

INSPECTION REPORT

Inspection Date:	October 4, 2023	Inspection Announced: No
Time:	Entry: 9:05 AM	Exit: 11:50 AM
Media:	Wastewater and Stormwater	
Statutes/Programs:	Clean Water Act, NPDES, Direct Discharger Clean Water Act, NPDES, Industrial Stormwater, Direct Discharger	
Type of inspection:	CEI - Compliance Evaluation Inspection	
Access:	Granted	
Permittee Name:	Leonardo DRS	
Facility or Site Name:	Leonardo DRS – Milwaukee	
Facility/Site Physical Address:	4265 North 30 th Street	
(City, State, Zip Code)	Milwaukee, Wisconsin 53216	
County/Parish:	Milwaukee County	
Permit Numbers:	WI0062723, WIG004530	
SIC or NAICS:	3625	

Inspector Signature and Date: BENJAMIN ATKINSON Digitally signed by BENJAMIN ATKINSON
Date: 2023.11.15 09:54:17 -06'00'

Approver Name and Title: Ryan J. Bahr, Section 2 Supervisor
Water Enforcement and Compliance Assurance Branch

Approver Signature and Date: RYAN BAHR Digitally signed by RYAN BAHR
Date: 2023.11.15 16:57:01 -06'00'

Persons Participating in Inspection:					
Organization/Title	Name	Phone	Email	Present at Opening Conference	Present at Closing Conference
EPA, Environmental Engineer	Ted Flatebo	(312) 353-5954	flatebo.ted@epa.gov	Yes	Yes
EPA, Inspector	Ben Atkinson	(312) 353-8243	atkinson.ben@epa.gov	Yes	Yes
WDNR, Wastewater Field Supervisor	Bryan Hartsook	(414) 607-2275	bryan.hartsook@wisconsin.gov	Yes	Yes
WDNR, Wastewater Engineer	Jacob Wedesky	(414) 259-1480	jacob.wedesky@wisconsin.gov	Yes	Yes
WDNR, Wastewater Specialist	Jamie Lambert	(414) 477-1119	jamie.lambert@wisconsin.gov	Yes	Yes
WDNR, Wastewater Specialist	Grace Barlow	(414) 430-2483	grace.barlow@wisconsin.gov	Yes	Yes
Leonardo DRS, Facilities Manager	Joe Gajewski	(262) 352-7837	joseph.gajewski@drs.com	Yes	Yes
Leonardo DRS, Facilities	Al Anderson	(414) 530-4338	alanderson@drs.com	Yes	No
Leonardo DRS, EHS Intern	Yingshea Yang	(414) 233-5055	yingshea.yang@drs.com	Yes	Yes
Meverden Environmental, Consultant	Kathy Hetzer	(262) 714-5822	kah@meverden.com	No	Yes

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SECTION I – INTRODUCTION

Site Entry and Inspection Objectives

United States Environmental Protection Agency (EPA) Inspectors Ted Flatebo and Ben Atkinson, accompanied by Wisconsin Department of Natural Resources (WDNR) inspectors Bryan Hartsook, Jacob Wedesky, Jamie Lambert, and Grace Barlow, arrived at Leonardo DRS (the Site or Facility), located at 4265 North 30th Street, Milwaukee, Wisconsin at 9:05 AM on October 4, 2023 for an unannounced inspection. The six inspectors will collectively be referred to as the inspection team. Mr. Flatebo announced the inspection to the security staff at the Facility entrance gate on North 30th Street. After signing in at the gate, the inspection team parked their vehicles in the visitor parking lot. A second security guard instructed the inspection team to wait in the parking lot while an employee drove to meet us from a different Leonardo DRS facility in Menomonee Falls, Wisconsin. Mr. Yang arrived at approximately 9:35 AM and asked Mr. Flatebo to speak with John Spahr, EHS Director, on the phone. Mr. Flatebo explained the scope of the inspection to Mr. Spahr. Mr. Spahr stated he was unable to participate in the inspection because he was out of town and asked the inspection team to wait until Mr. Gajewski arrived and could further assist us. At approximately 9:45 Mr. Gajewski, Facilities Manager, arrived and brought the inspection team into the Facility, and, after signing in at the front desk, directed us to a conference room.

Mr. Flatebo presented his Temporary Letter of Authorization and Mr. Atkinson presented his inspector credential to the Facility representatives present at the opening conference, noted above. Mr. Flatebo informed the Facility representatives that this was an EPA Region 5 inspection to determine compliance with the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) permit program. The inspection was conducted under the authority of the CWA NPDES permit program and Section 308 of the CWA. The table above identifies the attendees who participated in the inspection.

This report is based on information supplied by Facility representatives, observations made by the EPA inspectors, and records and reports maintained by the Facility, WDNR, and EPA. These include the following: direct observations made by the EPA inspectors, photographs taken by EPA inspectors, and verbal or written statements made or supplied by Facility representatives during or subsequent to the on-site inspection, and materials, processes, data, photographs, or documents shown, demonstrated, or submitted to the EPA inspectors by Facility representatives during or subsequent to the on-site inspection. In addition, information gathered prior to or subsequent to the inspection from a review of EPA, WDNR, and public records may be included in this report.

This report was written by Mr. Flatebo. Because he conducted the inspection under a Temporary Letter of Authorization, the report is signed by Mr. Atkinson.

Background Information

Process wastewater generated at the Facility is covered by WDNR Wisconsin Pollutant Discharge Elimination System Permit number WI0062723-03. The effective date of the permit is August 1, 2017, and the permit was scheduled to expire on June 30, 2022. WDNR administratively continued the Permit, and it was in effect on the date of inspection. The Permit identifies three sampling locations described below. Each sampling location

discharges to the Milwaukee Metropolitan Sewerage District (MMSD) storm sewer, which discharges to Lincoln Creek northwest of the Facility.

Sampling Point No.	Sampling Point Location and Description
001	Non-contact cooling water from test lab heat exchanger system and environmental test chambers located in the Vogel Lab. Grab composite samples are taken from either the manhole location in the southeast corner of the property near the main substation or from the drain valve located in the test cell. Flow is estimated. Temperature is measured with a continuous data logger.
003	Cooling tower blowdown from roof top air conditioners. Discharges occurs once per year and grab samples are taken at the drain valve of the rooftop units just prior to discharge. Flow is estimated based on tank capacity.
009	Non-contact cooling water from the PETF (acronym not clarified), Medium Voltage Test Facility (MVTF), and Rickover test lab heat exchangers. Grab samples are taken from the manhole located in the north parking lot, east of loading dock. Flow is estimated. Temperature is measured with a continuous data logger.

Stormwater generated at the Facility is covered by a WDNR Wisconsin Pollutant Discharge Elimination System General Permit for Stormwater Discharged from Tier 2 Industrial Activities (Stormwater General Permit) number WIG004530. The general permit number is WI-S067857-5. The effective date of the permit is May 31, 2021, and it is scheduled to expire on June 2, 2025. The Facility's Storm Water Pollution Prevention Plan (SWPPP) identifies one stormwater Outfall. The Outfall discharges to Lincoln Creek, which is Northwest of the Facility. Lincoln Creek is a tributary to the Milwaukee River.

SECTION II – INSPECTION

Opening Conference

The inspection team conducted an opening conference with Facility representatives, beginning at approximately 10:03 AM. The team gathered the following Facility information:

The Facility produces large-scale assembly of electric components. Mr. Gajewski explained that the Facility operations have been almost fully moved to the DRS's new facility in Menomonee Falls, Wisconsin and that they will vacate the Milwaukee facility by October 31, 2023. At full operation, the Facility had approximately 600 employees.

Mr. Gajewski stated the Facility was named Leonardo DRS – Milwaukee. The WDNR permit, WI0062723, states the Facility name is DRS Naval Power Systems. The WDNR permit application dated 9/24/2013 provided by Mr. Spahr following the inspection states the Facility name is DRS Power & Control Technologies, Inc. For this inspection report the Facility will be referred to as Leonardo DRS – Milwaukee.

Process wastewater is generated at the Facility during the testing of the electrical components. Non-contact, deionized (DI) cooling water is circulated through the cabinets the electrical components are installed in. The cabinets have internal piping for this purpose. During most tests, the DI water is recirculated through a closed-loop system. Periodically, stress tests must be conducted. During these tests the cooling water is passed

through a heat exchanger and discharged through a permitted sample location. Additional process wastewater is discharged once annually when the Facility's cooling tower water is drained during the Fall.

During the opening conference, Facility representatives were asked if they considered any information confidential business information (CBI). Mr. Gajewski stated no information was considered CBI.

The opening conference concluded at approximately 11:25 AM. Afterwards the inspection team began the Facility walk through while accompanied by Mr. Gajewski, Mr. Anderson, and Mr. Yang. Below is a general description of the walk through. Specific observations are documented in Section III of this report.

Facility Walk Through

The Facility walk through began in the interior manufacturing area. Almost all equipment has been removed from the Facility. Mr. Gajewski stated that a single remaining electrical cabinet is being finalized before the company completely vacates the Facility. The inspection team observed most rooms and offices were vacant. The Columbia lab was still in operation due to the one remaining electrical cabinet. Approximately 10 employees were observed on Site.

The inspection team observed three deionized water (DI water) system at the Facility. Mr. Gajewski stated that each system is operable (Photos 1, 3, 4).

Stormwater

After conducting the interior Facility walk through, the inspection team continued outdoors to observe the stormwater best management practices (BMPs) and the stormwater Outfalls. Observations are documented in Section III of this report.

SECTION III – OBSERVATIONS

Observations may not be in sequential order.

Unique Identifying No.	Observation	Area of Concern?
TF-OB-001	Throughout the Facility almost all equipment had been removed. There was a single electrical cabinet still being assembled/tested by Facility personnel.	No
TF-OB-002	The Columbia Lab was still operational for testing as necessary. Mr. Yang stated that the Columbia Lab had been most recently used in September 2023 to test an electrical cabinet.	No
TF-OB-003	Three DI water systems were observed: Columbia Lab, Medium Voltage Facility Lab (MVTF), and Vogel Lab. Each system is operational. The MVTF and Vogel Lab systems were empty at the time of the inspection.	No
TF-OB-004	Mr. Anderson stated that the Facility cooling towers were emptied at the end of 2022 and were never filled or operated in 2023.	No
TF-OB-005	There are weather-proof boxes at Sample Points 001 and 009 which house ISCO temperature loggers.	No

SECTION IV – RECORDS REVIEW

Records may not be in sequential order.

Unique Identifying No.	Record	Area of Concern?
TF-RR-001	Non-Contact Cooling Water Discharge Sampling Plan (Sampling Plan) -Developed in 2003 and has undergone multiple revisions. The most recent revision is dated 1/18/2018 -Discusses the need to sample for Total Residual Chlorine (TRC). The Sampling Plan does not discuss the need for TRC samples to be conducted in the field, with a maximum hold time of 15 minutes -States that compliance samples should be collected as grab samples, the Permit states that compliance samples should be collected as grab composite. -States that flow rates at the Sample Points can be estimated	Yes
TF-RR-002	Wisconsin Pollutant Discharge Elimination System Wastewater Discharge Individual Permit Application – Signed 9/24/2013 -Facility operates 8 hours per day, 5 days a week -Facility purchases 15,600,000 gallons of water annually from MMSD -Outfall 001 discharged 50,000 gallons in the prior year -Outfall 001 reported a historic chloride concentration of 14 mg/L -Outfall 002 discharge has been rerouted out Outfall 003 and has been decommissioned -Outfall 003 is estimated to discharge 200 gallons/year during one day in the 4th quarter -Outfall 003 utilizes two biocides (CL215 and CL4) and one rust/scale inhibitor (CL1469) -Outfall 009 is estimated to discharge 11.5 million gallons/year, with a daily maximum of 36,000 gallons -Outfall 009 reported a historic chloride concentration of 14 mg/L -In the additional comments section, this statement was provided. “Due to intermittent flow, samples consisted of multiple grab samples occurring over a 30 minute period to create a composite sample”	No
TF-RR-003	DRS Sewer Map – Updated 2023 -Property consists of 2.2 acres of paved or roofed areas -“Outfall 001 flows to line on Hope Street which then combines to 24” storm sewer line” -Outfall 001 & 003 discharge flows under building to 24” storm sewer line on west side of property” -“Outfall 009 discharge flows into North parking lot and out to 30th Street”	No
TF-RR-004	Wastewater Discharge Monitoring Short Report – 2 nd Quarter 2021	Yes

