



# WPDES PERMIT

## *STATE OF WISCONSIN*

### *DEPARTMENT OF NATURAL RESOURCES*

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

In compliance with the provisions of Chapter 283, Wis. Stats., any facility engaged in the

#### **OPERATION AND MAINTENANCE OF MUNICIPAL WATER SYSTEMS**

located in the State of Wisconsin and meeting the applicability criteria listed in Section 1 and the application requirements in Section 2 of this General Permit, is permitted to discharge wastewaters from these operations to a water of the state in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit.

State of Wisconsin Department of Natural Resources (hereafter department)  
For the Secretary

By Trevor Moen  
Trevor Moen  
Wastewater Engineer  
Bureau of Water Quality

07/14/2021  
Date Permit Signed/Issued

**PERMIT TERM: EFFECTIVE DATE – August 01, 2021**

**EXPIRATION DATE – July 31, 2026**

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**Note:** Information about the department's wastewater general permit program, this general permit, forms, and other helpful resources is available at  
<https://dnr.wisconsin.gov/topic/Wastewater/GeneralPermits.html>

# **1 Applicability Criteria**

## **1.1 Discharge Activities Covered**

This general permit is applicable to short-term point source discharges of pollutants to a water of the state from the following operational and maintenance activities of municipal water systems except those discharge activities excluded from coverage under this permit as listed in Section 1.2 and Section 1.3:

1. Discharge of flushing water from the cleaning, disinfecting, and/or flushing water distribution and storage systems;
2. Discharge of hydrostatic test water from the hydrostatic testing of water distribution and storage systems;
3. Discharge of well development water from the development, installation, and/or purging water supply wells;
4. Discharge of pigging/swabbing water from the pigging/swabbing water distribution systems to groundwater;
5. Discharges of other similar waters as determined by the department on a case-by-case basis.

This general permit covers recurring hydrant flushing discharges of the entire water distribution system for a municipality under one blanket municipal-wide coverage. For other water system discharges, municipalities (municipal water system owners) may choose to have those discharges covered under their general permit coverage or allow other non-municipal entities working on behalf of municipal water system owners to apply for coverage under this general permit separately.

## **1.2 Discharges Activities Not Covered**

The discharge activities listed in this section are not applicable to this general permit and may require application under another general or individual WPDES permit. In accordance with s. NR 205.08(5), Wis. Adm. Code, the department may deny coverage or revoke coverage under this permit and issue an individual WPDES Permit to a facility if the department determines that discharges are more appropriately covered under an individual WPDES Permit. The following discharge activities are not applicable to this general permit:

1. Disposal of debris and solids removed when flushing a water distribution or storage system;
2. Discharge of flushing water, well development water, pigging/swabbing water on a continuous basis at a single site;
3. Discharge of pigging/swabbing water from the pigging/swabbing water distribution systems to surface water.
4. Discharge of flushing water from the cleaning, disinfecting, and/or flushing industrial potable and non-potable water systems;
5. Discharge of hydrostatic test water from hydrostatic testing industrial potable and non-potable water systems;
6. Discharge of hydrostatic test water from hydrostatic testing petroleum systems;
7. Discharge of wastewater as result of waste disposal from water treatment and conditioning processes;
8. Discharge of dewatering water from dewatering any construction pit/trench;

9. Discharge of washwater from washing of vehicles and/or equipment;
10. Discharge of domestic, municipal, or process wastewater;
11. Discharge of water from any fire emergency, accidental or uncontrolled release, spill, leak, or overflow;
12. Discharge of water containing water treatment additives to surface water where the department determines that the usage of the additives has not been approved in writing by the department;

**Note:** Water treatment additives already present in the water supply system do not need to be reviewed and approved by the department.

13. Discharge of water to a wetland where the department determines that the discharge of pollutants does not meet the wetland protection requirements in of ch. NR 103, Wis. Adm. Code;
14. Discharge of water directly to an outstanding resource water as defined in s. NR 102.10, Wis. Adm. Code, or where the department determines that the discharge of pollutants will lower the water quality of downstream outstanding resource waters;
15. Discharge of water directly to an exceptional resource water as defined in s. NR 102.11, Wis. Adm. Code, or where the department determines that the discharge of pollutants will lower the water quality of downstream exceptional resource waters;
16. Discharge of water where the department determines that the facility does not have the treatment capability to treat any proposed new or increased discharge and maintain treatment levels sufficient to meet the effluent limitations in this general permit;
17. Discharge of water where the department determines that any proposed new or increased discharge results in the significant lowering of water quality in fish and aquatic life waters identified in s. NR 102.13, Wis. Adm. Code, Great Lakes system waters, and variance waters identified within ss. NR 104.05 through 104.10, Wis. Adm. Code;
18. Discharge of water that contains pollutants of concern that contributes to the impairment of a 303(d) listed impaired water or be in noncompliance with an approved Total Daily Maximum Load (TMDL);
19. Discharge of water containing toxic or hazardous pollutants required to be reported under ch. NR 706, Wis. Adm. Code;
20. Discharge of water where the department determines that the discharge of pollutants adversely impacts endangered and threatened species, including causing an incidental take, and does not comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code;
21. Discharge of water where the department determines that the discharge of pollutants adversely affects any historic property that is a listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats pursuant to s. 44.40(3), Wis. Stats;
22. Discharge of water within Indian Country;

**Note:** Indian County is defined under 40 CFR Part 122.2. The Federal Clean Water Act requires facilities with wastewater discharges within Indian Country in Wisconsin to obtain permit coverage directly from the United States Environmental Protection Agency (EPA). Facilities that have not been issued coverage under a permit for a wastewater discharge should contact the EPA.

23. Discharge of water containing substances where the department determines that the discharge of pollutants have reasonable potential to exceed the surface water quality standards in chs. NR 102, NR 104, NR 105, NR 106, NR 207, and NR 217 Wis. Adm. Code, or other applicable surface water quality standards; and
24. Discharge of water containing substances where the department determines that the discharge of pollutants have reasonable potential to exceed the groundwater quality standards in ch. NR 140, Wis. Adm. Code.

### **1.3 Permit Exclusions**

The discharge activities listed in this section are excluded from coverage under this general permit and may not require application under another WPDES permit. The discharge activities listed below are excluded from requiring coverage under this general permit:

1. Discharge of water to a holding tank that is pumped and hauled to a publicly owned wastewater treatment works; and
2. Discharge of water to a sanitary sewer system or combined sewer system that conveys the water to a publicly owned wastewater treatment works.

## 2 Application for Permit Coverage

An applicant shall comply with the following requirements to obtain coverage and authorization to discharge to a water of the state under this general permit.

### 2.1 New Permittees

#### 2.1.1 Submittal of a Notice of Intent

Any new permittee, meeting the applicability criteria in Section 1 of this general permit and the new permittee proposes a new or existing discharge that was not previously covered under WPDES Permit No. WI-0057681-04-0 prior to the **Effective Date** of this general permit, shall submit a complete electronic Notice of Intent (eNOI) for coverage under this general permit at least **30 calendar days** prior to discharging to a water of state.

New permittees must submit an eNOI to obtain coverage under this general permit using the online ePermitting System. The ePermitting System is available for use at the water permit applications webpage (<https://dnr.wisconsin.gov/permits/water>). The ePermitting System does not require any special software and is completely web-based and available using any internet browser. Applicants must have or create a Wisconsin Web Access Management System (WAMS) ID to access the eNOI. If the applicant already has a WAMS ID, then the applicant does not need to recreate one and they may access the eNOI.

