H. (4), a summary and changes in model input data and a description of the procedures used, shall be submitted with the annual reports.

**A summary of the pollutant loading data and a description of the procedures used, shall be submitted to the Department in the March 31st<sup>st</sup> annual report.**

**SPECIAL CONDITIONS** *1/6 2 pages*  
**Table B - Parameters for Pollutant Loading Calculations**

Total Suspended Solids
Total Dissolved Solids
COD
BOD <sub>5</sub>
Chloride
Total Kjeldahl Nitrogen
Nitrate + Nitrite Nitrogen
Ammonia Nitrogen
Dissolved Phosphorus
Total Phosphorus
Total Copper
Total Lead
Total Zinc

**E. STORM WATER MANAGEMENT PROGRAM**

- (1) **MAXIMUM EXTENT PRACTICABLE:** The City and UWEC shall limit to the maximum extent practicable the discharge of pollutants from its municipal separate storm sewer system.
- (2) **MANAGEMENT AREA EXPANSION:** The City and UWEC shall implement the storm water management program in all new areas added to the municipal separate storm sewer system which the City annexes or installs storm sewers. Implementation shall be done as expeditiously as practicable and may follow a phased schedule.
- (3) **PROGRAM RESOURCES:** The City and UWEC shall provide adequate finances, staff, equipment, and support capabilities to implement their storm water management program. Public participation is encouraged in planning and reviews.
- (4) **PUBLIC PARTICIPATION:** The City and UWEC' storm water management program shall include a comprehensive planning process which involves public participation and considers recommendations in the Nonpoint source Control Plan for the Lowes Creek Priority Watershed Project (May 1993) ,the Report on Half Moon Lake Water Quality Improvements (November 2002) and the City and UWEC Stormwater Management Plan developed as part of this permit.
- (5) **CITY AND UWEC STORM WATER MANAGEMENT PROGRAM:** To address the requirements in this section, the City and UWEC shall implement, continue to operate, or participate in the following storm water management program best management practices (BMPs):

**SPECIAL CONDITIONS**

*Note: Implementation of these practices may be delegated to another party such as county government, Fire Department or Spill Response Team. However, it is the responsibility of the City and UWEC to assure completion and proper reporting of all activities.*

- (a) Maintenance activities and schedules for source area controls and structural best management practices for the City and UWEC:

1. Catch Basins

- The City and UWEC shall continue to clean catch basins as outlined in their NR 216 application submitted June 21, 2002.
- **By SEPTEMBER 30, 2004**, the City and UWEC shall submit a plan identifying the location of all catch basins and outlining procedures for inspecting and monitoring the sediment accumulated in each catch basin.  
*Note: The city has few remaining catch basins and does not install them in new construction. The UWEC system has numerous catch basins.*
- Starting **SEPTEMBER 30, 2005**, all catch basins shall be cleaned a minimum of once per year. After six months they shall be inspected, logged and cleaned if necessary (more than 45% full). A summary, as required in Section H.(4)(I), shall be submitted to the Department outlining the total number of catch basins and the number located in a critical area the percent full, location and number of catch basins cleaned each year.
- Cleanings from catch basins shall be stored and disposed of in a manner consistent with Part II, Section A. (9).

2. Leaf Collection

- Leaf collection shall continue as described in Part 3.1.6 (Street Cleaning) of the City and UWEC's NR 216 Permit Application, submitted June 21, 2002.
- Disposal of collected leaves shall be in a manner consistent with Part II, Section A. (9).  
*Note: The city and UWEC do not have leaf collection programs except for leaves that are collected as part of routine street sweeping.*

*To THONE 8/3/05*

3. Street Sweeping

- Street sweeping shall continue as outlined in the City's NR 216 application submitted June 21, 2002.
- Starting **NOVEMBER 30, 2003**, all streets shall be swept, at a minimum, once every two months, as snow cover permits.
- Starting **NOVEMBER 30, 2003**, all streets in critical areas shall be swept a minimum of once per month, as snow cover permits.