Unique Identifying No.	Record	Area of Concern?
	-Halogen, Total Residual as Cl₂ samples from Sample Point 001 and 009 were collected after the end of the quarter (7/14/21) -Chain of Custody was submitted to laboratory without specific analyses identified	
TF-RR-005	Wastewater Discharge Monitoring Short Report – 1 st Quarter 2022 -Chain of Custody was submitted to laboratory without specific analyses identified	Yes
TF-RR-006	Wastewater Discharge Monitoring Short Report – 3 rd Quarter 2022 Total Phosphorus, Total Suspended Solids, and Halogen, Total Residual as Cl ₂ samples for Samples Points 001 and 009 were collected after the end of the quarter (10/4/22)	Yes
TF-RR-007	Wastewater Discharge Monitoring Short Report – 4 th Quarter 2022 -Total Phosphorus, Total Suspended Solids, and Halogen, Total Residual as Cl₂ samples for Sample Points 001 and 009 were collected after the end of the quarter (1/6/23) -The Eurofins Laboratory report states that Sample Location 003 (Cooling Towers) had a Total Residual Chlorine concentration of 0.235 mg/L. The Wastewater Discharge Monitoring Short Report states that the concentration was 0.235 µg/L	Yes
TF-RR-008	Wastewater Discharge Monitoring Short Report – 1 st Quarter 2023 -The Eurofins Laboratory report states that Sample Location 001 (Columbia Lab) had a Total Residual Chlorine concentration of 0.593 mg/L. The Wastewater Discharge Monitoring Short Report stated that the concentration was 0.593 µg/L -The Eurofins Laboratory report states that Sample Location 009 (MVTF Lab) had a Total Residual Chlorine concentration of 0.212 mg/L. The Wastewater Discharge Monitoring Short Report states that the concentration was 0.212 µg/L -Eurofins Laboratory effluent values have been assigned to the incorrect Sample Point in the Wastewater Discharge Monitoring Short Report. MVTF results were reported under Sample Point 001 but should have been reported under Sample Point 009. The Columbia effluent values were reported under Sample Point 009 but should have been reported under Sample Point 001	Yes
TF-RR-009	Wastewater Discharge Monitoring Short Report – 2 nd Quarter 2023 -The Eurofins Laboratory report states that Sample Location 009 (MVTF Lab) had a Total Residual Chlorine concentration of 1.30 mg/L. The Wastewater Discharge Monitoring Short Report states that the concentration was 1.30 µg/L	Yes

Unique Identifying No.	Record	Area of Concern?
	-No sample collection date/time were reported on the chain of custody. - Samples were relinquished to the lab on 6/15/23	
TF-RR-010	Wastewater Discharge Monitoring Short Report – 3 rd Quarter 2023 -The Eurofins Laboratory report states that Sample Location 009 (MVTF Lab) had a Total Residual Chlorine concentration of 1.37 mg/L. The Wastewater Discharge Monitoring Short Report states that the concentration was 1.37 µg/L	Yes
TF-RR-011	Wastewater Discharge Monitoring Short Report – General Comments -There is insufficient data to demonstrate that Halogen, Total Residual as Cl ₂ samples were collected and analyzed within the required 15-minute holding time -Chains of custody from the 1 st quarter 2021 to 2 nd Quarter 2022 do not identify the type of sampling container used -Chains of custody from the 1 st quarter 2021 to 2 nd Quarter 2022 do not identify if a preservative was used/which preservative was used -Chains of custody do not identify the specific sample location (i.e. sample port with lab or manhole) -Multiple Chains of Custody were not signed by a Facility representative relinquishing samples to the laboratory -There is insufficient data to determine if samples are representative of typical flows	Yes
TF-RR-012	Wastewater Discharge Monitoring Short Report – Effluent Violations See Appendix 2 for effluent violation summary	Yes
TF-RR-013	Letter from Leonardo DRS to WDNR: Report on Effluent Discharges and Operational Evaluation Report – Dated 6/6/2018 The Facility provided historical Halogen effluent data and identified that they were not in compliance with the effluent limit in Permit No. WI0062723-03 which would become effective 7/1/2020. Outfall 001 and 009 Action Plan: The Facility discussed the possibility of requesting WDNR's permission to reroute non-contact cooling water from the storm sewer to the sanitary sewer once WDNR creates an approval process for such a request. Outfall 003 Action Plan: The Facility anticipated no long discharging cooling tower effluent from this outfall and instead hauling the wastewater	No
TF-RR-014	Letter from Leonardo DRS to WDNR: Total Chlorine Action Plan and Total Phosphorus Compliance Alternative, Source Reduction Plan – Dated 10/31/2019	No

Unique Identifying No.	Record	Area of Concern?
	The Facility requested a waiver from WDNR “...from implementation of source reduction or compliance alternatives to meet the total chlorine limitations by 6/30/20 due to the upcoming relocation” The Facility also requested a waiver from WDNR “...from the phosphorous limitations [because] the Facility will cease operations prior to the June 20, 2026 final compliance date...”	
TF-RR-015	Email from Bryan Hartsook (WDNR) to William Jones (Leonardo DRS) – Dated 4/3/2020 “Thank you for notifying the Department of DRS’ progress in relocating to the new facility location in Menomonee Falls. This does make the compliance schedules for phosphorus and chlorine unnecessary. Therefore, future reporting under these compliance schedules is not required. We may process a minor permit modification to document this condition.”	No
TF-RR-016	Storm Water Pollution Prevention Plan (SWPPP) -Developed in 2003 and has undergone multiple revisions. The most recent revision is dated 3/7/2018 -Identifies that in 2011 Lincoln Creek was impaired for the following pollutants of concern: polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), metals, total suspended solids, phosphorous, and chlorine - SWPPP states that the Facility does not discharge any pollutants of concern to any water body on the State and Federal approved TMDL -The SWPPP does not discuss if the Facility’s stormwater discharges to a fish and aquatic life water -States that employee training is not required because BMPs are in place -No employee SWPPP training records were provided -SWPPP does not discuss if the Facility discharges stormwater to an outstanding resource water as determined by WDNR -SWPPP was not certified/signed	Yes
TF-RR-017	Section 4 of the Facility’s stormwater permit, WIG004530, requires the Facility to conducted both annual facility site compliance inspections and quarterly visual monitoring. During the inspection, Mr. Flatebo requested these documents from 1/1/21 to present. In a follow up email on 10/10/23, Mr. Spahr stated that the Facility did not conduct any annual facility site compliance inspections and quarterly visual monitoring activities during that timeframe.	Yes

SECTION V – SAMPLING ACTIVITIES AND ANALYTICAL RESULTS

No samples were collected as part of this inspection.

SECTION VI - AREAS OF CONCERN

The presentation of areas of concern does not constitute a formal compliance determination or violation.

Unique Identifying No.	Record
TF-RR-001	Non-Contact Cooling Water Discharge Sampling Plan (Sampling Plan) -Discusses the need to sample for Total Residual Chlorine. The Sampling Plan does not discuss the need for TRC samples to be conducted in the field, with a maximum hold time of 15 minutes. 40 C.F.R. 136 -States that all compliance samples should be collected as grab samples, the Permit states that 001 compliance samples should be collected as grab composite. NPDES Permit No. WI0062723-03, Section 1.2.1
TF-RR-004	Wastewater Discharge Monitoring Short Report – 2nd Quarter 2021 -Halogen, Total Residual as Cl₂ samples from Sample Point 001 and 009 were collected after the end of the quarter (7/14/21) NPDES Permit No. WI0062723-03, Section 1.2.1/1.2.3 -Chain of Custody was submitted to laboratory without specific analyses identified 40 C.F.R. 136
TF-RR-005	Wastewater Discharge Monitoring Short Report – 1st Quarter 2022 -Chain of Custody was submitted to laboratory without specific analyses identified 40 C.F.R. 136
TF-RR-006	Wastewater Discharge Monitoring Short Report – 3rd Quarter 2022 Total Phosphorus, Total Suspended Solids, and Total Residual as Cl₂ (Halogen) samples for Samples Points 001 and 009 were collected after the end of the quarter (10/4/22) NPDES Permit No. WI0062723-03, Sections 1.2.1/1.2.3
TF-RR-007	Wastewater Discharge Monitoring Short Report – 4th Quarter 2022 -Total Phosphorus, Total Suspended Solids, and Total Residual as Cl₂ (Halogen) samples for Sample Points 001 and 009 were collected after the end of the quarter (1/6/23)

	NPDES Permit No. WI0062723-03, Sections 1.2.1/1.2.3 -The Eurofins Laboratory report states that Sample Location 003 (Cooling Towers) had a Total Residual Chlorine concentration of 0.235 mg/L. The Wastewater Discharge Monitoring Short Report stated that the concentration was 0.235 µg/L. 40 C.F.R. 122.41
TF-RR-008	Wastewater Discharge Monitoring Short Report – 1st Quarter 2023 -The Eurofins Laboratory report states that Sample Location 001 (Columbia Lab) had a Total Residual Chlorine concentration of 0.593 mg/L. The Wastewater Discharge Monitoring Short Report stated that the concentration was 0.593 µg/L. 40 C.F.R. 122.41 -The Eurofins Laboratory report states that Sample Location 009 (MVTF Lab) had a Total Residual Chlorine concentration of 0.212 mg/L. The Wastewater Discharge Monitoring Short Report stated that the concentration was 0.212 µg/L. 40 C.F.R. 122.41 -Eurofins Laboratory effluent values have been assigned to the incorrect Sample Point in the Wastewater Discharge Monitoring Short Report. MVTF results were reported under Sample Point 001 but should have been reported under Sample Point 009. The Columbia effluent values were reported under Sample Point 009 but should have been reported under Sample Point 001. 40 C.F.R. 122.41
TF-RR-009	Wastewater Discharge Monitoring Short Report – 2nd Quarter 2023 -The Eurofins Laboratory report states that Sample Location 009 (MVTF Lab) had a Total Residual Chlorine concentration of 1.30 mg/L. The Wastewater Discharge Monitoring Short Report stated that the concentration was 1.30 µg/L. 40 C.F.R. 122.41 -No sample collection date/time on chain of custody. Relinquished to lab on 6/15/23. 40 C.F.R. 136
TF-RR-010	Wastewater Discharge Monitoring Short Report – 3rd Quarter 2023 -The Eurofins Laboratory report states that Sample Location 009 (MVTF Lab) had a Total Residual Chlorine concentration of 1.37 mg/L. The Wastewater Discharge Monitoring Short Report stated that the concentration was 1.37 µg/L.

	40 C.F.R. 122.41
TF-RR-011	Wastewater Discharge Monitoring Short Report – General Comments -There is insufficient data to demonstrate that Halogen, Total Residual as Cl₂ samples were collected and analyzed within the required 15-minute holding time 40 C.F.R. 136 -Chains of custody from the 1st quarter 2021 to 2nd Quarter 2022 do not identify the type of sampling container used. NPDES Permit No. WI0062723-03, Section 3.1.2 -Chains of custody from the 1st quarter 2021 to 2nd Quarter 2022 do not identify if a preservative was used/which preservative was used NPDES Permit No. WI0062723-03, Section 3.1.2 -Chains of custody do not identify the specific sample location (i.e. sample port with lab or manhole) NPDES Permit No. WI0062723-03, Section 3.1.2 -Chains of Custody are not signed by a Facility representative relinquishing samples to the laboratory NPDES Permit No. WI0062723-03, Section 3.1.2 -There is insufficient data to determine if samples are representative of typical flows. NPDES Permit No. WI0062723-03, Section 3.1.2
TF-RR-012	Wastewater Discharge Monitoring Short Report – Effluent Violations See Appendix 2 for effluent violation summary NPDES Permit No. WI0062723-03, Sections 1.2.1/1.2.2/1.2.3
TF-RR-016	Storm Water Pollution Prevention Plan (SWPPP) -Identifies that in 2011 Lincoln Creek was impaired for the following pollutants of concern: polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), metals, total suspended solids, phosphorous, and chlorine NPDES Permit No. WIG004530, Section 2.8.2

	Facility did not complete review annually, most recent impaired water body list released by WDNR in 2022 - SWPPP states that the facility does not discharge any pollutant of concern to any water body on the State and Federal approved TMDL NPDES Permit No. WIG004530, Section 2.8.5 Facility discharges phosphorous and total suspended solids which are included in the Milwaukee River Basin TMDL report dated March 19, 2018 -The SWPPP does not discuss if the Facility's stormwater discharges to a fish and aquatic life water NPDES Permit No. WIG004530, Section 2.9 -States that employee training is not required because BMPs are in place. NPDES Permit No. WIG004530, Section 2.11.7 -No employee SWPPP training records were provided. NPDES Permit No. WIG004530, Section 2.11.7 -SWPPP does not discuss if the Facility discharges stormwater to an outstanding resource water as determined by WDNR NPDES Permit No. WIG004530, Section 2.7.2 -SWPPP was not certified NPDES Permit No. WIG004530, Section 3.3.2.11
TF-RR-017	Section 4 of the Facility's stormwater permit, WIG004530, requires the Facility to conducted both annual facility site compliance inspections and quarterly visual monitoring. During the inspection, Mr. Flatebo requested these documents from 1/1/21 to present. In a follow up email on 10/10/23, Mr. Spahr stated that the Facility did not conduct any annual facility site compliance inspections and quarterly visual monitoring activities during that timeframe. NPDES Permit No. WIG004530, Section 4

SECTION VII – CLOSING CONFERENCE**Closing Conference**

The inspection team held a closing conference with Facility personnel beginning at approximately 11:20 AM. During the closing conference, inspectors discussed the observations and Areas of Concern identified during the inspection. Observations and Areas of Concern have not yet been evaluated for a formal compliance determination.