#### 2.1.2 NOI Review Time Period

The department will evaluate the information submitted in the eNOI to determine whether the eNOI is true, accurate, complete, and whether the facility is eligible for coverage under the general permit within **30 calendar days** of receipt of the complete NOI and associated attachments.

**Note:** If the department notifies an applicant that a discharge is ineligible for coverage under this general permit but still requires WPDES permit coverage, the applicant shall apply for and obtain coverage under an individual WPDES permit (or alternative general permit, if available) prior to discharging to the a water of the state. The necessary steps to apply for coverage under an individual permit can be found at the department website:

<http://dnr.wi.gov/topic/wastewater/PermitApplications.html>.

#### 2.1.3 Content of the NOI

The applicant shall provide the following information on the NOI:

- Legal permittee name;
- Permittee and facility contact information;
- Facility location and type information;
- Discharge and permitted activity information;
- Attachments as indicated in Section 2.1.4; and
- Certification and signature pursuant to Section 8.2.6.

#### 2.1.4 NOI Attachments

The new permittee must include the following attachments with the NOI submittal:

1. A site map with clearly marked discharge and receiving water locations. For hydrant flushing discharges, the site map showing clearly marked municipal storm sewer outfalls with the receiving waters indicated.

2. For non-fire hydrant flushing discharges, a water flow diagram that shows the water flow through the project and indicates sources of water, operations contributing water to the effluent, and treatment units. Construct a water balance on the line drawing by showing average flows between intakes, operations, treatment units, and outfalls; and
3. A copy of the Additive Review Worksheet and Safety Data Sheet (SDS) for each water treatment additive used that may enter surface water without receiving treatment or are not expected to be removed by wastewater treatment or best management practices.

### **2.1.5 Incomplete NOI**

The department may require an applicant to submit additional information if the department determines a NOI is incomplete. The applicant shall submit the requested information.

### **2.1.6 Granting of Permit Coverage to New Permittees**

The department will transmit a coverage letter via mail addressed to the permittee stating that the discharge from the facility is granted coverage under this general permit within **30 calendar days** of receipt of the eNOI. The applicant may not commence a point source discharge of pollutants to a water of the state until a coverage letter has been received from the department. Initial coverage under this permit will become effective at a new facility beginning upon the **Start Date** specified by the department in the coverage letter. The coverage letter will be provided with instructions on where to download the general permit from the department's internet website. Alternatively, a hard copy of the permit may be mailed to the permittee upon request.

## **2.2 Existing Permittees**

### **2.2.1 Granting of Permit Coverage to Existing Permittees**

Any existing permittee that still meets the applicability criteria in Section 1 of this general permit and has an existing discharge that was previously covered under WPDES Permit No. WI-0057681-04-0 prior to the **Effective Date** of this general permit, the permittee is automatically granted coverage under this general permit upon the **Effective Date**.

The department will transmit a reissuance letter via mail addressed to the existing permittee stating that the discharge from the facility is granted continued coverage under this general permit. The reissuance letter will be provided with instructions on where to download the general permit from the department's internet website. Alternatively, a hard copy of the permit may be mailed to the permittee upon request.

## **2.3 Groundwater Discharge Certification**

For the discharge to be regulated under Section 4 as a groundwater discharge, the permittee shall certify on the NOI that the discharge will be completely infiltrate into the ground via a seepage system with no accumulation of standing water or runoff to surface water via any pipe, ditch, channel, tunnel, conduit, swale, or storm sewer. If the permittee cannot certify that the discharge will completely infiltrate into the ground via a seepage system with no accumulation of standing water or runoff to surface water, the discharge will be regulated as a surface water discharge under Section 3.

### 3 Surface Water Discharge Requirements

The requirements of this section only apply to point source discharges to surface waters. Surface water point source discharges means any discernible, confined and discrete conveyance system including but not limited to any pipe, ditch, channel, tunnel, conduit, swale, or storm sewer that will carry water to surface waters within the state of Wisconsin. Discharges of water to a storm water pond that is hydraulically connected to a surface water or to a wetland are considered surface water point source discharges.

#### 3.1 Sampling Point(s)

The discharge(s) shall be limited to the waste type(s) designated for the listed sampling point(s).

Sampling Point Designation	
Sampling Point Number	Sampling Point Location, WasteType/Sample Contents and Treatment Description (as applicable)
001	The permittee shall sample the flushing water from fire hydrant flushing of water distribution systems following treatment (if applicable) at the end of pipe or prior to entering any pipe, ditch, channel, tunnel, conduit, swale, or storm sewer that will discharge to surface water or wetlands via Outfall 001. The permittee shall take representative samples of the discharge that consists solely of the water before mixing with any other water. The permittee is only required to collect samples when there is a discharge to surface water or wetlands, including discharges to surface water or wetlands via storm sewers; if there are no discharges within the reporting frequency the permittee shall report no discharge consistent with Sections 5.1 and 5.2.
002	The permittee shall sample the flushing water from cleaning, disinfecting, and/or flushing of water storage systems; flushing water following the disinfection of water distribution systems or water supply wells; well development water from the development, installation, and/or purging water supply wells; and/or hydrostatic test water from hydrostatic testing of water distribution and storage systems following treatment (if applicable) at the end of pipe or prior to entering any pipe, ditch, channel, tunnel, conduit, swale, or storm sewer that will discharge to surface water or wetlands via Outfall 002. The permittee shall take representative samples of the discharge that consists solely of the water before mixing with any other water. The permittee is only required to collect samples when there is a discharge to surface water or wetlands, including discharges to surface water or wetlands via storm sewers; if there are no discharges within the reporting frequency the permittee shall report no discharge consistent with Sections 5.1 and 5.2.



## 3.2 Monitoring Requirements and Effluent Limitations for Fire Hydrant Flushing

The permittee shall comply with the following monitoring requirements and limitations for each hydrant being flushed within the municipal water system.

### 3.2.1 Sampling Point (Outfall) 001 – Fire Hydrant Flushing

Monitoring Requirements and Effluent Limitations						
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Reporting Frequency	Notes
Volume		gal	Annual	Total Annual	Annual	See Section 3.2.1.1

#### 3.2.1.1 Volume

The permittee shall estimate the total annual discharge volume of all hydrants flushed each year. This estimate includes scheduled and unscheduled hydrant flushing that may occur in a year.

##### 3.2.1.1.1 Flow Rate Control

The permittee shall control the flow rate to minimize the erosion of the stream bank, resuspension of sediment, downstream flooding, or property damage.

### 3.2.2 Additional Monitoring Requirements to Outfall 001

The permittee shall comply with the following additional monitoring requirements for each hydrant being flushed within the municipal water system if the department determines that these monitoring requirements are necessary to access compliance with water quality standards. The department will specify the additional monitoring requirements in the coverage letter or reissuance letter to the permittee.