*Note: The city, UWEC or the Department have not identified any critical areas at this time.*

- In accordance with Part I of this permit, starting **January 1, 2005** streets within the Half Moon Lake watershed shall be swept a minimum of twice per month, as snow cover permits.
- Disposal of street sweepings shall be in a manner consistent with Part II, Sec. A. (9).

**SPECIAL CONDITIONS**

**4. Structural Control Maintenance**

- Cover – Ground cover for City owned/operated detention basins, ponds, swales, and other drainage facilities shall be maintained in such a way as to ensure that the design efficiency of the BMP is not compromised. If possible, mowed material should be removed.
- Inspections – City owned/operated detention basins and ponds shall be inspected annually, with maintenance provided as needed to ensure proper operation and/or compliance.
- Sediment - Storm water management facilities shall be inspected annually for sediment buildup. Sediments shall be removed when the structural control's design efficiency is compromised and managed in a manner consistent with Part II, Section A. (9).
- Records – The City and UWEC shall keep records of all inspections and maintenance performed on storm water structural controls for a period of 3 years.

**5. Roadway Maintenance**

- The City and UWEC shall submit a summary of their current road salting and other deicing practices to the Department **SEPTEMBER 30, 2004**
- Salt storage shall be in a manner consistent with Part II, Section A. (9).

**6. Evaluation of Public Works Yards**

- **By SEPTEMBER 30, 2004**, the permittee shall submit to the Department an evaluation of their public works yards. Guidance from NR 216.27 (3) for developing a storm water pollution prevention plan (SWPPP) is suggested.

**7. Nutrient Management on City Properties**

- In accordance with NR 151.14(1)(b), application of fertilizer on municipally controlled properties, with pervious surface over 5 acres each, shall be done in accordance with a site specific nutrient application schedule based on appropriate soils tests.
- (b) Consistent with the requirements of Subchapter III NR 151.11 and NR 151.12 the City and UWEC shall develop, implement, and enforce controls on discharges from construction sites and areas of new development and redevelopment, after construction is completed. To address this requirement, the City and UWEC shall adopt adequate legal authority as identified in Part B.1.(b). and develop a program for full implementation of a construction site stormwater program.

**Full implementation of the construction site stormwater program shall be completed by SEPTEMBER 30, 2005.**

- (c) All flood management projects conducted by the City shall include an assessment of the project's impacts upon the receiving water, storm water quality, and storm water quantity. Passage and enforcement of the City and

**SPECIAL CONDITIONS**

UWEC's Storm Water Management Ordinance, upon acceptance by the Department, satisfies this requirement.

- (d) Evaluation of all existing structural flood control devices to determine the feasibility of implementing retrofit projects to provide pollutant removal from storm water.

**A summary of evaluations shall be submitted to the Department no later than SEPTEMBER 30, 2004.**

- (e) The permittee shall update their construction site erosion control ordinance as needed to be consistent with the current State of Wisconsin DNR model ordinance contained in NR 152.
  - (f) Where applicable, a public education program to promote the management of stream banks and shorelines by riparian landowners to minimize erosion, and restore or enhance the ecological values of the waterway.
- (6) **ILLICIT CONNECTION/DISCHARGE PROGRAM:** The City and UWEC shall develop and implement a program to identify and remove illicit connections and discharges into the municipal separate storm sewer system. Accordingly, the City and UWEC shall:
- (7)
- (a) Submit to the Department a program proposal addressing the following;
    - 1. A strategy to address all types of illicit discharges.
    - 2. A schedule to implement or enforce an ordinance, order, or similar means to prevent illicit discharges.
    - 3. Procedures and methods for performing dry weather field screening at all major outfalls identified in the City and UWEC's NR 216 Permit Application, submitted June 21, 2002, or subsequently added.
      - Methods shall include visual and grab sample analysis according to NR 216.07(3), Wis. Adm. Code. Additional methods may be included at the City's discretion.
      - Safety of personnel and accessibility of the location shall be considered.
      - Field screening points shall be located where practicable, at the farthest manhole or other accessible location downstream in the system.
    - 4. Procedures to be followed to investigate those areas 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, illicit connections, or other sources of non-storm water.
      - Procedures shall be ongoing for the term of the permit.
      - Consideration shall be given to hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or buildings in the area, history of the area, and land use types.
      - The following are not considered illicit discharges unless identified by either the City and UWEC or the Department as a significant source of pollutants to waters of the State;