SECTION VIII – DOCUMENTS RECEIVED

The following documents were sent by Mr. Spahr electronically to Mr. Flatebo on October 10, 2023.

- Non-Contact Cooling Water Discharge Sampling Plan, updated 1/18/2018
- Wisconsin Pollutant Discharge Elimination System Wastewater Discharge Individual Permit Application, signed 9/24/2013
- DRS Sewer Map, updated 2023
- Wastewater Discharge Monitoring Short Report: 1st Quarter 2021 through 3rd Quarter 2023
- Eurofins Analytical Reports and Chains of Custody: 1st Quarter 2021 through 3rd Quarter 2023
- Storm Water Pollution Prevention Plan, updated 3/7/2018
- Letter from Leonardo DRS to WDNR: Report on Effluent Discharges and Operational Evaluation Report, dated 6/6/2018
- Letter from Leonardo DRS to WDNR: Total Chlorine Action Plan and Total Phosphorus Compliance Alternative, Source Reduction Plan, dated 10/31/2019
- Letter from Leonardo DRS to WDNR: Report on Effluent Discharges and Operational Evaluation Report, dated 6/6/2018
- Email from Bryan Hartsook (WDNR) to William Jones (Leonardo DRS), dated 4/3/2020

SECTION IX – LIST OF APPENDICES

Appendix 1 – Photo Log

Appendix 2 – Effluent Limit Violations Summary Table

Appendix 3 – NPDES Permit No. WI-0062723-03-0 (DRS Naval Power Systems)

Appendix 4 – NPDES Permit No. WI-S067857-5 (Tier 2 Industrial Facilities)

Appendix 1 – Photo Log

Leonardo DRS
EPA Inspection October 4, 2023
All photos taken by Ted Flatebo, Environmental Engineer, U.S. EPA
Camera: Pentax WG-1



1: IMGP0002

Description: Deionized water system overview.

Location: Rickover Lab

Camera Direction: South

Date/Time: October 4, 2023, 10:23 AM



2: IMGP0003

Description: Piping for inlet and outlet of lab test water.

Location: Rickover Lab

Camera Direction: West

Date/Time: October 4, 2023, 10:24 AM



3: IMGP0004

Description: Deionized water system overview.

Location: MVTF Lab (Medium Voltage Test Facility)

Camera Direction: Northwest

Date/Time: October 4, 2023, 10:28 AM



4: IMGP0005

Description: Deionized water system overview.

Location: Columbia Lab

Camera Direction: East

Date/Time: October 4, 2023, 10:35 AM



5: IMGP0006

Description: Sample Point 001 temperature logger

Location: Outdoors, west fenceline

Camera Direction: West

Date/Time: October 4, 2023, 10:46 AM



6: IMGP0007

Description: Sample Point 001 overview

Location: Outdoors, west fenceline

Camera Direction: West

Date/Time: October 4, 2023, 11:00 AM



7: IMGP0008

Description: Sample Point 009 flow temperature logger

Location: North parking lot

Camera Direction: South

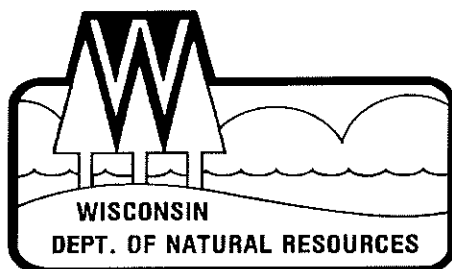
Date/Time: October 4, 2023, 11:05 AM

Appendix 2 – Effluent Limit Violations Summary Table

Leonardo DRS – Milwaukee, WI Effluent Limit Violations: 1/1/2021 to 9/30/2023					
Sample Date	Sampling Point	Parameter	Permit Limit, Monthly Average (µg/L)	Eurofins Value (µg/L)	DMR Value (µg/L)
3/26/2021	001	Halogen, Total Residual at Cl ₂	10	79	79
7/14/2021	001	Halogen, Total Residual at Cl ₂	10	730	73
7/14/2021	009	Halogen, Total Residual at Cl ₂	10	1400	140
8/27/2021	001	Halogen, Total Residual at Cl ₂	10	*	73
8/27/2021	009	Halogen, Total Residual at Cl ₂	10	*	140
11/15/2021	001	Halogen, Total Residual at Cl ₂	10	*	73
11/15/2021	009	Halogen, Total Residual at Cl ₂	10	*	140
3/21/2022	001	Halogen, Total Residual at Cl ₂	10	56	0.056
3/21/2022	009	Halogen, Total Residual at Cl ₂	10	125	0.125
6/30/2022	001	Halogen, Total Residual at Cl ₂	10	1230	1230
6/30/2022	009	Halogen, Total Residual at Cl ₂	10	1230	1230
10/4/2022	009	Halogen, Total Residual at Cl ₂	10	1390	1390
10/24/2022	003	Halogen, Total Residual at Cl ₂	10	235	0.235
1/6/2023	009	Halogen, Total Residual at Cl ₂	10	1360	1360
3/2/2023	001	Halogen, Total Residual at Cl ₂	10	212	0.212
3/2/2023	009	Halogen, Total Residual at Cl ₂	10	593	0.593
6/15/2023	009	Halogen, Total Residual at Cl ₂	10	1300	1.30
9/21/2023	009	Halogen, Total Residual at Cl ₂	10	1370	1.37

* = Eurofins lab report not provided to EPA

**Appendix 3 – NPDES Permit No. WI-0062723-03-0
(DRS Naval Power Systems)**



WPDES PERMIT

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
**PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE
ELIMINATION SYSTEM**

DRS Naval Power Systems

is permitted, under the authority of Chapter 283, Wisconsin Statutes, to discharge from a facility
located at

4265 N 30TH ST, Milwaukee, WI

to

**Lincoln Creek via storm sewer (Milwaukee River South Watershed, Milwaukee River Basin)
in Milwaukee County**

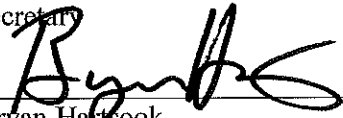
in accordance with the effluent limitations, monitoring requirements and other conditions set
forth in this permit.

The permittee shall not discharge after the date of expiration. If the permittee wishes to continue to discharge after this expiration date an application shall be filed for reissuance of this permit, according to Chapter NR 200, Wis. Adm. Code, at least 180 days prior to the expiration date given below.

State of Wisconsin Department of Natural Resources

For the Secretary

By


Bryan Hartsok
Wastewater Field Supervisor

7-26-17
Date Permit Signed/Issued

PERMIT TERM: EFFECTIVE DATE - August 01, 2017

EXPIRATION DATE - June 30, 2022

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1 Surface Water Requirements

1.1 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)
001	Effluent: Non-contact cooling water (NCCW) from test lab heat exchanger system and environmental test chambers located in the Vogel Lab. Grab composite samples are taken from the manhole located on the southeast corner of the property and from the drain valve located in the MPD test cell. Flow is metered and estimated based on test cycle times. Continuous temperature monitoring is taken from the manhole located on the rear west drive near the main substation.
003	Effluent: Cooling tower blowdown from roof top air conditioners. Discharge occurs once per year and grab samples shall be taken at the drain valve of the rooftop units just prior to discharge. Flow is estimated based on tank capacity.
009	Effluent: Non-contact cooling water from the PETF, Medium Voltage, and Rickover test lab heat exchangers. Grab samples are taken from the manhole located in the north parking lot, east of load room. Flow is metered and temperature is measured with a continuous data logger.

1.2 Monitoring Requirements and Effluent Limitations

The permittee shall comply with the following monitoring requirements and limitations.

1.2.1 Sampling Point (Outfall) 001 - NCCW - Vogel Labs

Monitoring Requirements and Effluent Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Flow Rate		gpd	Quarterly	Estimated	
Phosphorus, Total		mg/L	Quarterly	Grab Comp	Final water quality based effluent limits are 0.075 mg/L (0.1287 lbs/day) as a six-month avg & 0.225 mg/L as a monthly avg and take effect at the end of the compliance schedule in Section 2.2. See subsections 1.2.1.1 - 1.2.1.4 and 1.2.1.7 below.
Suspended Solids, Total		mg/L	Quarterly	Grab Comp	See subsection 1.2.1.7.
Halogen, Total Residual as Cl ₂	Daily Max	38 µg/L	Quarterly	Grab Comp	Quarterly monitoring required at permit reissuance. Limit becomes effective July 1, 2020. See Schedule section 2.1 and subsection 1.2.1.5 below.

Monitoring Requirements and Effluent Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Halogen, Total Residual as Cl ₂	Weekly Avg	10 µg/L	Quarterly	Grab Comp	Quarterly monitoring required at permit reissuance. Limit becomes effective July 1, 2020. See Schedule section 2.1 and subsection 1.2.1.5 below.
Halogen, Total Residual as Cl ₂	Monthly Avg	10 µg/L	Quarterly	Grab Comp	Quarterly monitoring required at permit reissuance. Limit becomes effective July 1, 2020. See Schedule section 2.1 and subsection 1.2.1.5 below.
Temperature Maximum		deg F	Monthly	Continuous	See subsection 1.2.1.6 below.

1.2.1.1 Narrative Interim Phosphorus Limitation

The permittee shall monitor phosphorus on a quarterly basis for Outfall 001. The process shall be operated such that the amount of phosphorus being discharged on an annual basis does not increase over the permit term, and that the phosphorus reductions will occur over time through optimization.

1.2.1.2 Phosphorus Water Quality Based Effluent Limitation(s)

The final water quality based effluent limit for phosphorus is 0.075 mg/L as a six month average, 0.225 mg/L as a monthly average, and 0.1287 lbs/day as a six month average, and will take effect per the Phosphorus schedule in the Schedules section of the permit unless:

- (A) As part of the application for the next reissuance, or prior to filing the application, the permittee submits either: 1.) a watershed adaptive management plan and a completed Watershed Adaptive Management Request Form 3200-139; or 2.) an application for water quality trading; or 3.) an application for a variance; or 4.) new information or additional data that supports a recalculation of the numeric limitation; and
- (B) The Department modifies, revokes and reissues, or reissues the permit to incorporate a revised limitation before the expiration of the compliance schedule*.

Note: The permittee may also submit an application for a variance within 60 days of this permit reissuance, as noted in the permit cover letter, in accordance with s. 283.15, Stats.

If Adaptive Management or Water Quality Trading is approved as part of the permit application for the next reissuance or as part of an application for a modification or revocation and reissuance, the plan and specifications submittal, construction, and final effective dates for compliance with the total phosphorus WQBEL may change in the reissued or modified permit. In addition, the numeric value of the water quality based effluent limit may change based on new information (e.g. a TMDL) or additional data. If a variance is approved for the next reissuance, interim limits and conditions will be imposed in the reissued permit in accordance with s. 283.15, Stats., and applicable regulations. A permittee may apply for a variance to the phosphorus WQBEL at the next reissuance even if the permittee did not apply for a phosphorus variance as part of this permit reissuance.

Additional Requirements: If a water quality based effluent limit has taken effect in a permit, any increase in the limit is subject to s. NR 102.05(1) and ch. NR 207, Wis. Adm. Code. When a six-month average effluent limit is specified for Total Phosphorus the applicable averaging periods are May through October and November through April.

*Note: The Department will prioritize reissuances and revocations, modifications, and reissuances of permits to allow permittees the opportunity to implement adaptive management or nutrient trading in a timely and effective manner.

1.2.1.3 Alternative Approaches to Phosphorus WQBEL Compliance

Rather than upgrading its wastewater treatment facility to comply with WQBELs for total phosphorus, the permittee may use Water Quality Trading or the Watershed Adaptive Management Option, to achieve compliance under ch. NR 217, Wis. Adm. Code, provided that the permit is modified, revoked and reissued, or reissued to incorporate any such alternative approach. The permittee may also implement an upgrade to its wastewater treatment facility in combination with Water Quality Trading or the Watershed Adaptive Management Option to achieve compliance, provided that the permit is modified, revoked and reissued, or reissued to incorporate any such alternative approach. If the Final Compliance Alternatives Plan concludes that a variance will be pursued, the Plan shall provide information regarding the basis for the variance.