Monitoring Requirements and Effluent Limitations						
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Reporting Frequency	Notes
Chlorine, Total Residual	Daily Max	19 µg/L	Annual	Grab	Annual	See Section 3.2.2.1
Phosphorus, Total	-	mg/L	Annual	Grab or Calculated	Annual	See Section 3.2.2.2
	-	lbs/yr		Calculated		

#### 3.2.2.1 Total Residual Chlorine (TRC) Monitoring

The permittee shall monitor the flushed water for TRC and limit the TRC concentration to a daily maximum of 19 µg/L or less if the department determines that the permittee adds chlorine-based additives to the flushed water prior to discharge or the water supply system already contains chlorine or chlorine compounds except if the department determines a higher TRC limit based on Section 3.2.2.1.1 or the permittee follows best management practices in lieu of monitoring for TRC as specified in Section 3.2.2.1.3. The department will specify the TRC monitoring requirements in the coverage letter or reissuance letter to the permittee.

#### **3.2.2.1.1 TRC Limitations to High Flow Streams**

The department may determine or the permittee may request, upon the effective date of this general permit or at the time of the submittal of the Notice of Intent (NOI), a daily maximum TRC limit of 38 µg/L if the receiving waters of the flushed water have stream flows (7-day average flow that occurs once in 10 years) to average volume discharged greater than or equal to 2:1 or the discharge is to a lake or impoundment that does not exhibit unidirectional flow. Those facilities that fail to have enough mixing and dilution will have to meet a daily maximum TRC limit of 19 µg/L at the end of the pipe.

#### **3.2.2.1.2 Compliance with TRC Limits when Limit is Less than LOD**

When a limitation for TRC in this permit is less than the limit of detection (LOD) for an approved test method, the permittee shall comply with the conditions:

- (a) The permittee shall perform TRC monitoring required in this permit using an approved analytical methodology for TRC from ch. NR 219, Wis. Adm. Code, in the water which produces the lowest possible LOD and LOQ.
- (b) The permittee shall determine the LOD and LOQ using an TRC test method specified in ch. NR 219, Wis. Adm. Code. If the test method does not provide a way to determine a LOD and LOQ, please reach out to the department or a laboratory for help to estimate a LOD and LOQ for the test method.
- (c) The permittee shall determine compliance with the TRC limitation as follows:
  1. TRC levels in the water less than the LOD are in compliance with the TRC limitation. The permittee shall report the results as “<LOD”.
  2. TRC levels in the water greater than the LOD but less than the LOQ are in compliance with the TRC limitation except when consistently reported between the LOD and LOQ.
  3. TRC levels in the water greater than the LOQ are not in compliance with the TRC limitation. The permittee shall report the level as a limit exceedance.

#### **3.2.2.1.3 Best Management Practices for Hydrant Flushing in Lieu of Monitoring for Total Residual Chlorine**

The permittee may demonstrate compliance with the total residual chlorine monitoring and limitations in Section 3.2.2 if the permittee meets the requirements of this section. The permittee is not required to monitor for total residual chlorine for fire hydrant flushing discharges within the municipality if the permittee complies with the following conditions:

1. The permittee must not flush hydrants straight into a surface water or wetland of the state of Wisconsin.
2. The permittee must not add any chlorine chemicals to the flushed water in addition to the chlorine already present in the water supply system water.
3. The permittee must implement one of the following best management practices at each hydrant flushed to reduce or remove total residual chlorine prior to discharge to a surface water or wetland of the state of Wisconsin:
  - a. Discharge the flushed water to grass, soil, gravel, or other permeable areas to completely infiltrate the water into the ground via a seepage system with no accumulation of standing water or runoff to surface water via any pipe, ditch, channel, tunnel, conduit, swale, or storm sewer.

- b. Discharge to a vegetative swale system, storm water pond system or combination of storm sewer system and storm water pond system that has reasonable detention time to dissipate residual chlorine below the chlorine limits prior to entering the surface water.
  - c. Use a dechlorination device or practice to remove or reduce residual chlorine levels. Examples include duck bills, diffusers, chemical dechlorination, dechlorination mats, or other similar devices or practices.
  - d. If discharging to a confined pipe (i.e. storm sewer) that conveys the water straight to the surface water, the permittee must implement use of the one the dechlorination devices or practices under Condition c. above.
4. The permittee shall include a certification statement as a facility comment on the annual electronic discharge monitoring report form that states:

*We have implemented best management practices for fire hydrant discharges to reduce or remove residual chlorine over the calendar year to meet the conditions in Section 3.2.2.1.3 of the permit. We certify that residual chlorine is not present in the fire hydrant discharges.*

#### **3.2.2.2 Total Phosphorus (TP) Monitoring**

The permittee is only required to monitor TP if the department determines that the permittee adds phosphorus containing additives to the water prior to discharge or the water already contains phosphorus or phosphorus compounds. The permittee shall either collect a sample of the discharge for total phosphorus or calculate concentration estimated in the discharge based on source water concentrations and the dosage rate of phosphate chemicals added to the finished water supply system water. The permittee shall also calculate and report the TP loading discharged. The department will specify the TP monitoring requirements in the coverage letter or reissuance letter to the permittee. Total phosphorus loadings shall be calculated as follows:

$$\text{Annual Loading (lbs/yr)} = \text{annual TP concentration (mg/L)} \times \text{total annual discharge volume (gal)} \times 10^{-6} \times 8.34$$

#### **3.2.3 Sampling Protocol for Fire Hydrant Flushing Discharges**

The permittee shall comply with the following sampling protocol of fire hydrant flushing discharges:

1. If multiple hydrant flushing discharges occur in one year within the municipality, the permittee shall only need to take a sample from one hydrant that is been flushed for the parameters in Sections 3.2.1 and 3.2.2. However, the permittee must employ the same standard flushing operations at each hydrant to be in compliance with this permit.
2. If opting or required to take samples for total residual chlorine and total phosphorus, the permittee shall take grab samples for total residual chlorine and total phosphorus after the initial flush of the fire hydrant.
3. If opting or required to take samples for total residual chlorine, the permittee shall have total residual chlorine samples tested and analyzed within 15 minutes of sample collection.
4. The permittee shall record and report the total annual discharge volume of all hydrants flushed each year.

### 3.3 Monitoring Requirements and Effluent Limitations for Other Water System Maintenance Discharges

The permittee shall comply with the following monitoring requirements and limitations for each other water system maintenance discharge to surface water that may occur within the municipal water system.

#### 3.3.1 Sampling Point (Outfall) 002 – Hydrostatic Test Water, Water Tower/Storage Tank Flushing, Well Development Water, or Other Water System Discharge

Monitoring Requirements and Effluent Limitations						
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Reporting Frequency	Notes
Flow Rate		gpd	Daily	Total Daily	Monthly	See Section 3.3.1.1
Suspended Solids, Total	Daily Max	40 mg/L	Weekly	Grab	Monthly	See Section 3.3.1.2
	-	lbs/day				
pH Field	Daily Min	6.0 s.u.	Weekly	Grab	Monthly	See Section 3.3.1.3
	Daily Max	9.0 s.u.				

##### 3.3.1.1 Flow Rate

The permittee shall estimate the total daily flow rate of the discharge. The flow rate may be estimated based on water balance, an uncalibrated weir, readings of a water meter on the discharge, computation from the operating period of one or more calibrated pumps handling the flow, calculations from the velocity and cross section of the discharge or any other approved flow estimating methods in s. NR 218.04(15), Wis. Adm. Code. The permittee may request, in writing, the approval of an additional method for estimating flow.

##### 3.3.1.2 Total Suspended Solids (TSS) Monitoring

The permittee shall monitor the discharge for TSS and limit the TSS concentration to a daily maximum of 40 mg/L.