**SPECIAL CONDITIONS**

- Water line flushing
- Landscape irrigation
- Diverted stream flows
- Uncontaminated ground water infiltration
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate
- Irrigation water
- Lawn watering
- Individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool water
- Street wash water
- Fire fighting

If any of these discharges are identified as significant sources of pollutants, the City and UWEC shall incorporate appropriate control measures into the storm water management program.

5. Procedures to eliminate the illicit connection or discharge following detection.
  - The elimination of illicit connections shall be done as expediently as possible upon identification of responsible parties.
  - Prior to disconnection, the City and UWEC shall require the operator of the illicit connection or illicit discharge to take all reasonable measures to minimize the discharge of pollutants to the municipal separate storm sewer system.
6. Promotion of public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers. This may include storm water inlet stenciling, neighborhood storm watches, and a telephone hot line to report dumping.
7. Controls to limit infiltration of leakage from municipal sanitary sewers into the municipal separate storm sewer system.

**The program proposal shall be submitted to the Department by  
SEPTEMBER 30, 2004.**

- (b) Upon Departmental approval, implement the Illicit Connection/Discharge Program.
  1. A summary, as required in Section H.(4)(c), outlining number of outlets screened, number of illicit connections and discharges detected, illicit connections and discharges severed, and public outreach programs initiated, shall be submitted annually to the Department for activities completed beginning **MARCH 31, 2004**
  2. Implementation of the Illicit Connection/Discharge Program shall occur no later than **SEPTEMBER 30, 2005**.
- (c) If the City and UWEC detects an illicit discharge or connection prior to implementing the illicit discharge/connection program, the City must notify the Department within 48 hours of the detection.

**SPECIAL CONDITIONS**

- (7) **INDUSTRIAL/HIGH RISK RUNOFF PROGRAM:** The City and UWEC shall develop and implement a program to identify, monitor and address pollutants in storm water discharges from industrial facilities and high-risk runoff discharges described in NR 216.07(7)(c) Wis. Adm. Code. Accordingly, the City and UWEC shall:

- (a) Submit to the Department a program proposal addressing the following:
1. A screening and assessment program for storm water discharges associated with industrial facilities.
    - Within the term of this permit, the City and UWEC shall concentrate on industrial facilities located within the critical basins identified by the City and UWEC.
    - Monitoring data collected by a WPDES permitted facility may be used and is available from the Department upon its request.
    - Sampling methods may include:
      - Visual observations for color, odor, turbidity, floating solids, foam, oil sheen, or other obvious indicators of storm water pollution
      - Testing, based on a minimum of one pollutant of concern
      - Other testing methods, approved by the City and UWEC and the Department, determined to be effective in characterizing storm water discharge.
  2. Priorities and procedures for inspections of BMPs owned and operated by these facilities to determine if they implement adequate control measures.
    - Control measures may include notifying the Department of facilities discharging without a WPDES permit or when the control measures are deemed inadequate.

**A program proposal shall be submitted to the Department by SEPTEMBER 30, 2004.**

- (b) Upon Departmental approval, implement the Industrial/High Risk Runoff Program.

1. A summary, as required in Section H. (4)(c) shall be submitted to the Department annually, beginning **March 31st<sup>th</sup> following program acceptance.**
2. Implementation of the Industrial/High Risk runoff program shall occur no later than **SEPTEMBER 30, 2005.**

- (8) **CONSTRUCTION SITE RUNOFF:** The City and UWEC shall reduce pollutants in storm water runoff from construction sites through the implementation and maintenance of source area controls and structural best management practices. This requirement may be addressed by:

- (a) Implementation and enforcement of the City and UWEC' Construction Site Erosion Control Program developed under Section E.(5)(b) of this permit. At a minimum, the City shall conduct monthly inspections at all construction sites until the site is stabilized.