1.2.1.4 Submittal of Permit Application for Next Reissuance and Adaptive Management or Pollutant Trading Plan or Variance Application

The permittee shall submit the permit application for the next reissuance at least 6 months prior to expiration of this permit. If the permittee intends to pursue adaptive management to achieve compliance with the phosphorus water quality based effluent limitation, the permittee shall submit with the application for the next reissuance: a completed Watershed Adaptive Management Request Form 3200-139, the completed Adaptive Management Plan and final plans for any system upgrades necessary to meet interim limits pursuant to s. NR 217.18, Wis. Adm. Code. If the permittee intends to pursue pollutant trading to achieve compliance, the permittee shall submit an application for water quality trading with the application for the next reissuance. If system upgrades will be used in combination with pollutant trading to achieve compliance with the final water quality-based limit, the reissued permit will specify a schedule for the necessary upgrades. If the permittee intends to seek a variance, the permittee shall submit an application for a variance with the application for the next reissuance.

1.2.1.5 Halogen, Total Residual as Chlorine

Acceptable test methods for determining Halogens, Total Residual as Cl₂ are the same as those for measuring Chlorine, Total Residual. These methods are listed for Chlorine, Total Residual in chapter NR 219, Table B, Wisconsin Administrative Code. The preferred test methods are the Spectrophotometric, DPD; the Electrode; and the Back Titration with amperometric endpoint.

1.2.1.6 Effluent Temperature Monitoring

For monitoring temperature continuously, collect measurements in accordance with s. NR 218.04(13), Wis. Adm. Code. This means that discrete measurements shall be recorded at intervals of not more than 15 minutes during the 24-hour period. Report the maximum temperature measured during the day on the DMR

1.2.1.7 Total Maximum Daily Load (TMDL) Limitations

TMDL Under Development: A third party (Milwaukee Metropolitan Sewerage District) Total Maximum Daily Load (TMDL) was developed for the Milwaukee, Menomonee, and Kinnickinnic River watersheds. The TMDL addresses phosphorus, total suspended solids (TSS), and fecal coliform water quality impairments within these watersheds and provides waste load allocations (WLA) required to meet water quality standards. This TMDL will likely result in phosphorus, TSS and fecal coliform limitations that must be included in WPDES permits, which may be different than those calculated in the WQBEL memo used for this permit reissuance. TMDL-derived limits may be included in lieu of or in addition to the calculated limits upon permit reissuance or modification once the TMDL has been approved by U.S. EPA, according to s. NR 217.16, Wis. Adm. Code.

1.2.2 Sampling Point (Outfall) 003 - Cooling Tower Blowdown

Monitoring Requirements and Effluent Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Flow Rate		gpd	Annual	Estimated	
Phosphorus, Total		mg/L	Annual	Grab Comp	Final water quality based effluent limits are 0.075 mg/L (0.0001 lbs/day) as a six-month avg & 0.225 mg/L as a monthly avg and take effect at the end of the compliance schedule in Section 2.2. See subsections 1.2.2.1 - 1.2.2.4 and 1.2.2.7 below.
Suspended Solids, Total		mg/L	Annual	Grab Comp	See subsection 1.2.2.7.
Halogen, Total Residual as Cl ₂	Daily Max	38 µg/L	Annual	Grab Comp	Annual monitoring required at permit reissuance. Limit becomes effective July 1, 2020. See Schedule section 2.1 and subsection 1.2.2.6 below.
Halogen, Total Residual as Cl ₂	Weekly Avg	10 µg/L	Annual	Grab Comp	Annual monitoring required at permit reissuance. Limit becomes effective July 1, 2020. See Schedule section 2.1 and subsection 1.2.2.6 below.
Halogen, Total Residual as Cl ₂	Monthly Avg	10 µg/L	Annual	Grab Comp	Annual monitoring required at permit reissuance. Limit becomes effective July 1, 2020. See Schedule section 2.1 and subsection 1.2.2.6 below.

1.2.2.1 Narrative Interim Phosphorus Limitation

The permittee shall monitor phosphorus on an annual basis for Outfall 003. The process shall be operated such that the amount of phosphorus being discharged on an annual basis does not increase over the permit term, and that the phosphorus reductions will occur over time through optimization.

1.2.2.2 Phosphorus Water Quality Based Effluent Limitation(s)

The final water quality based effluent limit for phosphorus is 0.075 mg/L as a six month average, 0.225 mg/L as a monthly average, and 0.0001 lbs/day as a six month average, and will take effect per the Phosphorus schedule in the Schedules section of the permit unless:

- (A) As part of the application for the next reissuance, or prior to filing the application, the permittee submits either: 1.) a watershed adaptive management plan and a completed Watershed Adaptive Management

Request Form 3200-139; or 2.) an application for water quality trading; or 3.) an application for a variance; or 4.) new information or additional data that supports a recalculation of the numeric limitation; and

(B) The Department modifies, revokes and reissues, or reissues the permit to incorporate a revised limitation before the expiration of the compliance schedule*.

Note: The permittee may also submit an application for a variance within 60 days of this permit reissuance, as noted in the permit cover letter, in accordance with s. 283.15, Stats.

If Adaptive Management or Water Quality Trading is approved as part of the permit application for the next reissuance or as part of an application for a modification or revocation and reissuance, the plan and specifications submittal, construction, and final effective dates for compliance with the total phosphorus WQBEL may change in the reissued or modified permit. In addition, the numeric value of the water quality based effluent limit may change based on new information (e.g. a TMDL) or additional data. If a variance is approved for the next reissuance, interim limits and conditions will be imposed in the reissued permit in accordance with s. 283.15, Stats., and applicable regulations. A permittee may apply for a variance to the phosphorus WQBEL at the next reissuance even if the permittee did not apply for a phosphorus variance as part of this permit reissuance.

Additional Requirements: If a water quality based effluent limit has taken effect in a permit, any increase in the limit is subject to s. NR 102.05(1) and ch. NR 207, Wis. Adm. Code. When a six-month average effluent limit is specified for Total Phosphorus the applicable averaging periods are May through October and November through April.

*Note: The Department will prioritize reissuances and revocations, modifications, and reissuances of permits to allow permittees the opportunity to implement adaptive management or nutrient trading in a timely and effective manner.

1.2.2.3 Alternative Approaches to Phosphorus WQBEL Compliance

Rather than upgrading its wastewater treatment facility to comply with WQBELs for total phosphorus, the permittee may use Water Quality Trading or the Watershed Adaptive Management Option, to achieve compliance under ch. NR 217, Wis. Adm. Code, provided that the permit is modified, revoked and reissued, or reissued to incorporate any such alternative approach. The permittee may also implement an upgrade to its wastewater treatment facility in combination with Water Quality Trading or the Watershed Adaptive Management Option to achieve compliance, provided that the permit is modified, revoked and reissued, or reissued to incorporate any such alternative approach. If the Final Compliance Alternatives Plan concludes that a variance will be pursued, the Plan shall provide information regarding the basis for the variance.

1.2.2.4 Submittal of Permit Application for Next Reissuance and Adaptive Management or Pollutant Trading Plan or Variance Application

The permittee shall submit the permit application for the next reissuance at least 6 months prior to expiration of this permit. If the permittee intends to pursue adaptive management to achieve compliance with the phosphorus water quality based effluent limitation, the permittee shall submit with the application for the next reissuance: a completed Watershed Adaptive Management Request Form 3200-139, the completed Adaptive Management Plan and final plans for any system upgrades necessary to meet interim limits pursuant to s. NR 217.18, Wis. Adm. Code. If the permittee intends to pursue pollutant trading to achieve compliance, the permittee shall submit an application for water quality trading with the application for the next reissuance. If system upgrades will be used in combination with pollutant trading to achieve compliance with the final water quality-based limit, the reissued permit will specify a schedule for the necessary upgrades. If the permittee intends to seek a variance, the permittee shall submit an application for a variance with the application for the next reissuance.

1.2.2.5 Additives

The permittee shall report the dosage rate of all additives used on a monthly basis in the General Remarks section of the Discharge Monitoring Report form. The additives may be changed during the term of the permit following procedures in the 'Additives' subsection of the Standard Requirements.

1.2.2.6 Halogen, Total Residual as Chlorine

Acceptable test methods for determining Halogens, Total Residual as Cl₂ are the same as those for measuring Chlorine, Total Residual. These methods are listed for Chlorine, Total Residual in chapter NR 219, Table B, Wisconsin Administrative Code. The preferred test methods are the Spectrophotometric, DPD; the Electrode; and the Back Titration with amperometric endpoint.

1.2.2.7 Total Maximum Daily Load (TMDL) Limitations

TMDL Under Development: A third party (Milwaukee Metropolitan Sewerage District) Total Maximum Daily Load (TMDL) was developed for the Milwaukee, Menomonee, and Kinnickinnic River watersheds. The TMDL addresses phosphorus, total suspended solids (TSS), and fecal coliform water quality impairments within these watersheds and provides waste load allocations (WLA) required to meet water quality standards. This TMDL will likely result in phosphorus, TSS and fecal coliform limitations that must be included in WPDES permits, which may be different than those calculated in the WQBEL memo used for this permit reissuance. TMDL-derived limits may be included in lieu of or in addition to the calculated limits upon permit reissuance or modification once the TMDL has been approved by U.S. EPA, according to s. NR 217.16, Wis. Adm. Code.

1.2.3 Sampling Point (Outfall) 009 - NCCW - Test Labs

Monitoring Requirements and Effluent Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Flow Rate		gpd	Quarterly	Estimated	
Phosphorus, Total		mg/L	Quarterly	Grab	Final water quality based effluent limits are 0.075 mg/L (0.0643 lbs/day) as a six-month avg & 0.225 mg/L as a monthly avg and take effect at the end of the compliance schedule in Section 2.2. See subsections 1.2.3.1 - 1.2.3.4 and 1.2.3.7.
Suspended Solids, Total		mg/L	Quarterly	Grab	See subsection 1.2.3.7.
Halogen, Total Residual as Cl ₂	Daily Max	38 µg/L	Quarterly	Grab	Quarterly monitoring required at permit reissuance. Limit becomes effective July 1, 2020. See Schedule section 2.1 and subsection 1.2.3.5 below.
Halogen, Total Residual as Cl ₂	Weekly Avg	10 µg/L	Quarterly	Grab	Quarterly monitoring required at permit reissuance. Limit becomes effective July 1, 2020. See Schedule section 2.1 and subsection 1.2.3.5 below.

Monitoring Requirements and Effluent Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Halogen, Total Residual as Cl ₂	Monthly Avg	10 µg/L	Quarterly	Grab	Quarterly monitoring required at permit reissuance. Limit becomes effective July 1, 2020. See Schedule section 2.1 and subsection 1.2.3.5 below.
Temperature Maximum		deg F	Monthly	Continuous	See subsection 1.2.3.6.

1.2.3.1 Narrative Interim Phosphorus Limitation

The permittee shall monitor phosphorus on a quarterly basis for Outfall 009. The process shall be operated such that the amount of phosphorus being discharged on an annual basis does not increase over the permit term, and that the phosphorus reductions will occur over time through optimization.

1.2.3.2 Phosphorus Water Quality Based Effluent Limitation(s)

The final water quality based effluent limit for phosphorus is 0.075 mg/L as a six month average, 0.225 mg/L as a monthly average, and 0.0643 lbs/day as a six month average, and will take effect per the Phosphorus schedule in the Schedules section of the permit unless:

- (A) As part of the application for the next reissuance, or prior to filing the application, the permittee submits either: 1.) a watershed adaptive management plan and a completed Watershed Adaptive Management Request Form 3200-139; or 2.) an application for water quality trading; or 3.) an application for a variance; or 4.) new information or additional data that supports a recalculation of the numeric limitation; and
- (B) The Department modifies, revokes and reissues, or reissues the permit to incorporate a revised limitation before the expiration of the compliance schedule*.

Note: The permittee may also submit an application for a variance within 60 days of this permit reissuance, as noted in the permit cover letter, in accordance with s. 283.15, Stats.

If Adaptive Management or Water Quality Trading is approved as part of the permit application for the next reissuance or as part of an application for a modification or revocation and reissuance, the plan and specifications submittal, construction, and final effective dates for compliance with the total phosphorus WQBEL may change in the reissued or modified permit. In addition, the numeric value of the water quality based effluent limit may change based on new information (e.g. a TMDL) or additional data. If a variance is approved for the next reissuance, interim limits and conditions will be imposed in the reissued permit in accordance with s. 283.15, Stats., and applicable regulations. A permittee may apply for a variance to the phosphorus WQBEL at the next reissuance even if the permittee did not apply for a phosphorus variance as part of this permit reissuance.