The permittee shall calculate and report the TSS loading discharged.

Daily mass (lbs/day) = weekly TSS concentration (mg/L) x daily flow (gpd) x  $10^{-6}$  x 8.34

##### 3.3.1.3 pH Monitoring for Lime Softening

For municipalities with finished water supply water from lime softening treatment processes, the department may determine or the permittee may request, upon the effective date of this general permit or at the time of the submittal of the Notice of Intent (NOI), a daily maximum pH limit of 11 s.u. if the receiving water flow (7-day flow that occurs once in 10 years) to average effluent flow ratio is greater than or equal to 2:1. Those facilities that fail to have enough mixing and dilution will have to meet a daily maximum pH limit of 9.0 s.u. at the end of the pipe.

### 3.3.2 Additional Monitoring Requirements to Outfall 002

The permittee shall comply with the following additional monitoring requirements for each other water system maintenance discharge to surface water that may occur within the municipal water system if the department determines that these monitoring requirements are necessary to access compliance with water quality standards. The department will specify the additional monitoring requirements in the coverage letter or reissuance letter to the permittee.

Monitoring Requirements and Effluent Limitations						
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Reporting Frequency	Notes
Oil & Grease (Hexane)	Daily Max	15 mg/L	Weekly	Grab	Monthly	See Section 3.3.2.1
Chlorine, Total Residual	Daily Max	19 µg/L	Weekly	Grab	Monthly	See Section 3.3.2.2
Dissolved Oxygen	Daily Min	See Permit Note	Weekly	Grab	Monthly	See Section 3.3.2.3
Phosphorus, Total	-	mg/L	Weekly	Grab	Monthly	See Section 3.3.2.4
	-	lbs/day		Calculated		
Water Treatment Additives - Specify	TBD	TBD	Weekly	Grab	Monthly	See Section 6.

#### 3.3.2.1 Oil & Grease Monitoring

The permittee shall monitor the discharge for residual oil and grease and limit the oil and grease concentration to a daily maximum of 15 mg/L or less if the department determines that the permittee discharges from water system infrastructure where oil and grease chemicals were used during construction, installation, assembly of the infrastructure. The department will specify the oil and grease monitoring requirements in the coverage letter or reissuance letter to the permittee.

#### 3.3.2.2 Total Residual Chlorine (TRC) Monitoring

The permittee shall monitor the discharge for TRC and limit the TRC concentration to a daily maximum of 19 µg/L or less if the department determines that the permittee adds chlorine-based additives to the water prior to discharge or the water already contains chlorine or chlorine compounds except if the department determines a higher TRC limit based on Section 3.3.2.2.1 or the department approves a monitoring waiver in Section 3.3.2.2.3. The department will specify the TRC monitoring requirements in the coverage letter or reissuance letter to the permittee.

##### 3.3.2.2.1 TRC Limitations to High Flow Streams

The department may determine or the permittee may request, upon the effective date of this general permit or at the time of the submittal of the Notice of Intent (NOI), a daily maximum limit of 38 µg/L if the receiving water has a stream flow (7-day average flow that occurs once in 10 years) to average effluent flow greater than or equal to 2:1 or the discharge is to a lake or impoundment that does not exhibit unidirectional flow. Those

facilities that fail to have enough mixing and dilution will have to meet a daily maximum limit of 19 µg/L at the end of the pipe.

#### **3.3.2.2.2 Compliance with TRC Limits when Limit is Less than LOD**

When a limitation for TRC in this permit is less than the limit of detection (LOD) for an approved test method, the permittee shall comply with the conditions:

- (a) The permittee shall perform TRC monitoring required in this permit using an approved analytical methodology for TRC from ch. NR 219, Wis. Adm. Code, in the water which produces the lowest possible LOD and LOQ.
- (b) The permittee shall determine the LOD and LOQ using an TRC test method specified in ch. NR 219, Wis. Adm. Code. If the test method does not provide a way to determine a LOD and LOQ, please reach out to the department or a laboratory for help to estimate a LOD and LOQ for the test method.
- (c) The permittee shall determine compliance with the TRC limitation as follows:
  1. TRC levels in the water that are less than the LOD are in compliance with the TRC limitation. The permittee shall report the results as “<LOD”.
  2. TRC levels in the water that are greater than the LOD but less than the LOQ are in compliance with the TRC limitation except when consistently reported between the LOD and LOQ.
  3. TRC levels in the water that are greater than the LOQ are not in compliance with the TRC limitation. The permittee shall report the level as a limit exceedance.

#### **3.3.2.2.3 TRC Monitoring Waiver**

The department may approve in writing a monitoring waiver for TRC. Permittees requesting a waiver must comply with the following conditions:

1. The discharge of water will be to a storm water conveyance system, storm water pond system, or a combination of both that will convey the water to a surface water;
2. The permittee provides reasonable hydraulic calculations using peak flows or sampling data to the department showing that the residual chlorine in the discharge will be dissipated below the chlorine limits prior to entering the surface water;
3. The permittee certifies that there is no reasonable potential that TRC limits will be exceeded in the discharge when entering the surface water; and
4. The permittee submits a monitoring waiver request to the department at the time of the submittal of the NOI.

#### **3.3.2.3 Dissolved Oxygen (DO) Monitoring**

The permittee shall monitor the discharge for DO and limit the DO of the discharge to the minimum DO levels provided in Table 1 if the department determines that the permittee adds chemicals prior to discharge that are known to scavenge or remove oxygen and does not discharge to a vegetative swale system, storm water pond system or combination of storm water conveyance system and storm water pond system that will convey the water to a surface water or wetland. The permittee shall have DO samples tested and analyzed within 15 minutes of sample collection. The department will specify the DO monitoring requirements in the coverage letter or reissuance letter to the permittee.

**Table 1. DO Limits**

<b>Stream Classification</b>	<b>DO Limit (mg/L)</b>
All Surface Waters excluding trout streams	5
Trout Streams (Non-Spawning Season)	6
Trout Spawning Season (Spawning Season)	7

**Note:** Classified trout streams can be found here:  
<https://dnr.wi.gov/topic/fishing/trout/streammaps.html>. Trout spawning season runs September 15<sup>th</sup> through May 15<sup>th</sup> for all classified trout streams, the Root River (Racine County), the Kewaunee River (Kewaunee County) and Strawberry Creek (Door County). The regional Department Fisheries Biologist may waive or modify timing restrictions in writing. To find your biologist and request in writing a waiver or modification of trout spawning timing restrictions for your facility, use the webpage here:  
<https://dnr.wi.gov/topic/Fishing/people/index.html>.