- (9) **INFORMATION AND EDUCATION PROGRAM:** The City and UWEC shall develop and implement an Information and Education Program. Accordingly, the City and UWEC shall:

**SPECIAL CONDITIONS**

- (a) Submit to the Department a program proposal, addressing the following;
1. Reduction of pollutants associated with the application of pesticides, herbicides, and fertilizer.
  2. Management of materials and behaviors that may pollute storm water, including used oil, paint, toxic materials, yard waste, lawn care, and car washing.
    - May include storm sewer inlet stenciling, recycling used oil, hazardous waste separation from trash, etc.
  3. Implementation and maintenance of source area controls for construction site operators.

**A program proposal shall be submitted to the Department by SEPTEMBER 30, 2004.**

- (b) Upon Departmental approval, implement the Information and Education Program.
1. A summary, as required in Section H. (4)(c) shall be submitted to the Department annually, beginning **March 31<sup>st</sup> following program acceptance.**
  2. Implementation of the Information and Education Program shall occur no later than **SEPTEMBER 30, 2005.**

- (10) **SPILLS PROGRAM:** The City and UWEC shall submit to the Department a program to prevent, contain, and respond to spills that may discharge into the municipal separate storm sewer system. Accordingly, the City and UWEC shall:

- (a) Submit to the Department a program proposal, addressing the following;

1. Procedures to prevent spills.
  - May include education programs for public and private citizens.
2. Procedures and priorities to contain spills by the City and UWEC Hazardous Response Team.
  - The City and UWEC are required to notify the Department of spills of hazardous substances as described in Part II, Section A. (5).
3. Procedures and priorities for responding to spills.

*Already  
done  
SPCC  
Program*

**A program proposal shall be submitted to the Department by SEPTEMBER 30, 2004.**

- (b) Upon Departmental approval, implement the Spills Program.
1. A summary, as required in Section H.(4)(c) shall be submitted to the Department annually, beginning **March 31<sup>st</sup> following program acceptance.**
  2. Implementation of the Spills Program shall occur no later than **SEPTEMBER 30, 2005**

- (11) **PROGRAM REVISIONS:** If necessary, the City and UWEC shall revise the storm water management program during the term of the permit in accordance with the following:



**SPECIAL CONDITIONS**

- (a) The City and UWEC may revise the storm water management program after the Department approves the revision. The program may be revised without prior Department approval if the revision is in accordance with the following:
1. The revision adds a component to the approved storm water management program. The City and UWEC shall provide a description of the added component in the annual report.
  2. The revision replaces an ineffective or unfeasible best management practice (BMP) specifically identified in the storm water management program with an alternate BMP. The City and UWEC shall submit a written request to the Department to replace a best management practice. Unless the Department issues a written denial, the replacement shall be considered approved and may be implemented 60 days from submittal of the request. Such written requests to the Department shall include the following information:
    - Explanation of why the initial BMP is ineffective or unfeasible.
    - Expectations on the effectiveness of the replacement BMP.
- (b) The Department may require the City and UWEC to revise the storm water management program. However, the City and UWEC shall have an opportunity to propose alternative program revisions to meet the objective of the request. The Department may require revisions for the following reasons:
1. To address adverse impacts on receiving water quality caused by discharges from the municipal separate storm sewer system.
  2. To include other conditions to comply with ch. NR 216, Wis. Adm. Code, or any new State or Federal requirements that may be promulgated in the future.
- (c) Department approval of revisions or requests for revisions to the storm water management plan is the authority for incorporation of the revision into the permit, until the permit can be modified or reissued in accordance with the procedures in s. 283.53, Wis. Stats.