Additional Requirements: If a water quality based effluent limit has taken effect in a permit, any increase in the limit is subject to s. NR 102.05(1) and ch. NR 207, Wis. Adm. Code. When a six-month average effluent limit is specified for Total Phosphorus the applicable averaging periods are May through October and November through April.

*Note: The Department will prioritize reissuances and revocations, modifications, and reissuances of permits to allow permittees the opportunity to implement adaptive management or nutrient trading in a timely and effective manner.

1.2.3.3 Alternative Approaches to Phosphorus WQBEL Compliance

Rather than upgrading its wastewater treatment facility to comply with WQBELs for total phosphorus, the permittee may use Water Quality Trading or the Watershed Adaptive Management Option, to achieve compliance under ch. NR

217, Wis. Adm. Code, provided that the permit is modified, revoked and reissued, or reissued to incorporate any such alternative approach. The permittee may also implement an upgrade to its wastewater treatment facility in combination with Water Quality Trading or the Watershed Adaptive Management Option to achieve compliance, provided that the permit is modified, revoked and reissued, or reissued to incorporate any such alternative approach. If the Final Compliance Alternatives Plan concludes that a variance will be pursued, the Plan shall provide information regarding the basis for the variance.

1.2.3.4 Submittal of Permit Application for Next Reissuance and Adaptive Management or Pollutant Trading Plan or Variance Application

The permittee shall submit the permit application for the next reissuance at least 6 months prior to expiration of this permit. If the permittee intends to pursue adaptive management to achieve compliance with the phosphorus water quality based effluent limitation, the permittee shall submit with the application for the next reissuance: a completed Watershed Adaptive Management Request Form 3200-139, the completed Adaptive Management Plan and final plans for any system upgrades necessary to meet interim limits pursuant to s. NR 217.18, Wis. Adm. Code. If the permittee intends to pursue pollutant trading to achieve compliance, the permittee shall submit an application for water quality trading with the application for the next reissuance. If system upgrades will be used in combination with pollutant trading to achieve compliance with the final water quality-based limit, the reissued permit will specify a schedule for the necessary upgrades. If the permittee intends to seek a variance, the permittee shall submit an application for a variance with the application for the next reissuance.

1.2.3.5 Halogen, Total Residual as Chlorine

Acceptable test methods for determining Halogens, Total Residual as Cl₂ are the same as those for measuring Chlorine, Total Residual. These methods are listed for Chlorine, Total Residual in chapter NR 219, Table B, Wisconsin Administrative Code. The preferred test methods are the Spectrophotometric, DPD; the Electrode; and the Back Titration with amperometric endpoint.

1.2.3.6 Effluent Temperature Monitoring

For monitoring temperature continuously, collect measurements in accordance with s. NR 218.04(13), Wis. Adm. Code. This means that discrete measurements shall be recorded at intervals of not more than 15 minutes during the 24-hour period. Report the maximum temperature measured during the day on the DMR.

1.2.3.7 Total Maximum Daily Load (TMDL) Limitations

TMDL Under Development: A third party (Milwaukee Metropolitan Sewerage District) Total Maximum Daily Load (TMDL) was developed for the Milwaukee, Menomonee, and Kinnickinnic River watersheds. The TMDL addresses phosphorus, total suspended solids (TSS), and fecal coliform water quality impairments within these watersheds and provides waste load allocations (WLA) required to meet water quality standards. This TMDL will likely result in phosphorus, TSS and fecal coliform limitations that must be included in WPDES permits, which may be different than those calculated in the WQBEL memo used for this permit reissuance. TMDL-derived limits may be included in lieu of or in addition to the calculated limits upon permit reissuance or modification once the TMDL has been approved by U.S. EPA, according to s. NR 217.16, Wis. Adm. Code.

2 Schedules

2.1 Effluent Limitations for Halogen, Total Residual as Chlorine

This schedule requires the permittee to achieve compliance by the specified date.

Required Action	Due Date
Report on Effluent Discharges: Submit a report on effluent discharges of Halogen, Total Residual as Chlorine with conclusions regarding compliance.	06/30/2018
Action Plan: Submit an action plan for complying with the effluent limitations. If construction is required, include plans and specifications with the submittal.	12/31/2018
Initiate Actions: Initiate actions identified in the action plan.	06/30/2019
Complete Actions: Complete actions necessary to achieve compliance with the effluent limitations.	06/30/2020

2.2 Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus

The permittee shall comply with the WQBELs for Phosphorus as specified. No later than 14 days following each compliance date, the permittee shall notify the Department in writing of its compliance or noncompliance. If a submittal is required, a timely submittal fulfills the notification requirement.

Required Action	Due Date
Operational Evaluation Report: The permittee shall prepare and submit to the Department for approval an operational evaluation report. The report shall include an evaluation of collected effluent data, possible source reduction measures, operational improvements or other minor facility modifications that will optimize reductions in phosphorus discharges from the facility during the period prior to complying with final phosphorus WQBELs and, where possible, enable compliance with final phosphorus WQBELs by June 30, 2020. The report shall provide a plan and schedule for implementation of the measures, improvements, and modifications as soon as possible, but not later than June 30, 2020 and state whether the measures, improvements, and modifications will enable compliance with final phosphorus WQBELs. Regardless of whether they are expected to result in compliance, the permittee shall implement the measures, improvements, and modifications in accordance with the plan and schedule specified in the operational evaluation report. If the operational evaluation report concludes that the facility can achieve final phosphorus WQBELs using the existing treatment system with only source reduction measures, operational improvements, and minor facility modifications, the permittee shall comply with the final phosphorus WQBEL by June 30, 2020 and is not required to comply with the milestones identified below for years 3 through 9 of this compliance schedule ('Preliminary Compliance Alternatives Plan', 'Final Compliance Alternatives Plan', 'Final Plans and Specifications', 'Treatment Plant Upgrade to Meet WQBELs', 'Complete Construction', 'Achieve Compliance'). STUDY OF FEASIBLE ALTERNATIVES - If the Operational Evaluation Report concludes that the permittee cannot achieve final phosphorus WQBELs with source reduction measures, operational improvements and other minor facility modifications, the permittee shall initiate a study of feasible alternatives for meeting final phosphorus WQBELs and comply with the remaining required actions of this schedule of compliance. If the Department disagrees with the conclusion of the report, and determines that the permittee can achieve final phosphorus WQBELs using the existing treatment system with only source reduction measures, operational improvements, and minor facility modifications, the Department may reopen and modify the permit to include an implementation	06/30/2018

schedule for achieving the final phosphorus WQBELs sooner than June 30, 2026.	
Compliance Alternatives, Source Reduction, Improvements and Modifications Status: The permittee shall submit a 'Compliance Alternatives, Source Reduction, Operational Improvements and Minor Facility Modification' status report to the Department. The report shall provide an update on the permittee's: (1) progress implementing source reduction measures, operational improvements, and minor facility modifications to optimize reductions in phosphorus discharges and, to the extent that such measures, improvements, and modifications will not enable compliance with the WQBELs, (2) status evaluating feasible alternatives for meeting phosphorus WQBELs.	06/30/2019
Preliminary Compliance Alternatives Plan: The permittee shall submit a preliminary compliance alternatives plan to the Department. If the plan concludes upgrading of the permittee's wastewater treatment system is necessary to achieve final phosphorus WQBELs, the submittal shall include a preliminary engineering design report. If the plan concludes Adaptive Management will be used, the submittal shall include a completed Watershed Adaptive Management Request Form 3200-139 without the Adaptive Management Plan. If water quality trading will be undertaken, the plan must state that trading will be pursued.	06/30/2020
Final Compliance Alternatives Plan: The permittee shall submit a final compliance alternatives plan to the Department. If the plan concludes upgrading of the permittee's wastewater treatment is necessary to meet final phosphorus WQBELs, the submittal shall include a final engineering design report addressing the treatment system upgrades, and a facility plan if required pursuant to ch. NR 110, Wis. Adm. Code. If the plan concludes Adaptive Management will be implemented, the submittal shall include a completed Watershed Adaptive Management Request Form 3200-139 and an engineering report addressing any treatment system upgrades necessary to meet interim limits pursuant to s. NR 217.18, Wis. Adm. Code. If the plan concludes water quality trading will be used, the submittal shall identify potential trading partners. Note: See 'Alternative Approaches to Phosphorus WQBEL Compliance' in the Surface Water section of this permit.	06/30/2021
Progress Report on Plans & Specifications: Submit progress report regarding the progress of preparing final plans and specifications. Note: See 'Alternative Approaches to Phosphorus WQBEL Compliance' in the Surface Water section of this permit.	06/30/2022
Final Plans and Specifications: Unless the permit has been modified, revoked and reissued, or reissued to include Adaptive Management or Water Quality Trading measures or to include a revised schedule based on factors in s. NR 217.17, Wis. Adm. Code, the permittee shall submit final construction plans to the Department for approval pursuant to s. 281.41, Stats., specifying treatment system upgrades that must be constructed to achieve compliance with final phosphorus WQBELs, and a schedule for completing construction of the upgrades by the complete construction date specified below. (Note: Permit modification, revocation and reissuance, and reissuance are subject to s. 283.53(2), Stats.) Note: See 'Alternative Approaches to Phosphorus WQBEL Compliance' in the Surface Water section of this permit.	06/30/2023
Treatment System Upgrade to Meet WQBELs: The permittee shall initiate construction of the upgrades. The permittee shall obtain approval of the final construction plans and schedule from the	09/30/2023

Department pursuant to s. 281.41, Stats. Upon approval of the final construction plans and schedule by the Department pursuant to s. 281.41, Stats., the permittee shall construct the treatment system upgrades in accordance with the approved plans and specifications. Note: See 'Alternative Approaches to Phosphorus WQBEL Compliance' in the Surface Water section of this permit.	
Construction Upgrade Progress Report #1: The permittee shall submit a progress report on construction upgrades. Note: See 'Alternative Approaches to Phosphorus WQBEL Compliance' in the Surface Water section of this permit.	09/30/2024
Construction Upgrade Progress Report #2: The permittee shall submit a progress report on construction upgrades. Note: See 'Alternative Approaches to Phosphorus WQBEL Compliance' in the Surface Water section of this permit.	09/30/2025
Complete Construction: The permittee shall complete construction of wastewater treatment system upgrades. Note: See 'Alternative Approaches to Phosphorus WQBEL Compliance' in the Surface Water section of this permit.	05/31/2026
Achieve Compliance: The permittee shall achieve compliance with final phosphorus WQBELs. Note: See 'Alternative Approaches to Phosphorus WQBEL Compliance' in the Surface Water section of this permit.	06/30/2026

3 Standard Requirements

NR 205, Wisconsin Administrative Code (Conditions for Industrial Dischargers): The conditions in ss. NR 205.07(1) and NR 205.07(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements. Some of these requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in the Standard Requirement section of this permit can be found in ss. NR 205.07(1) and NR 205.07(3).

3.1 Reporting and Monitoring Requirements

3.1.1 Monitoring Results

Monitoring results obtained during the previous month shall be summarized and reported on a Department Wastewater Discharge Monitoring Report. The report may require reporting of any or all of the information specified below under 'Recording of Results'. This report is to be returned to the Department no later than the date indicated on the form. A copy of the Wastewater Discharge Monitoring Report Form or an electronic file of the report shall be retained by the permittee.

Monitoring results shall be reported on an electronic discharge monitoring report (eDMR). The eDMR shall be certified electronically by a responsible executive or 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 s. NR 205.07(1)(g)2, Wis. Adm. Code. The 'eReport Certify' page certifies that the electronic report form is true, accurate and complete.

If the permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be included on the Wastewater Discharge Monitoring Report.

The permittee shall comply with all limits for each parameter regardless of monitoring frequency. For example, monthly, weekly, and/or daily limits shall be met even with monthly monitoring. The permittee may monitor more frequently than required for any parameter.

3.1.2 Sampling and Testing Procedures

Sampling and laboratory testing procedures shall be performed in accordance with Chapters NR 218 and NR 219, Wis. Adm. Code and shall be performed by a laboratory certified or registered in accordance with the requirements of ch. NR 149, Wis. Adm. Code. Groundwater sample collection and analysis shall be performed in accordance with ch. NR 140, Wis. Adm. Code. The analytical methodologies used shall enable the laboratory to quantitate all substances for which monitoring is required at levels below the effluent limitation. If the required level cannot be met by any of the methods available in NR 219, Wis. Adm. Code, then the method with the lowest limit of detection shall be selected. Additional test procedures may be specified in this permit.

3.1.3 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.

3.1.4 Reporting of Monitoring Results

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

- 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.
- For purposes of calculating NR 101 fees, the 2 mg/l lower reporting limits for BOD₅ and Total Suspended Solids shall be considered to be limits of quantitation
- For the purposes of reporting a calculated result, average or a mass discharge value, the permittee may substitute a 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.