#### **3.3.2.4 Total Phosphorus (TP) Monitoring**

The permittee is only required to monitor TP if the department determines that the permittee adds phosphorus containing additives to the water prior to discharge or the water already contains phosphorus or phosphorus compounds. The permittee shall calculate and report the TP loading discharged. The department will specify the TP monitoring requirements in the coverage letter or reissuance letter to the permittee. Total phosphorus loadings shall be calculated as follows:

Daily mass (lbs/day) = weekly TP concentration (mg/L) x daily flow (gpd) x  $10^{-6}$  x 8.34

#### **3.3.3 Sampling Frequency and Reporting Reduction for Recurring Other Water System Discharges**

The department may approve in writing a sampling and reporting frequency reduction for all parameters in Sections 3.3.1, 3.3.2, and/or 4.2.1 based on the schedule for recurring other water system discharges at single site for the permittee. The permittee must comply with the following conditions:

1. To allow a reduced sampling and reporting frequency of quarterly, the permittee must only perform other water system discharge activities one month per quarter. For volume, the sample type will be changed to total quarterly discharge volume for each quarter.
2. To allow a reduced sampling and reporting frequency of semi-annual, the permittee must only perform other water system discharge activities one month per 6-months. For volume, the sample type will be changed to total annual discharge volume for each year.
3. To allow a reduced sampling and reporting frequency of annual, the permittee must only perform other water system discharge activities one month per year. For volume, the sample type will be changed to total annual discharge volume for each year.
4. The permittee must not perform other water system discharge activities on consecutive months within a calendar year.
5. The permittee must be in substantial compliance with the effluent limitations stated in Sections 3.2.1, 3.2.2 and/or 4.2.1.

6. The permittee shall submit a sampling and reporting frequency reduction request to the department.

### **3.4 Surface Water Narrative Requirements**

To preserve and enhance the quality of waters, surface water uses and criteria are established to govern water management decisions. Practices attributable to municipal, industrial, commercial, domestic, agricultural, land development or other activities shall be controlled so that all surface waters including the mixing zone meet the following conditions at all times and under all flow and water level conditions:

- a) Substances that will cause objectionable deposits on the shore or in the bed of a body of water, shall not be present in such amounts as to interfere with public rights in waters of the state.
- b) Floating or submerged debris, oil, scum or other material shall not be present in such amounts as to interfere with public rights in waters of the state.
- c) Materials producing color, odor, taste or unsightliness shall not be present in such amounts as to interfere with public rights in waters of the state.
- d) Substances in concentrations or in combinations which are toxic or harmful to humans shall not be present in amounts found to be of public health significance, nor shall substances be present in amounts which are acutely harmful to animal, plant or aquatic life.

### **3.5 Wetland Narrative Requirements**

The permittee shall meet the following conditions at all times so that wetland water quality related functional values or uses of wetlands as stated in s. NR 103.03(1), Wis. Adm. Code are protected:

- a) Liquids, fill, or other solids or gas may not be present in amounts which may cause significant adverse impacts to wetlands.
- b) Floating or submerged debris, oil or other material may not be present in amounts which may interfere with public rights or interest or which may cause significant adverse impacts to wetlands.
- c) Materials producing color, odor, taste or unsightliness may not be present in amounts which may cause significant adverse impacts to wetlands.
- d) Concentrations or combinations of substances which are toxic or harmful to human, animal or plant life may not be present in amounts which individually or cumulatively may cause significant adverse impacts to wetlands.
- e) Hydrological conditions necessary to support the biological and physical characteristics naturally present in wetlands shall be protected to prevent significant adverse impacts on:
  - a. Water currents, erosion or sedimentation patterns;
  - b. Water temperature variations;
  - c. The chemical, nutrient and dissolved oxygen regime of the wetland;
  - d. The movement of aquatic fauna;
  - e. The pH of the wetland; and
  - f. Water levels or elevations.
- f) Existing habitats and the populations of wetland animals and vegetation shall be maintained by:
  - a. Protecting food supplies for fish and wildlife;



- b. Protecting reproductive and nursery areas; and
- c. Preventing conditions conducive to the establishment or proliferation of nuisance organisms.

## 4 Groundwater Discharge Requirements

The requirements of this section only apply to point source discharges to groundwater. Groundwater point source discharge means any discernible, confined and discrete conveyance system including but not limited to any pipe, ditch, channel, tunnel, conduit, swale, or storm sewer that will carry water to a permeable surface, absorption pond, or seepage cell system that infiltrates or seeps the water into the soil that may impact groundwater quality. Discharge of water to a storm water pond that is not hydraulically connected to a surface water and is completely confined on the property of the permittee is considered a groundwater point source discharge.

### 4.1 Sampling Point(s)

The discharge(s) shall be limited to the waste type(s) designated for the listed sampling point(s).

Sampling Point Designation	
Sampling Point Number	Sampling Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)
003	The permittee shall sample the flushing water from cleaning, disinfecting, and/or flushing of water distribution systems, water storage systems, or water supply wells; well development water from the development, installation, and/or purging water supply wells; and/or hydrostatic test water from hydrostatic testing of water distribution and storage systems following treatment (if applicable) at the end of pipe or prior to entering any pipe, ditch, channel, tunnel, conduit, swale, or storm sewer that will discharge to any seepage system via Outfall 003. The permittee shall take representative samples of the discharge that consists solely of the water before mixing with any other water. The permittee is only required to collect samples when there is a discharge to groundwater; if there are no discharges within the sampling frequency the permittee shall report no discharge consistent with Sections 5.1 and 5.2.

### 4.2 Monitoring Requirements and Effluent Limitations for All Groundwater Discharges

The permittee shall comply with the following monitoring requirements and limitations for each other water system maintenance discharge to groundwater that may occur within the municipal water system

#### 4.2.1 Sampling Point (Outfall) 003 – Groundwater Discharges

Monitoring Requirements and Effluent Limitations						
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Reporting Frequency	Notes
Flow Rate	-	gpd	Daily	Total Daily	Monthly	See Section 4.2.1.1

##### 4.2.1.1 Flow Rate

The permittee shall estimate the total daily flow rate of the discharge except for the discharge from the pigging/swabbing water distribution systems. The flow rate may be estimated based on water balance, an uncalibrated weir, readings of a water meter on the discharge, computation from the operating period of one or more calibrated pumps handling the flow, calculations from the velocity and cross section of the discharge or any other approved flow

estimating methods in s. NR 218.04(15), Wis. Adm. Code. The permittee may request, in writing, the approval of an additional method for estimating flow.

#### **4.2.1.2 Pigging and Swabbing Operations**

The permittee shall not discharge any pigging/swabbing water from the pigging/swabbing water distribution systems to surface water. The permittee shall dispose of any removed debris and solids properly in accordance any applicable Solid and Hazardous Waste Regulations in chs. NR 500 to NR 590 and NR 600 to NR 690, Wis. Adm. Code.

## 5 Reporting Requirements for Surface Water and Groundwater Discharges

The permittee shall comply with the following reporting requirements for surface water and groundwater discharges.

### 5.1 Reporting of Monitoring Results

The permittee shall submit water discharge monitoring data as required by Sections 3.2.1, 3.2.2, 3.3.1, 3.3.2, and/or 4.2.1 on an electronic discharge monitoring report (eDMR) form in accordance with s. NR 205.07(1)(r), Wis. Adm. Code upon **Effective Date** of this general permit. The eDMR form is available through the [Switchboard](#). The eDMRs are due 21 days following the end of the reporting frequency. For instance, if a parameter is to be sampled monthly, the eDMRs are due 21 days following the end of each month. **The eDMR shall be submitted to the department whether or not there is a discharge during any reporting frequency. Paper copies will no longer be accepted.**

In order to access the eDMR forms, you must have or create a Wisconsin Web Access Management System (WAMS) ID and request access for each facility for which you intend to submit data. The Switchboard can be used to create a WAMS ID and register with your contact information and user roles. If you already have a WAMS ID, then you do not need to recreate one but must still request access to each facility for which you intend to submit data.