SPECIAL CONDITIONS

F. EFFLUENT LIMITATION

- (1) In accordance with the provisions of NR 151.13 the City and UWEC is required to the maximum extent practicable to demonstrate a 20% reduction in the average annual mass discharge of Total Suspended Solids (TSS) to surface waters from the MS4 by March 10, 2008. This reduction shall be demonstrated by the modeling required in Part D. of this permit. As a baseline, the modeling shall calculate the theoretical annual average mass of TSS generated for the entire MS4 within the municipal boundary with no controls or BMPs applied. Modeling to reflect the current state of controls and BMPs shall be judged against the baseline to determine the percent reduction. Storm water infiltration 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 effluent limitation applies to TSS only. Expansion of the MS4 after **October 1, 2004** in areas regulated under Subchapter III of NR 151 shall not be included in the calculation to meet this limit. Progress toward this Effluent Limitation shall be reported in each Annual Report required in Part H.

*This is where  
future permits  
will focus!*

## SPECIAL CONDITIONS

### G. ASSESSMENT OF CONTROLS

(1) ANNUAL REVIEW: The City and UWEC shall conduct an annual review of the storm water management program in conjunction with preparation of the annual report required in Section H. The assessment of the effectiveness of the storm water management program, including both structural and non-structural practices, shall consist of the following:

- (a) A review of the monitoring program data for a direct measurement of the affect of a management practice on storm water quality. The review shall evaluate for trends in changes of pollutant loadings and event mean concentrations.
- (b) An estimate of expected changes in loadings of pollutants discharged from the municipal separate storm sewer systems. This shall include an estimate of the pollutant loading changes attributed to each major component of the storm water management program, including the illicit discharge program.
- (c) The estimate of pollutant removal reductions of management practice's can also be assessed by indirect or programmatic measurements. Statistical information, as required in paragraph (b), shall be documented and reviewed, including the following activities and any other activities which are measurable:
  - 1. Volume of used oil collected.
  - 2. Quantity of hazardous household wastes collected, and if possible, the quantity reused, recycled or disposed of.
  - 3. Number and type of illicit connections found and eliminated.
  - 4. Number of enforcement actions.
  - 5. Description of Information and Education programs described in Section E. (9) undertaken.
  - 6. Number of storm drain inlets stenciled.
  - 7. Mass of leaves collected, solids captured from street sweeping, solids removed from catch basins, solids removed from structural controls and catch basin inventories.
  - 8. Number of construction erosion control plans approved.
  - 9. Number of updated catch basins installed.
  - 10. Number of BMP's applied in areas of New, Re and Post development and their effectiveness.
- (d) An identification of known impacts of storm water controls on both surface water and groundwater quality. If data is collected, evaluate the data gathered under the program assessment monitoring requirements described under Section C.
- (c) Any storm water management program revisions needed to reduce the discharge of pollutants to the maximum extent practicable, applicable water quality standards, and compliance with permit requirements.

## SPECIAL CONDITIONS

### H. ANNUAL REPORT

- (1) **PURPOSE:** The information provided in the annual report shall be used to determine progress on implementation of the storm water management program and compliance with the conditions in the permit.
- (2) **INDIVIDUAL RESPONSIBILITIES:** The City and UWEC is responsible for content of the report.
- (3) **CERTIFICATION:** A properly authorized representative of the City and UWEC (as defined in Part II, Section A. (19)) 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 appraised of the content of the annual report.
- (4) **CONTENTS:** An annual report for a calendar year shall be submitted by **March 31<sup>st</sup> of the next year**. The first annual report, covering the period from the date of permit issuance until December 31, of that year, is **due March 31<sup>st</sup> of the following year**. The report shall include the following:
  - (a) The status of implementing the storm water management program, and compliance with any schedules contained in the permit.
  - (b) An updated storm sewer system map, where necessary, to identify of any new outfalls, structural controls, or other note worthy changes.
  - (c) A summary describing the number and nature of enforcement actions, inspections, public education programs, spill responses, and any other activities in the storm water management program described Section E., that have measurable results.
  - (d) A summary of revisions made to the storm water management program in accordance with Section E. (11).
  - (e) Proposed revisions to the storm water management program.
  - (f) If data is collected, a summary of the monitoring data required in Section C, for the reporting year.
  - (g) Proposed revisions to the storm water monitoring program.
  - (h) A summary of the pollutant loading calculations required in Section D.
  - (i) A summary of the assessment of controls required in Section E.
  - (j) A determination of compliance with the Effluent Limitation contained in Part F.
  - (k) A fiscal analysis which includes the following:
    1. The annual expenditures for the previous year with a breakdown of expenses for the major elements of the storm water program.
    2. The budget for the current year with an estimated breakdown of the expenses for the major elements of the storm water program.