3.1.5 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, except for sludge management forms and records, which shall be kept for a period of at least 5 years.

3.1.6 Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or correct information to the Department.

3.1.7 Reporting Requirements – Alterations or Additions

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:

- The alteration or addition to the permitted facility may meet one of the criteria for determining whether a facility is a new source.
- The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification requirement applies to pollutants which are not subject to effluent limitations in the existing permit.
- The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use of disposal sites not reported during the permit application process nor reported pursuant to an approved land application plan. Additional sites may not be used for the land application of sludge until department approval is received.

3.2 System Operating Requirements

3.2.1 Noncompliance Reporting

The permittee shall report the following 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.

A scheduled bypass approved by the Department under the 'Scheduled Bypass' section of this permit shall not be subject to the reporting required under this section.

NOTE: Section 292.11(2)(a), Wisconsin Statutes, requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the Department of Natural Resources **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.**

3.2.2 Bypass

Except for a controlled diversion as provided in the 'Controlled Diversions' section of this permit, any bypass is prohibited and the Department may take enforcement action against a permittee for such occurrences under s. 283.89, Wis. Stats. 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.

3.2.3 Scheduled Bypass

Whenever the permittee anticipates the need to bypass for purposes of efficient operations and maintenance and the permittee may not meet the conditions for controlled diversions in the 'Controlled Diversions' section of this permit, the permittee shall obtain prior written approval from the Department for the scheduled bypass. A permittee's written request for Department approval of a scheduled bypass shall demonstrate that the conditions for unscheduled bypassing are met and include the proposed date and reason for the bypass, estimated volume and duration of the bypass, alternatives to bypassing and measures to mitigate environmental harm caused by the bypass. The department may require the permittee to provide public notification for a scheduled bypass if it is determined there is significant public interest in the proposed action and may recommend mitigation measures to minimize the impact of such bypass.

3.2.4 Controlled Diversions

Controlled diversions are allowed only when necessary for essential maintenance to assure efficient operation provided the following requirements are met:

- Effluent from the wastewater treatment facility shall meet the effluent limitations established in the permit. Wastewater that is diverted around a treatment unit or treatment process during a controlled diversion shall be recombined with wastewater that is not diverted prior to the effluent sampling location and prior to effluent discharge;
- A controlled diversion may not occur during periods of excessive flow or other abnormal wastewater characteristics;
- A controlled diversion may not result in a wastewater treatment facility overflow; and
- All instances of controlled diversions shall be documented in wastewater treatment facility records and such records shall be available to the department on request.

3.2.5 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 this permit. The wastewater treatment facility shall be under the direct supervision of a state certified operator as required in s. NR 108.06(2), Wis. Adm. Code. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training as required in ch. NR 114, Wis. Adm. Code, 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.

3.2.6 Spill Reporting

The permittee shall notify the Department in accordance with ch. NR 706 (formerly 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 this permit, or the spill or accidental release of the material is unregulated in this permit, unless the spill or release of pollutants has been reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code.

3.2.7 Planned Changes

In accordance with ss. 283.31(4)(b) and 283.59, 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 permit application, or if the new discharge will not violate the effluent limitations of this 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 this permit to specify and limit any pollutants not previously regulated in the permit.

3.2.8 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.

3.3 Surface Water Requirements

3.3.1 Permittee-Determined Limit of Quantitation Incorporated into this Permit

For pollutants with water quality-based effluent limits below the Limit of Quantitation (LOQ) in this permit, the LOQ calculated by the permittee and reported on the Discharge Monitoring Reports (DMRs) is incorporated by reference into this permit. The LOQ shall be reported on the DMRs, shall be the lowest quantifiable level practicable, and shall be no greater than the minimum level (ML) specified in or approved under 40 CFR Part 136 for the pollutant at the time this permit was issued, unless this permit specifies a higher LOQ.

3.3.2 Appropriate Formulas for Effluent Calculations

The permittee shall use the following formulas for calculating effluent results to determine compliance with average concentration limits and mass limits and total load limits:

Weekly/Monthly/Six-Month/Annual Average Concentration = the sum of all daily results for that week/month/six-month/year, divided by the number of results during that time period. [Note: When a six-month average effluent limit is specified for Total Phosphorus the applicable periods are May through October and November through April.]

Weekly Average Mass Discharge (lbs/day): Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the week.

Monthly Average Mass Discharge (lbs/day): Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the month.

Six-Month Average Mass Discharge (lbs/day): Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the six-month period. [Note: When a six-month average effluent limit is specified for Total Phosphorus the applicable periods are May through October and November through April.]

Annual Average Mass Discharge (lbs/day): Daily mass = daily concentration (mg/L) x daily flow (MGD) x 8.34, then average the daily mass values for the entire year.

Total Monthly Discharge: = monthly average concentration (mg/L) x total flow for the month (MG/month) x 8.34.

Total Annual Discharge: = sum of total monthly discharges for the calendar year.

12-Month Rolling Sum of Total Monthly Discharge: = the sum of the most recent 12 consecutive months of Total Monthly Discharges.

3.3.3 Effluent Temperature Requirements

Weekly Average Temperature – The permittee shall use the following formula for calculating effluent results to determine compliance with the weekly average temperature limit (as applicable): Weekly Average Temperature = the sum of all daily maximum results for that week divided by the number of daily maximum results during that time period.

Cold Shock Standard – Water temperatures of the discharge shall be controlled in a manner as to protect fish and aquatic life uses from the deleterious effects of cold shock. ‘Cold Shock’ means exposure of aquatic organisms to a rapid decrease in temperature and a sustained exposure to low temperature that induces abnormal behavior or physiological performance and may lead to death.

Rate of Temperature Change Standard – Temperature of a water of the state or discharge to a water of the state may not be artificially raised or lowered at such a rate that it causes detrimental health or reproductive effects to fish or aquatic life of the water of the state.

3.3.4 Visible Foam or Floating Solids

There shall be no discharge of floating solids or visible foam in other than trace amounts.

3.3.5 Surface Water Uses and Criteria

In accordance with NR 102.04, Wis. Adm. Code, 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.

3.3.6 Total Residual Chlorine Requirements (When De-Chlorinating Effluent)

Test methods for total residual chlorine, approved in ch. NR 219 - Table B, Wis. Adm. Code, normally achieve a limit of detection of about 20 to 50 micrograms per liter and a limit of quantitation of about 100 micrograms per liter. These requirements apply if the permittee's "Action Plan" in Schedule section 2.1 of the permit, specifies dechlorination as an option to achieving compliance with the chlorine limits. Reporting of test results and compliance with effluent limitations for chlorine residual and total residual halogens shall be as follows:

- Sample results which show no detectable levels are in compliance with the limit. These test results shall be reported on Wastewater Discharge Monitoring Report Forms as "< 100 µg/L". (Note: 0.1 mg/L converts to 100 µg/L)
- Samples showing detectable traces of chlorine are in compliance if measured at less than 100 µg/L, unless there is a consistent pattern of detectable values in this range. These values shall also be reported on Wastewater Discharge Monitoring Report Forms as "<100 µg/L." The facility operating staff shall record actual readings on logs maintained at the plant, shall take action to determine the reliability of detected results (such as re-sampling and/or calculating dosages), and shall adjust the chemical feed system if necessary to reduce the chances of detects.
- Samples showing detectable levels greater than 100 µg/L shall be considered as exceedances, and shall be reported as measured.
- To calculate average or mass discharge values, a "0" (zero) may be substituted for any test result less than 100 µg/L. Calculated values shall then be compared directly to the average or mass limitations to determine compliance.

3.3.7 Additives

In the event that the permittee wishes to commence use of a water treatment additive, or increase the usage of the additives greater than indicated in the permit application, the permittee must get a written approval from the Department prior to initiating such changes. This written approval shall provide authority to utilize the additives at the specific rates until the permit can be either reissued or modified in accordance with s. 283.53, Stats. Restrictions on the use of the additives may be included in the authorization letter.

4 Summary of Reports Due

FOR INFORMATIONAL PURPOSES ONLY

Description	Date	Page
Effluent Limitations for Halogen, Total Residual as Chlorine -Report on Effluent Discharges	June 30, 2018	9
Effluent Limitations for Halogen, Total Residual as Chlorine -Action Plan	December 31, 2018	9
Effluent Limitations for Halogen, Total Residual as Chlorine -Initiate Actions	June 30, 2019	9
Effluent Limitations for Halogen, Total Residual as Chlorine -Complete Actions	June 30, 2020	9
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Operational Evaluation Report	June 30, 2018	9
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Compliance Alternatives, Source Reduction, Improvements and Modifications Status	June 30, 2019	10
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Preliminary Compliance Alternatives Plan	June 30, 2020	10
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Final Compliance Alternatives Plan	June 30, 2021	10
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Progress Report on Plans & Specifications	June 30, 2022	10
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Final Plans and Specifications	June 30, 2023	10
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Treatment System Upgrade to Meet WQBELs	September 30, 2023	11
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Construction Upgrade Progress Report #1	September 30, 2024	11
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Construction Upgrade Progress Report #2	September 30, 2025	11
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Complete Construction	May 31, 2026	11
Water Quality Based Effluent Limits (WQBELs) for Total Phosphorus - Achieve Compliance	June 30, 2026	11
Wastewater Discharge Monitoring Report	no later than the date indicated on the form	12

Report forms shall be submitted electronically in accordance with the reporting requirements herein. Any facility plans or plans and specifications for municipal, industrial, industrial pretreatment and non-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:

Southeast Region, 2300 N Dr ML King Drive, Milwaukee, WI 53212

**Appendix 4 – NPDES Permit No. WI-S067857-5
(Tier 2 Industrial Facilities)**



STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

**GENERAL PERMIT TO DISCHARGE UNDER THE
WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM
WPDES PERMIT NO. WI-S067857-5**

TIER 2 INDUSTRIAL FACILITIES

In compliance with the provisions of ch. 283, Wis. Stats., and ch. NR 216, Wis. Adm. Code, any **Tier 2** facility as defined in ch. NR 216, Wis. Adm. Code, and located in the State of Wisconsin, excluding section 2.5.1, that discharges

STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY

and meeting the applicability criteria in section 2 of this permit and that receives a letter from the Wisconsin Department of Natural Resources (Department) granting coverage under this permit, is authorized to discharge storm water to waters of the state provided that the discharge is in accordance with the conditions set forth in this permit.

This permit is issued by the Department and covers storm water discharges from the facility as of the **Start Date** of permit coverage to the permittee. For initial permit coverage, the Department will transmit a cover letter to the permittee stating that the facility is covered under this permit. Initial coverage under this permit will become effective at a facility beginning upon the **Start Date** specified by the Department in the cover letter. For an existing facility with permit coverage under a previously issued version of the Tier 2 general permit, coverage under this permit will become effective at the facility beginning upon the **Effective Date** below. For these facilities, the **Effective Date** is the **Start Date**.

State of Wisconsin Department of Natural Resources
For the Secretary

By 

Brian Weigel, Director
Bureau of Watershed Management

May 14, 2021
Date

PERMIT EFFECTIVE DATE: May 31, 2021

PERMIT EXPIRATION DATE: June 2, 2025

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Note: Information about the Department of Natural Resources' storm water program, this general permit, forms, and other helpful resources is available at <https://dnr.wisconsin.gov/topic/Stormwater>.

1. APPLICATION REQUIREMENTS

1.1 Initial Permit Coverage The owner or operator of a Tier 2 industrial facility type listed in s. NR 216.21(2)(b), Wis. Adm. Code, and not previously covered under the Tier 2 general permit shall submit a complete Notice of Intent (NOI) to the Department to apply for coverage under an industrial storm water discharge permit in accordance with the time frames in s. NR 216.22(2), Wis. Adm. Code. Within 30 calendar days of receipt of the NOI, the Department will evaluate the information submitted in the NOI to determine whether the NOI is complete, whether additional information is needed for review, whether the facility will be covered under this permit or an individual permit, or whether coverage under a permit will be denied. Based upon this evaluation, unless notified to the contrary by the Department, within 30 calendar days of receipt of the NOI, the Department will transmit a cover letter to the owner or operator indicating the **Start Date** upon which permit coverage becomes effective at the facility with instructions on where to download the permit from the Department website. In the alternative, a hard copy of the permit will be mailed to the owner or operator of the facility upon request.

Note: The NOI form (Form 3400-163), information about submitting via the Department's Water ePermitting System, and general permit are available for download from the Department website at: <https://dnr.wi.gov/topic/stormwater/industrial/forms.html>. The Notice of Intent requires applicants to provide information on the applicant, facility location, applicability and operations information, storm water discharge information, and non-storm water discharge information.