### 5.2 Reporting Conventions

The permittee shall use the following conventions when reporting effluent monitoring results except when otherwise noted:

- Pollutant concentrations less than the limit of detection shall be reported as < (less than) the value of the limit of detection. For example, if a substance is not detected at a detection limit of 0.1 mg/L, report the pollutant concentration as < 0.1 mg/L.
- Pollutant concentrations equal to or greater than the limit of detection, but less than the limit of quantitation, shall be reported and the limit of quantitation shall be specified unless otherwise noted.
- For the purposes of reporting a calculated result, average or a mass discharge value, the permittee may substitute a value of 0 (zero) for any pollutant concentration that is less than the limit of detection. However, if the effluent limitation is less than the limit of detection, the department may substitute a value other than zero for results less than the limit of detection, after considering the number of monitoring results that are greater than the limit of detection and if warranted when applying appropriate statistical techniques.
- For days with no flow, the flow rate shall be reported as “0” on those days.

## **6 Water Treatment Additives**

### **6.1 Use of Water Treatment Additives**

The permittee shall not add any substance or water treatment additive to the discharge to a surface water unless the use of the water treatment additive is reviewed and approved, in writing, by the department. A water treatment additive review by the department is only necessary for water treatment additives that may enter surface water without receiving treatment. Examples of water treatment additives include biocides (i.e. algacides, microbicides, fungicides, molluscicides, etc.), water quality conditioners (i.e. scale and corrosion inhibitors, pH adjustment chemicals, oxygen scavengers, conditioning agents, and water softening compounds, etc.), dechlorination chemicals, erosion control products, and clarifying agents. *Water treatment additives already present in the water supply system do not need to be reviewed and approved.*

**Note:** For more information on the water treatment additive review process, please see the department's additives webpage: <https://dnr.wisconsin.gov/topic/Wastewater/Additives.html>.

### **6.2 Approval of Water Treatment Additive Usage**

#### **6.2.1 New Discharge**

Any permittee that proposes a new discharge to a surface water during the permit term that has not been covered under this general permit and wishes to commence use of a water treatment additive, the permittee shall submit a copy of the Additive Review Worksheet and SDS to the department for each water treatment additive used which requires department approval with the NOI. The Additive Review Worksheet is available on the department's additives webpage link above. The department will transmit the additive use approval on the coverage letter to the permittee. The permittee shall comply with the conditions specified in the coverage letter.

#### **6.2.2 Existing Discharge**

Any permittee with an existing discharge that has been granted coverage under this general permit during the permit term and wishes to commence use of a new water treatment additive or increase the usage of an approved water treatment additive, the permittee shall submit a written request with a copy of the Additive Review Worksheet and SDS to the department for each water treatment additive used which requires department approval. The Additive Review Worksheet is available on the department's additives webpage link above. The permittee must receive written approval from the department prior to initiating such changes. The department will transmit an additive use approval letter to the permittee. The permittee shall comply with the conditions specified in the approval letter.

### **6.3 Water Treatment Additive Usage Record**

The permittee shall maintain records of the monthly water treatment additive usage including the water treatment additive name, manufacturer, and daily maximum and monthly average amount used. Water treatment additive use may be recorded as the quantity of the pollutant added to the discharge.

### **6.4 Public Notice of Additive Use Restrictions**

If the department determines that a water treatment additive requires a usage restriction and effluent limits, the department is required to public notice those proposed limits prior to the limits becoming effective and implemented through this general permit. The public notice period is to last 30-days and be issued in a newspaper of general circulation in the area affected by the discharge and the department's public notice webpage. The effluent limitations, limit type, and sample type for substances will be stated in the additive use approval letter.

## 7 Antidegradation, Impaired Waters & TMDLs, and Wetland Requirements

### 7.1 Antidegradation Policy Statement

Any permittee proposing a new or increased discharge to surface water of the state that meets the applicability criteria in Section 1 and the application requirements in Section 2 and that the department has determined via letter that the discharge is authorized for coverage under this general permit is in compliance with the antidegradation policy in s. NR 102.05(1)(a), Wis. Adm. Code, and antidegradation evaluation procedures in ch. NR 207, Wis. Adm. Code.

### 7.2 Impaired Waters & TMDL Requirements

#### 7.2.1 Report Discharge to an Impaired Surface Water or TMDL

##### 7.2.1.1 New Permittee

Any new permittee or existing permittee that proposes a new discharge during the permit term that was not previously covered under WPDES Permit No. WI-0057681-04-0 prior to the **Effective Date** of this general permit, shall report on the NOI if the water discharge has a detectable pollutant of concern (i.e. total suspended solids and total phosphorus) that discharges to an impaired surface water or a surface water with a State and EPA approved Total Daily Maximum Load (TMDL).

**Note:** The section 303(d) list of Wisconsin impaired surface water bodies may be obtained by contacting the department or by searching for the section 303(d) list on the department's Internet site: <https://dnr.wisconsin.gov/topic/SurfaceWater/ConditionLists.html>. The department updates the section 303(d) list approximately every two years. State and Federal Approved TMDLs can be identified by contacting the department, or by searching for the State and Federal Approved TMDL list on the department Internet site: <https://dnr.wisconsin.gov/topic/TMDLs/TMDLReports.html>.

##### 7.2.1.2 Existing Permittee

Any existing permittee that had an existing water discharge to an impaired surface water or a surface water with a State and EPA approved TMDL that was previously covered under WPDES Permit No. WI-0057681-04-0 prior to the **Effective Date** of this general permit, shall notify the department if the existing water discharge has a detectable pollutant of concern (i.e. total suspended solids and total phosphorus) that discharges to an impaired surface water or a surface water with a State and EPA approved TMDL.

#### 7.2.2 Department Determinations

The permittee may not establish a new or increased discharge of a pollutant of concern to an impaired water or a surface water with an approved TMDL until the department has determined that the new or increased discharge meets the antidegradation requirements provided in Section 7.1 and the discharge does not contribute to the receiving water impairment or the discharge is consistent with the State and Federal approved TMDL. If the department determines that the new or increased discharge does not meet the antidegradation requirements provided in Section 7.1 or the discharge does contribute to the receiving water impairment or the discharge is inconsistent with the State and Federal approved TMDL, the permittee must apply for coverage under for an individual permit or find an alternative discharge location such as discharging to groundwater to potentially remain eligible for this general permit.

### **7.2.3 Impaired Water and TMDL Compliance**

If the permittee will have a water discharge with a detectable pollutant of concern to an impaired water or a surface water with an approved TMDL, the permittee is required to calculate the mass loading of the pollutant of concern discharged if that pollutant is required to be monitored in this general permit. The permittee must comply with the pollutant wasteload allocation granted to general permit discharges in any State and EPA approved TMDLs. If department determines that sufficient allocation has not been set aside for general permit facilities, facilities may be switched to individual permits with discharge requirements placed in the permit sufficient to meet the TMDL allocations and/or reserve capacity may be used to increase the WLA for general permits, where necessary.

## **7.3 Wetland Requirements**

### **7.3.1 Report Discharge to Wetland**

#### **7.3.1.1 New Permittee**

Any new permittee or existing permittee that proposes a new discharge to a wetland during the permit term that that was not previously covered under WPDES Permit No. WI-0057681-04-0 prior to the **Effective Date** of this general permit, shall report on the NOI if the water will be a to wetland. Any water discharge to wetland is considered a surface water discharge and must comply with the surface water discharge requirements in Section 3. Additionally, the permittee shall provide no practical alternatives analysis documentation as an attachment to the NOI per Section 7.3.2.