- (l) Identification of water quality improvements or degradation
- (5) PUBLIC REVIEW: The general public and interest groups shall be encouraged to review and comment on the annual report. The City and UWEC shall consider those comments in the storm water management program.

I. AREAS OF SPECIAL CONCERN

- (1) Stormwater drainage into Half Moon Lake (City of Eau Claire Sub-Basin #SC-12) is of special concern because of the small size and confined nature of this waterbody.
  - (a) Due to concerns regarding phosphorus impacts to Half Moon Lake the City shall attempt to achieve a 10% reduction in the annual mass load of phosphorus from stormwater discharged into Half Moon Lake from the MS4. To achieve this reduction, street sweeping shall be increased to twice per month in this Sub-Basin during periods when the streets are not snow or ice covered.
  - (b) To address concerns regarding protection of the plant community in Braun's Bay on Half Moon Lake the biofilter swail serving this outfall shall be evaluated to determine its effectiveness. The effectiveness shall be determined as the percent of TSS removed by this BMP.

**A report summarizing this evaluation shall be submitted to the Department by September 30, 2004**

- (2) The Nonpoint Source Control Plan for the Lowes Creek Priority Watershed Project (1993) recognizes the sensitive nature of this cold water stream and its vulnerability to urban stormwater impacts. The city should consider the goals and recommendations contained in this plan when developing stormwater management practices for this watershed.

J. REPORTING REQUIREMENTS AND COMPLIANCE SCHEDULE

- (1) REPORTING: The annual report required under Part I, Section G, and reports required by General Conditions of Part II Section A(2) and A(3) shall be signed by the City Engineer or the duly authorized representative having overall responsibility for the storm water management program. A signed copy of the annual report and other required reports shall be submitted to the Department Office listed below:

Wisconsin Department of Natural Resources  
West Central Region  
Attn: Steve Thon  
P.O. Box 4001  
Eau Claire, WI 54702

- (2) COMPLIANCE SCHEDULE: Refer to General Condition of Part II Section A(2) for compliance schedule reporting requirements. The City and UWEC shall achieve compliance with the following permit special conditions contained in Part I in accordance with the following schedule: *Note: This schedule is only a summary of the requirements contained in the body of the permit. If conflicting dates are noted, those contained in the body of the permit shall prevail.*

<u>Action to be Taken</u>	<u>Reference</u> (Part I)	<u>Due Date</u>
• Legal Authority Proposal	B.(1)	September 30, 2004
• Legal Authority Implementation	B.(1)	March 31, 2005
• Industrial Source Survey	B.(1)	March 31, 2005
• Monitoring Program Proposal	C.(1)(b)	January 31, 2004
• Initiate Monitoring Program	C.(1)(b)	March 31, 2004
• Submit Pollutant Loading Data	D.	Annually, by March 31 <sup>st</sup>
• Submit Catch Basin Program Proposal	E.(5)(a)1.	September 30, 2004
• Initiate Catch Basin Program	E.(5)(a)1.	September 30, 2005
• Roadsalt Management Program Summary	E.(5)(a)5.	September 30, 2004
• Evaluation of Public Works Yards	E.(5)(a)6.	September 30, 2004
• Implementation of Construction Site Program	E.(5)(b)	September 30, 2005
• Retrofit Feasibility Evaluations	E.(5)(d)	September 30, 2004
• Illicit Discharge Program proposal	E.(6)(a)	September 30, 2004
• Illicit Discharge Program implementation	E.(6)(b)	September 30, 2005
• Industrial/High Risk Runoff Program proposal	E.(7)(a)	September 30, 2004
• Industrial/High Risk Runoff Program implementation	E.(7)(b)	September 30, 2005
• Information and Education Program proposal	E.(9)(a)	September 30, 2004
• Information and Education Program implementation	E.(9)(b)	September 30, 2005
• Spills Program proposal	E.(10)(a)	September 30, 2004
• Spills Program implementation	E.(10)(b)	September 30, 2005
• Compliance with Effluent Limitation	F.	March 10, 2008
• Evaluation of Biofilter Swail	I.(1)	September 30, 2004
• First Annual Report	H.(4)	March 31, 2004
• Second Annual Report	H.(4)	March 31, 2005
• Third Annual Report	H.(4)	March 31, 2006
• Fourth Annual Report	H.(4)	March 31, 2007
• Fifth Annual Report	H.(4)	March 31, 2008
• Reapplication for Discharge Permit	Part II,	September 30, 2007