1.2 Existing Permit Coverage Unless the Department makes a determination for an individual WPDES permit under section 2.5.7, a Tier 2 industrial facility type listed in s. NR 216.21(2)(b), Wis. Adm. Code, with existing Tier 2 general permit coverage prior to the **Effective Date** of this permit is automatically covered under this permit as of the **Effective Date**. For these permittees, the **Effective Date** is the permittee's **Start Date**. The Department will notify the owner or operator of the facility's continued coverage under this permit with instructions on where to download the permit from the Department website. In the alternative, a hard copy of the permit will be mailed to the owner or operator of the facility upon request.

Note: The general permit is available on the Department website at: <https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

1.3 No Exposure Certification The owner or operator of a facility not currently covered under this permit that has submitted a Conditional No Exposure Certification to the Department in accordance with s. NR 216.21(3), Wis. Adm. Code, but that has been denied a No Exposure Exclusion by the Department shall apply for permit coverage in accordance with section 1.1 of this permit within 14-working days of being notified by the Department of the denial. The owner or operator of a facility that has previously been granted a No Exposure Exclusion by the Department but that has had that exclusion revoked shall apply for permit coverage in accordance with section 1.1 of this permit within 14-working days of being notified by the Department of the revocation.

1.4 Permit Coverage Transfers A permittee who will no longer control the permitted industrial facility may request that permit coverage be transferred to the person who will control the industrial facility. The transfer request shall be signed by both the permittee and the new owner or operator and sent electronically through the Department's Water ePermitting System. The Department may require additional information including an NOI to be filed prior to transferring permit coverage. Coverage is not transferred until the Department sends notification of transfer approval to the new owner or operator. The transfer request shall contain the following information:

1.4.1 The name and address of the facility.

1.4.2 The Facility Identification Number.

1.4.3 The names of the persons involved in the transfer, their signatures, and date of signatures.

1.4.4 A description of any significant changes in the operation of the facility.

1.4.5 A statement of acknowledgement by the transferee that it will be the permittee of record and is responsible for compliance with the permit.

Note: The Transfer of Coverage form (Form 3400-222) and information about submitting via the Department's Water ePermitting System are available on the Department website at:
<https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

1.5 Permit Coverage Terminations

If the permittee no longer claims coverage under this permit, the permittee shall submit a signed Notice of Termination (NOT) to the Department in accordance with s. NR 216.32, Wis. Adm. Code.

Note: The NOT form (Form 3400-170) and information about submitting via the Department's Water ePermitting System are available on the Department website at:
<https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

2. PERMIT APPLICABILITY CRITERIA

2.1 Applicability This permit applies to point sources at facilities which discharge contaminated storm water associated with industrial activity to waters of the state, either directly or via a separate storm sewer system, originating from industrial facilities belonging to:

2.1.1 Manufacturing facilities described by the following SIC codes:

<u>SIC</u>	<u>Description</u>
20--	Food & Kindred Products
21--	Tobacco Products
22--	Textile Mill Products
23--	Apparel & Other Textile Products
2434	Wood Kitchen Cabinets
25--	Furniture & Fixtures
265-	Paperboard Containers & Boxes
267-	Misc. Converted Paper Products
27--	Printing, Publishing, & Allied Industries
283-	Drugs
285-	Paints & Allied Products
30--	Rubber & Misc. Plastics Products
31--	Leather & Leather Products
323-	Products of Purchased Glass
34--	Fabricated Metal Products
35--	Industrial & Commercial Machinery & Computer Equipment
36--	Electronic & Other Electrical Equipment & Components
37--	Transportation Equipment
38--	Instruments & Related Products
39--	Misc. Manufacturing Industries
4221	Farm Product Warehousing & Storage
4222	Refrigerated Warehousing & Storage
4225	General Warehousing & Storage

Note: Facilities in SIC codes 311-, 3441 and 373- are included in s. NR 216.21(2)(a) 1. as Tier 1 facilities.

2.1.2 Transportation facilities described by the following SIC codes that have vehicle maintenance shops, equipment cleaning operations, or airport de-icing operations. This only applies to those portions of these facilities that are either involved in vehicle maintenance including rehabilitation, mechanical repairs, painting, fueling, lubrication, and associated parking areas, or involved in cleaning operations, or de-icing operations, or that are listed as a pollution source area under s. NR 216.27(3)(e):

<u>SIC</u>	<u>Description</u>
40--	Railroad Transportation
41--	Local & Interurban Passenger Transit
42--	Trucking & Warehousing
43--	U.S. Postal Service
44--	Water Transportation

45--	Transportation by Air
5171	Petroleum Bulk Stations & Terminals

2.1.3 Facilities described by the following SIC codes, including active and inactive mining operations. This permit only applies where storm water runoff has come into contact with any overburden, raw material, intermediate product, finished product, by-product, or waste material.

<u>SIC</u>	<u>Description</u>
10--	Metal Mining
12--	Coal Mining
13--	Oil & Gas Extraction
14--	Non-metallic Minerals, except fuels

Note: An industry-specific general permit has been developed by the Department that regulates both process and storm water discharges associated non-metallic mining operations, SIC code 14--. While the Department intends to cover non-metallic mining operations under the industry-specific general permit, it may alternatively cover storm water discharges associated with non-metallic mining operations under this Tier 2 general permit. This permit does not apply to non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990; nor to coal mining operations released from the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act authority under 30 USC 1201 et seq. and 16 USC 470 et seq. Production, processing, or treatment operations or transmission facilities associated with oil and gas extraction are included only if there has been a discharge of storm water after November 16, 1987 containing a reportable quantity of a pollutant, or if a storm water discharge contributed to a violation of a water quality standard.

2.1.4 Facilities subject to storm water effluent limitation guidelines, new or existing source performance standards, or toxic pollutant effluent standards under 33 USC 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317 (b) and (c), 1326 (c), except for those facilities identified in paragraph A.(1) that do not have contaminated storm water.

2.1.5 Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act under 33 USC s. 1345.

2.1.6 Hazardous waste treatment, storage, and disposal facilities, including those operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 USC 6901 et seq.

2.1.7 Landfills, land application sites, and open dumps that receive or have received any industrial waste from any of the facilities identified in this section 2.1 of this permit, including those subject to regulation under subtitle D of RCRA, 42 USC 6901 et seq., or ch. 289, Wis. Stats. For purposes of this section, landfills include those landfills for construction and demolition waste disposal.

2.1.8 Steam electric power generating facilities, including coal handling sites but not including offsite transformer or electric substations.

2.1.9 Facilities described in SIC code 2951 for asphalt paving mixes and block, and facilities described in SIC codes 3271, 3272 and 3273 for cement products.

Note: In 1997, the North American Industry Classification System (NAICS) was developed as the standard for use by Federal agencies in classifying business establishments and has been adopted by Federal agencies to replace the SIC Code system. As a result, an industrial facility identified in sections 2.1.1 through 2.1.9 of this permit may have an NAICS Code assigned to it by a Federal agency, trade association, or other organization. If needed, the Department may use Federal data to convert the NAICS Code to the corresponding SIC Code for purposes of determining the applicability of this permit to the facility.

2.1.10 Facilities originally covered under a Tier 1 general permit, but subsequently covered under a Tier 2 general permit pursuant to s. NR 216.23(3), Wis. Adm. Code.

2.2 Authorized Discharges This permit authorizes storm water point source discharges to waters of the State from industrial activities identified in section 2.1 of this permit. This permit also authorizes the discharge of storm water commingled with flows contributed by process and non-process wastewater, provided those flows are regulated by other WPDES permits, if required.

2.3 Movement to Tier One Coverage In accordance with s. NR 216.23(4), Wis. Adm. Code, the Department may revoke coverage under this permit. In this case, the permittee shall reapply for Tier 1 general permit coverage.

2.4 Exclusions This permit does not apply to any of the following:

2.4.1 Diffused surface drainage or agricultural storm water discharges.

2.4.2 Non-storm water discharges.

2.4.3 Non-storm water discharges for which coverage under an individual or general WPDES permit is not required, including landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands and fire fighting.

2.4.4 Inactive, closed or capped landfills that have no potential for contamination of storm water. The Department shall make a determination of contamination potential on a case-by-case basis.

2.4.5 Remedial action discharges or discharges authorized by a WPDES permit for discharging contaminated or uncontaminated groundwater.

2.4.6 Areas located on plant lands that are segregated from the industrial activities of the plant, such as office buildings and accompanying parking lots, if the drainage from the segregated areas is not mixed with contaminated storm water drainage.

2.4.7 Storm water discharges into a municipal combined sewer system.

Note: Areas where this exclusion may apply include portions of the City of Milwaukee, the City of Superior, and the Village of Shorewood.

2.4.8 Storm water discharges from an industrial facility for which the owner or operator has submitted a Conditional No Exposure Certification to the Department in accordance with s. NR 216.21(3), Wis. Adm. Code, provided that the Department concurs with the no exposure certification and the conditions under which a No Exposure Exclusion was granted remain in effect.

2.5 Discharges Not Covered by this Permit The following are not authorized under this permit:

2.5.1 Storm water discharges within Indian Country.

Note: Indian Country is defined under 18 USC §1151 and includes all lands within the exterior boundaries of federally recognized Indian reservations and on lands held in federal trust status. Facilities that currently do not have storm water discharge permit coverage and are located within Indian Country should contact the United States Environmental Protection Agency (USEPA) to apply. For existing discharges covered under a National Pollution Discharge Elimination System (NPDES) permit from USEPA, discharges will continue to be covered by a NPDES permit. Dischargers that previously held permit coverage under previous versions of this permit after September 30, 2001, are no longer eligible for coverage under this permit and must contact USEPA to apply.

USEPA's website contains information on the Multi-Sector General Permit: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>. Facilities should verify eligibility for coverage under the general permit or determine if an individual permit is needed. Information on how to apply for the Multi-Sector General Permit can be accessed here: <https://epanet.zendesk.com/hc/en-us/articles/360001508168-How-to-Create-a-NOI-for-MSGP-PPT->.

2.5.2 Discharges of hazardous substances that are required to be reported under ch. NR 706, Wis. Adm. Code.

2.5.3 Storm water discharges that affect wetlands, unless the Department determines that the storm water discharges comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

2.5.4 Storm water discharges that affect endangered and threatened resources, unless the Department determines that the storm water discharges comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.

2.5.5 Storm water discharges that affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the storm water discharges will not have an adverse effect on any historic property pursuant to s. 44.40(3), Wis. Stats.

2.5.6 Storm water discharges from land disturbing construction activity affecting one acre or more of land that require storm water permit coverage under subch. III of NR 216, Wis. Adm. Code, for new construction, reconstruction, or expansion of an industrial facility.

Note: Storm water discharges from areas of bare soil due to the normal industrial operation of the facility are covered under this permit provided those areas are managed in accordance with section 3.3.2.8.2.

2.5.7 Facilities where the Department makes a determination, pursuant to s. 283.35(3), Wis. Stats. or

s. NR 216.25(3), Wis. Adm. Code, that a storm water discharge is more appropriately covered under an individual WPDES permit. The Department may make this determination if one or more of the following conditions are met:

2.5.7.1 The storm water discharge is potentially a significant source of pollution and more appropriately regulated by an individual WPDES storm water discharge permit.

2.5.7.2 The facility is not in compliance with the terms and condition of this permit or Subchapter II of ch. NR 216, Wis. Adm. Code.

2.5.7.3 Numeric effluent limitations or standards are promulgated for a storm water discharge covered by this permit.

2.5.7.4 Storm water discharges that are regulated by permits containing storm water effluent limitations.

2.5.8 Storm water discharges in violation of the regulation of injection wells under ch. NR 815, Wis. Adm. Code.

Note: Information about the Department's injection well program may be found at:
<https://dnr.wi.gov/topic/wells/uiw.html>.

2.5.9 Discharges associated with activities subject to any of the federal effluent limitation guidelines listed in Table 1 below:

Table 1.

Regulated Activity	40 CFR Part/Subpart
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A
Runoff from asphalt emulsion facilities	Part 443, Subpart A
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D
Runoff from hazardous waste landfills	Part 445, Subpart A
Runoff from non-hazardous waste landfills	Part 445, Subpart B
Runoff from coal storage piles at steam electric generating facilities	Part 423
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449

Note: The federal effluent limitations guidelines are available at the following website: <https://www.epa.gov/eg/industrial-effluent-guidelines>. Discharges associated with activities subject to any of the federal effluent limitation guidelines listed in Table 1 require coverage under a separate WPDES general permit or individual permit. However, these industrial facilities still require coverage under this permit for discharges not subject to the federal effluent limitation guidelines listed in Table 1.

2.6 Water Quality Standards

2.6.1 This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105, NR 140, and NR 207, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to general narrative-type storm water discharge limitations and implementation of a storm water pollution prevention plan.