#### **7.3.1.2 Existing Permittee**

Any existing permittee that had an existing water discharge to a wetland that was previously covered under WPDES Permit No. WI-0057681-04-0 prior to the **Effective Date** of this general permit, shall notify the department if the existing water discharge will be to a wetland. If existing discharge will be to a wetland, the permittee must comply with the surface water discharge requirements in Section 3.

### **7.3.2 No Practical Alternatives Analysis**

If the permittee will propose a discharge of water to a wetland, the permittee shall demonstrate the following in writing:

1. That no practical alternatives exist that would avoid discharge to the wetland; and
2. That all practicable measures to minimize adverse impacts to the functional values of the affected wetlands will be taken.

### **7.3.3 Department Determinations**

The permittee may not establish a new or increased discharge to a wetland until the department has determined that the proposed discharge meets the wetland requirements in Section 7.3.1 and Section 7.3.2 and in ch. NR 103, Wis. Adm. Code and the proposed discharge will not result in significant adverse impacts to wetland functional values, significant adverse impacts to water quality or other significant adverse environmental consequences. If the department determines that the proposed discharge will not meet the wetland requirements in Section 7.3.1 and Section 7.3.2 and in ch. NR 103, Wis. Adm. Code and the proposed discharge will result in significant adverse impacts to wetland functional values, significant adverse impacts to water quality or other significant adverse environmental consequences, the permittee must apply for coverage under for an individual permit or find an alternative discharge location such as discharging to groundwater to potentially remain eligible for this general permit.

## **8 Standard Requirements**

The conditions in ss. NR 205.07(1), NR 205.07(3), and NR 205.08(3), Wis. Adm. Code and 40 CFR 122 are included by reference in this permit. Some of these requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in the Standard Requirements can be found in ss. NR 205.07(1), 205.07(3), and NR 205.08, Wis. Adm. Code and 40 CFR 122.

### **8.1 General Conditions for General Permits**

The permittee shall comply with the following general conditions for general permits.

#### **8.1.1 Delegation of Signature Authority**

The permittee must provide a delegation of signature authority (DSA) request (Form 3400-220, Delegation of Signature Authority) or equivalent for a duly authorized representative to submit specific documents on the behalf of a responsible executive, officer, manager, partner, or proprietor of a permitted discharge. An executive, officer, manager, partner, or proprietor can only delegate signature authority to a duly authorized representative if that person is responsible for the overall operation of the facility or activity regulated by this general permit. The DSA request shall specify the name of the individual and their employment position. The DSA request must be submitted to the department with the NOI or together with the submittal of any required documents. If there are any changes to this request, a new DSA request shall be submitted to the department.

#### **8.1.2 Permit Coverage Transfers**

A permit is not transferrable to any person except after notice to the department. Permittees that wish to transfer general permit coverage to a new permittee must submit a Transfer of Coverage (TOC, Form 3400-222). The TOC must be submitted at least thirty (30) days in advance of the proposed transfer date. All TOCs shall be completed by both the existing and new permittees including the "Certification & Signature" section and sent via mail or email to the department. The department will then send a letter to the existing permittee stating that their coverage is terminated under this general permit.

If the quality or quantity of the discharge has not changed at the facility, the department will send a letter of determination that grants coverage to the new permittee under this general permit. If there have been significant changes at the permitted facility, the new permittee shall submit a new NOI to the department.

#### **8.1.3 Permit Coverage Terminations**

Permittees that wish to terminate their general permit coverage must submit a Notice of Termination (NOT, Form 3400-221) to the department. All NOTs must be completed by the permittee and including the "Certification & Signature" section and sent via mail or email to the department. The department will then send a termination letter to the permittee stating that their coverage is terminated under this general permit.

#### **8.1.4 Continuation of an Expired General Permit**

If a permittee submitted a complete and timely NOI to be covered by this general permit, all conditions of an expired general permit shall continue to apply until the effective date of a new general permit.



## **8.2 General Conditions for WPDES Permits**

The permittee shall comply with the following general conditions for WPDES Permits.

### **8.2.1 Duty to Comply**

The permittee shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action; permit coverage termination; or denial of reapplying for permit coverage. If a permittee violates any terms of the permit, the permittee is subject to the penalties established in ch. 283, Wis. Stats.

### **8.2.2 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 any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

### **8.2.3 Inspection and Entry**

The permittee shall allow an authorized representative of the department, upon the presentation of credentials, to:

- Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit;
- Have access to and copy, at reasonable times, any records that are required under the conditions of the permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and
- Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

### **8.2.4 Recording of Results**

The permittee shall maintain records which provide the following information for each effluent measurement or sample taken:

- the date, exact place, method and time of sampling or measurements;
- the individual who performed the sampling or measurements;
- the date the analysis was performed;
- the individual who performed the analysis;
- the analytical techniques or methods used; and
- the results of the analysis.

### **8.2.5 Records Retention**

The permittee 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. All pertinent sludge information, including notice of intent information and other documents specified in the permit or ch. NR 204, Wis. Adm. Code, shall be retained for a minimum of 5 years.

### **8.2.6 Signatory Requirement**

All permit notice of intents, reports and other information requested by the department shall be signed by a responsible executive or municipal officer, manager, partner or proprietor as specified in s. 283.37(3), Wis. Stats., or a duly authorized representative of the officer, manager, partner or proprietor that has been delegated signature authority pursuant to NR 205.07(1)(g)2, Wis. Adm. Code.

### **8.2.7 Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training as required in Ch. NR 114 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 the conditions of the permit.

### **8.2.8 Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent the likelihood of any adverse impacts to public health, the waters of the state, or the environment resulting from noncompliance with the permit.

### **8.2.9 Duty to Provide Information**

The permittee shall furnish the department, within a reasonable time, any information which the department may request to determine whether cause exists for modifying, terminating, suspending, revoking or reissuing the permit or to determine compliance with the permit. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall also furnish the department, upon request, copies of records required to be kept by the permittee.

### **8.2.10 Need to Halt or Reduce Activity Not a Defense**

It is not a defense for a permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

### **8.2.11 Sampling Procedures**

The permittee shall take samples and measurements that are representative of the volume and nature of the monitored discharge at points specified in the permit using sample types specified in the permit. The permittee shall also follow the effluent flow measurement and sample collection procedures in ch. NR 218, Wis. Adm. Code.

### **8.2.12 Testing Procedures**

Samples collected under this permit shall be tested for the parameters listed in this permit and follow approved test methods and procedures specified in ch. NR 219, Wis. Adm. Code. If the required level cannot be met by any of the methods available in ch. NR 219, Wis. Adm. Code, then the method with the lowest limit of detection shall be selected. Additional test procedures may be specified in the permit.

### **8.2.13 Laboratory Certification or Registration**

Samples collected under this permit shall be tested and analyzed by a laboratory certified or registered under ch. NR 149, Wis. Adm. Code. A list of Wisconsin DNR accredited laboratories

can be found here: <https://dnr.wi.gov/regulations/labCert/LabLists.html>. The following tests are excluded from this requirement:

- Dissolved Oxygen;
- Temperature;
- Turbidity;
- Bacteria tests in wastewater effluent and sludges;
- pH;
- Chlorine residual;
- Specific conductance;
- Physical properties of soils and sludges;
- Nutrient tests of soils and sludges; and
- Flow measurements.