GENERAL CONDITIONS  
PART II

A. CONDITIONS

NR 205: The conditions in s. 205.07(1) and NR 205.07(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall be responsible for meeting these requirements. Some of these requirements are outlined below in paragraphs (1) through (19). Requirements not specifically outlined below can be found in s. NR 205.07(1) and NR 205.07(3), Wis. Adm. Code.

- (1) **DUTY TO COMPLY:** The City and UWEC 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.
- (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 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 and UWEC's ability to meet the remaining schedule dates.
- (3) **NONCOMPLIANCE NOTIFICATION:**
  - (a) Upon becoming aware of any permit noncompliance which may endanger public health or the environment, the City and UWEC 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 City 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.
  - (b) Reports of any other noncompliance not covered under General Conditions (2), (3)(a), or (5) shall be submitted with the annual report required in Part I, Section G. The reports shall contain all the information listed in General Condition (3)(a).
- (4) **DUTY TO MITIGATE:** The City and UWEC shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.
- (5) **SPILL REPORTING:** The City and UWEC shall notify the Department, in accordance with ch. NR 158, 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.
- (6) **PROPER OPERATION AND MAINTENANCE:** The City and UWEC shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the City to achieve compliance with the conditions of the permit and the storm water management plan.

- (7) **BYPASS:** The City and UWEC 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.
- (8) **DUTY TO HALT OR REDUCE ACTIVITY:** Upon failure or impairment of best management practices (BMP) identified in the storm water management program, the City and UWEC shall, to the maximum extent practicable take appropriate measures to maintain permit compliance. In some instances, it may be appropriate to modify or curtail operations until the best management practices are restored or an alternative method of storm water pollution control is provided.
- (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 comply with all applicable federal, state and local regulations.
- (10) **ADDITIONAL MONITORING:** If the City and UWEC 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.
- (11) **INSPECTION AND ENTRY:** The City and UWEC shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - (a) Enter upon the City and UWEC's premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit.
  - (b) Have access to and copy, at reasonable times, any records that are required under the conditions of the permit.
  - (c) Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit.
  - (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.
- (12) **DUTY TO PROVIDE INFORMATION:** The City and UWEC shall furnish the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking or reissuing the permit or to determine compliance with the permit. The City shall also furnish the Department, upon request, copies of records required to be kept by the City.



- (13) **RECORDING OF RESULTS:** For each monitoring measurement or sample taken, the City and UWEC shall record the following information.
- (a) Date, exact place, method and time of sampling or measurements.
  - (b) Individual who performed the sampling or measurements.
  - (c) Date the analysis was performed.
  - (d) Analytical techniques or methods used.
  - (e) Results of the analysis.
  - (f) Individual who performed the analysis.
- (14) **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.
- (15) **DUTY TO REAPPLY:** If the City and UWEC wishes to continue an activity regulated by the permit after the expiration date of the permit, the City shall apply for a new permit.
- (16) **OTHER INFORMATION:** Where the City and UWEC become aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the department, it shall promptly submit such facts or correct information to the department.
- (17) **RECORDS RETENTION:** The City and UWEC shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, 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 3 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 to extend this period.
- (18) **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 City and UWEC 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 City of any permit condition.
- (19) **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.