### **8.2.14 Effluent Limits Less than LOD or LOQ**

When an effluent limitation for any substance in this permit is less than the limit of detection (LOD) or the limit of quantitation (LOQ), the following conditions shall apply:

- (a) The permittee shall perform monitoring required in this permit using an acceptable analytical methodology for that substance in the effluent which produces the lowest LOD and LOQ.
- (b) The permittee shall determine the LOD and LOQ using a test method specified in ch. NR 219, Wis. Adm. Code.
- (c) Compliance with concentration limitations shall be determined as follows:
  1. When the effluent limitation is less than the LOD, effluent levels less than the LOD are in compliance with the effluent limitation.
  2. When the effluent limitation is less than the LOD, effluent levels greater than the LOD, but less than the LOQ are in compliance with the effluent limitation except when analytically confirmed and statistically confirmed by a sufficient number of analyses of multiple samples and use of appropriate statistical techniques.
  3. When the effluent limitation is greater than the LOD, but less than the LOQ effluent levels less than the LOD or less than the LOQ are in compliance with the effluent limitation.

### **8.2.15 More Frequent Monitoring**

As specified in NR 205.07(1)(r), if the permittee monitors any parameter more frequently than required by the permit, using test procedures specified in ch. NR 204 or 219, Wis. Adm. Code or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report.

### **8.2.16 Noncompliance and Other Reporting**

The permittee shall report the all other types of noncompliance by a telephone call to the department's regional office within 24 hours after becoming aware of the noncompliance:

- any noncompliance which may endanger health or the environment;
- any violation of an effluent limitation resulting from a bypass;
- any violation of an effluent limitation resulting from an upset; and
- any violation of a maximum discharge limitation for any of the pollutants listed by the department in the permit, either for effluent or sludge.

A written report describing the noncompliance shall also be submitted to the department as directed at the end of this permit within 5 days after the permittee becomes aware of the noncompliance. On a case-by-case basis, the department may waive the requirement for submittal of a written report within 5 days and instruct the permittee to submit the written report with the next regularly scheduled monitoring report. In either case, 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.

### **8.2.17 Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a notice of intent or submitted incorrect information in a notice of intent or in any report to the department, it shall promptly submit such facts or correct information to the department.

### **8.2.18 Bypassing**

Except for a controlled diversion as specified in s. NR 205.07(1)(v), Wis. Adm. Code, any bypass is prohibited. The department may approve a bypass if the permittee demonstrates all the following conditions apply:

- The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities or adequate back-up equipment, retention of untreated wastes, reduction of inflow and infiltration, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance. When evaluating feasibility of alternatives, the department may consider factors such as technical achievability, costs and affordability of implementation and risks to public health, the environment and, where the permittee is a municipality, the welfare of the community served; and
- The bypass was reported in accordance with the ‘Noncompliance Reporting’ section of this permit.

### **8.2.19 Permit as Enforcement Shield**

Compliance with a permit during its term constitutes compliance for purposes of enforcement with 33 USC 1311, 1312, 1316, 1317, 1328, and 1345 (a) and (b), except for any toxic effluent standard or prohibition, and standards for sewage sludge use or disposal. If a new or revised toxic effluent standard or toxic prohibition becomes effective during the term of the permit, the permittee may be subject to enforcement action if the discharge exceeds the new or revised effluent standard for the toxic pollutant even though the discharge is in compliance with the existing permit. The permittee may also be subject to enforcement action standards for sewage sludge use or disposal. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in ch. 283, Wis. Stats., and ch. NR 203, Wis. Adm. Code.

### **8.2.20 Severability**

The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### 8.3 General Conditions for non-POTW Permits

The permittee shall comply with the following general conditions for non-POTW permits.

#### 8.3.1 Removed Substances

Solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of wastewaters or intake waters shall be stored and disposed of in a manner to prevent any pollutant from the materials from entering the waters of the state. Land disposal or application of treatment plant solids and sludges shall be at a site or operation licensed by the department under chs. NR 500 to 538, Wis. Adm. Code or chs. NR 660 to 670, Wis. Adm. Code or in accordance with ch. NR 204 or 214, Wis. Adm. Code.

#### 8.3.2 Spill Reporting

The permittee shall notify the department in accordance with ch. NR 706 (formerly ch. NR 158), Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state at a rate or concentration greater than the effluent limitations established in the permit, or the spill or accidental release of the material is unregulated in the permit, unless the spill or release of pollutants has been reported to the department under this section.

**Note:** Section 292.11(2)(a), Wis. Stats., requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the department **immediately** of any discharge not authorized by the permit. **The discharge of a hazardous substance that is not authorized by this permit or that violates this permit may be a hazardous substance spill. To report a hazardous substance spill, call DNR's 24-hour HOTLINE at 1-800-943-0003.**

#### 8.3.3 Planned Changes

In accordance with ss. 283.31(4)(b) and 283.59(1), Wis. Stats., the permittee shall report to the department any facility expansion, production increase or process modifications which will result in new, different or increased discharges of pollutants. The report shall either be a new general permit notice of intent or, if the new discharge will not violate the effluent limitations of the general permit, a written notice of the new, different or increased discharge. The notice shall contain a description of the new activities, an estimate of the new, different or increased discharge of pollutants and a description of the effect of the new or increased discharge on existing waste treatment facilities. Following receipt of this report, the department may modify the general permit coverage letter to specify any discharges of pollutants not previously covered by the general permit.

#### 8.3.4 Duty to Halt or Reduce Activity

Upon failure or impairment of treatment facility operation, the permittee shall, to the extent necessary to maintain compliance with its permit, curtail production or wastewater discharges or both until the treatment facility operations are restored or an alternative method of treatment is provided.

## 9 Summary of Reports Due

FOR INFORMATIONAL PURPOSES ONLY

Description	Due Date	Page
Notice of Intent (NOI)	<b>New Permittees:</b> 30 calendar days prior to discharging to a water of state. <b>Existing Permittees:</b> Automatically granted coverage under this general permit upon the Effective Date.	4
Electronic Discharge Monitoring Reports (eDMRs)	21 days following the end of the reporting frequency	18
Delegation of Signature Authority (Form 3400-220)	Submitted with the NOI or together with the submittal of any required documents	22
Notice of Termination (Form 3400-221)	After discontinuing permitted discharge	22
Transfer of Coverage (Form 3400-222)	30 days in advance of the proposed transfer date	22
Noncompliance Notification and 5-Day Written Report	Notification within 24 hours after becoming aware of the noncompliance and written report within 5 days after becoming aware of the noncompliance	25
Planned Changes	Prior to any facility expansion, production increase or process modifications which will result in new, different or increased discharges of pollutants	27

Report forms shall be submitted electronically in accordance with the reporting requirements herein. Any facility plans or plans and specifications of industrial wastewater systems shall be submitted to the Bureau of Water Quality, P.O. Box 7921, Madison, WI 53707-7921. All other submittals required by this permit shall be submitted to the department regional general permit contact. A listing of the general permit contacts for each region with mailing addresses and phone numbers can be found at

<https://dnr.wisconsin.gov/topic/Wastewater/GeneralPermits.html>.