2.6.2 This permit does not authorize storm water discharges that the Department, prior to authorization of coverage under this permit, determines will cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standard. Where such determinations have been made prior to authorization, the Department may notify the applicant that an individual permit application is necessary. However, the Department may authorize coverage under this permit where the storm water pollution prevention plan required under this permit will include appropriate controls and implementation procedures designed to bring the storm water discharge into compliance with water quality standards.

2.7 Outstanding and Exceptional Resource Waters

2.7.1 Storm water discharges from industrial facilities covered under a previously issued version of this permit shall comply with sections 2.7.2 through 2.7.5 as of the **Effective Date**. Storm water discharges from industrial facilities covered under this permit after the **Effective Date** shall comply with sections 2.7.2 through 2.7.5 as of the **Start Date** of coverage under this permit.

2.7.2 The permittee shall determine whether any part of its facility discharges storm water to an outstanding resource water (ORW) or exceptional resource water (ERW). ORWs and ERWs are listed in ss. NR 102.10 and 102.11, Wis. Adm. Code, respectively.

Note: A list of ORWs and ERWs may be found on the Department website at: <https://dnr.wi.gov/topic/surfacewater/orwerw.html>.

2.7.3 The permittee may not establish a new storm water discharge of pollutants directly to an ORW or an ERW unless the discharge of pollutants is equal to or less than existing levels of pollutants immediately upstream of the discharge site. The storm water pollution prevention plan required under section 3 of this permit shall include practices designed to meet this requirement for new discharges.

2.7.3.1 “New storm water discharge” or “new discharge” means a storm water discharge that would first occur after the permittee’s **Start Date** of coverage under this permit to a surface water to which the facility did not previously discharge storm water, and does not include an increase in a storm water discharge to a surface water to which the facility discharged on or before coverage under this permit.

2.7.4 The permittee may increase an existing storm water discharge directly to an ERW only if the increased discharge will not cause a significant lowering of water quality and the discharge is to accommodate to important economic or social development.

2.7.5 The permittee may increase an existing storm water discharge to an ORW only if the increased discharge of pollutants is equal to or less than the background levels of the pollutant upstream of the discharge and the discharge is to accommodate to important economic or social development.

2.8 Impaired Water Bodies and Total Maximum Daily Load Requirements

2.8.1 “Pollutant(s) of concern” means a pollutant that is contributing to the impairment of a water body.

2.8.2 By February 15th of each calendar year, the permittee shall perform an annual check to determine whether its facility discharges a pollutant of concern via storm water to an impaired water body listed in accordance with Section 303 (d) (1) of the Federal Clean Water Act, 33 USC §1313 (d) (1) (C), and the implementing regulation of the U.S. Environmental Protection Agency (USEPA), 40 CFR §130.7 (c) (1). Impaired waters are those listed as not meeting applicable surface water quality standards. The results of the annual check shall be documented with the Annual Facility Site Compliance Inspection required under section 4.3.1 of this permit.

Note: The Department updates the list approximately every two years. The updated list is effective upon approval by the USEPA. The current list may be found on the Department website at:

<https://dnr.wi.gov/topic/impairedwaters/>.

2.8.3 A permittee that discharges a pollutant of concern via storm water to an impaired water body shall, within 180 days of the annual check that determines the facility discharges to an impaired water body, include a written section in the storm water pollution prevention plan that specifically identifies source area pollution prevention controls and storm water best management practices that will collectively be used to reduce, with the goal of eliminating, the storm water discharge of pollutant(s) of concern that contribute to the impairment of the water body and explain why these controls and practices were chosen as opposed to other alternatives. Changes identified in the storm water pollution prevention plan shall be implemented with the 180-day timeframe.

Note: For a permittee that discharges a pollutant of concern via storm water to an impaired water body, amending the storm water pollution prevention plan will be required after the initial annual check and if subsequent annual checks indicate additional pollutants of concern have been added, additional water bodies have been designated as impaired, or other relevant changes to the designation have occurred.

2.8.4 The permittee may not establish a new storm water discharge of a pollutant of concern to an impaired water body or significantly increase an existing discharge of a pollutant of concern to an impaired water body unless the new or increased discharge does not contribute to the receiving water impairment, or the discharge is consistent with a State and Federal approved total maximum daily load (TMDL) allocation for the impaired water body.

2.8.4.1 “New storm water discharge” or “new discharge” has the meaning given in section 2.7.3.1 of this permit.

2.8.5 By February 15th each calendar year, the permittee shall perform an annual check to determine whether its facility discharges a pollutant of concern via storm water to a water body included in a State and Federal approved TMDL. If so, the permittee shall assess whether any TMDL wasteload allocation for the facility’s discharge is being met through the existing pollution prevention controls and storm water best management practices or whether additional controls or treatment are necessary and feasible. The assessment of the feasibility of additional controls or treatment shall focus on the ability to improve

pollution prevention and treatment system effectiveness and the adequacy of implementation and maintenance of the additional controls or treatment. The results of the annual check shall be documented with the Annual Facility Site Compliance Inspection required under section 4.3.1 of this permit.

Note: The current State and Federal approved TMDLs may be found on the Department website at: <https://dnr.wi.gov/topic/tmdls/>.

2.8.6 Within 180 days of the annual check that determines the facility discharges to a TMDL allocated water body, a permittee that is included in a State and Federal approved TMDL shall submit to the Department a proposed implementation plan for the storm water discharge that meets the requirements of the State and Federal approved TMDL wasteload allocation for the facility. The proposed TMDL implementation plan shall specify any feasible pollution prevention and treatment improvements that could be made and specify any revisions or redesigns that could be implemented to increase the effectiveness of the permittee's storm water pollution prevention controls and treatment practices. The TMDL implementation plan shall also specify a time schedule for implementation of the improvements, revisions or redesigns necessary to meet the wasteload allocation for the facility. If a specific wasteload allocation has not been assigned to the facility under a TMDL, compliance with this permit shall be deemed to be in compliance with the TMDL.

2.9 Fish and Aquatic Life Waters

2.9.1 The permittee shall determine whether it will have a storm water discharge to a fish and aquatic life water as defined in s. NR 102.13, Wis. Adm. Code.

Note: Most receiving waters of the state are classified as a fish and aquatic life waters and this classification includes all surface waters of the state except ORWs, ERWs, Great Lakes system waters and variance water identified within ss. NR 104.05 through 104.10, Wis. Adm. Code. The Department may be consulted if the permittee is not certain of the classification.

2.9.2 The permittee may not establish a new storm water discharge of pollutants to a fish and aquatic life water if the discharge will result in the significant lowering of water quality of the fish and aquatic life water. Significant lowering of water quality is defined within ch. NR 207, Wis. Adm. Code.

2.9.2.1 "New storm water discharge" or "new discharge" has the meaning given in section 2.7.3.1 of this permit.

2.9.3 If the permittee's facility has an existing storm water discharge to a fish and aquatic life water, it may not increase the discharge of pollutants if the increased discharge would result in a significant lowering of water quality.

2.9.4 Any increased or new discharge of storm water authorized under this permit shall be to accommodate to important economic or social development.

2.10 Toxic Pollutants In accordance with s. NR 102.12 Wis. Adm. Code, a new discharge and increased discharge as defined in ch. NR 207, Wis. Adm. Code, of persistent, bioaccumulating toxic substances to the Great Lakes waters or their tributaries shall be avoided or limited to the maximum extent practicable. Any new or increased discharge of these substances is prohibited unless the permittee certifies that the new or increased discharge is necessary after utilization of best technology in process or control using waste minimization, pollution prevention, municipal pretreatment programs, material substitution or other means of commercially available technologies which have demonstrated capability for similar applications.

2.11 Minimum Source Area Control Requirements All permittees shall comply with the following minimum source area control requirements. The Storm Water Pollution Prevention Plan required under section 3 shall identify how each source area control requirement will be met. Source area controls shall be utilized to prevent storm water from becoming contaminated at the facility. Structural source area controls that are either proposed or in place at the facility shall be indicated on the facility drainage base map described in section 3.3.2.2 of this permit. The permittee shall:

2.11.1 Minimize exposure of pollutants associated with the potential sources of storm water contamination identified in section 3.3.2.4 of this permit.

2.11.2 Use good house-keeping measures such as sweeping, appropriate storage, and proper management of waste materials and dumpsters/compactors.

2.11.3 Maintain both structural and non-structural control measures, institute preventive maintenance for vehicles and equipment, and perform routine visual inspections.

2.11.4 Minimize the potential for leaks, spills, and other releases that may contaminate storm water, and institute spill prevention and response measures, including spill reporting described in section 6.5 of this permit.

2.11.5 Stabilize areas of bare soil with vegetation or through permanent land cover to control soil erosion, or when that is not possible, implement best management practices to meet the requirements of section 3.3.2.8.2 of this permit.

2.11.6 Construct and maintain salt storage facilities so that neither precipitation nor storm water runoff can come into contact with the stored salt in order to minimize pollutant discharges.

2.11.6.1 Salt storage piles shall be constructed on an impervious, curbed surface to prevent salt or brine from passing through the base and reaching waters of the state. Salt storage piles shall be enclosed by a building or structure with walls and a cover sufficient to prevent contact between precipitation and the salt and to prevent wind from eroding the salt or carrying any amount of the substance into potential contact with the waters of the state. Alternatively, for permittees that use brine and have salt storage piles on impervious curbed surfaces, install a means of diverting contaminated storm water to a brine treatment system for process use.

2.11.6.2 Any salt spillage resulting from activities such as loading or unloading, shall be immediately cleaned up to minimize contact with storm water.

2.11.7 Train and raise awareness of employees as appropriate on storm water pollution prevention, the requirements of this permit, and their specific responsibilities in implementing any of the requirements, practices, or activities of this permit or the Storm Water Pollution Prevention Plan.

2.11.8 Evaluate the facility for the presence of non-storm water discharges as specified in section 4.2. of this permit.

Note: This permit does not cover non-storm water discharges. See section 2.3.

2.11.9 Minimize dust and off-site tracking of soil, raw materials, intermediate products, final products, or waste materials.

2.11.10 If applicable, use a combination of storm water contact control or containment, drainage controls, or diversions to control SARA Title III Section 313 "Water Priority Chemicals" (42 USC s. 11023 (c)) potentially discharged through the action of storm water runoff, leaching, or wind.

2.12 Compliance with Runoff Management Performance Standards The owner or operator of a facility subject to the performance standards in s. NR 151.12 or ss. NR 151.121 to 151.128, Wis. Adm. Code, shall describe in the Storm Water Pollution Prevention Plan the best management practices necessary to maintain compliance with the applicable performance standards in s. NR 151.12 or ss. NR 151.121 to 151.128, Wis. Adm. Code, for those areas that are described in s. NR 151.12(2) or s. NR 151.121(2), Wis. Adm. Code, respectively. Best management practices installed to meet the performance standards in s. NR 151.12 or s. NR 151.121 to 151.128, Wis. Adm. Code, shall be maintained to meet the treatment capability as originally designed.

2.13 Post-Construction Performance Standards for Landfills For landfills, post-construction storm water best management practices constructed after the effective date of this permit shall be in compliance with the performance standards in ss. NR 151.122 and NR 151.123, Wis. Adm. Code.

Note: The infiltration performance standard in s. NR 151.124, Wis. Adm. Code, does not apply to landfills.

3. STORM WATER POLLUTION PREVENTION PLAN

3.1 Storm Water Pollution Prevention Plan Required In accordance with s. NR 216.27, Wis. Adm. Code, and section 3.3 of this permit, the owner or operator of a facility requiring coverage under this permit shall prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to applying for permit coverage under s. NR 216.22, Wis. Adm. Code.

3.2 Incorporation by Reference When plans are developed or activities conducted in accordance with other federal, state or local regulatory programs that meet the requirements of section 3.3.2 of this permit, the plans may be incorporated by the permittee into the SWPPP by reference.

3.3 Purpose and Content of a Storm Water Pollution Plan

3.3.1 Purpose of the Plan Any SWPPP prepared to comply with this permit shall do all of the following:

3.3.1.1 Identify sources of storm water and non-storm water contamination to the storm water drainage system.

3.3.1.2 Identify and prescribe appropriate "source area control" type best management practices designed to prevent storm water contamination from occurring.

3.3.1.3 Identify and prescribe "storm water treatment" type best management practices to reduce pollutants in contaminated storm water prior to discharge.

3.3.1.4 Prescribe actions needed either to bring non-storm water discharges under an appropriate WPDES permit or to remove these discharges from the storm drainage system.

3.3.1.5 Prescribe an implementation schedule so as to ensure that the storm water management actions prescribed in the SWPPP are carried out in a timely manner and evaluated on a regular basis.

3.3.2 Required Plan Content The SWPPP shall contain, at a minimum, the following items and provisions:

3.3.2.1 Pollution Prevention Individual The SWPPP shall identify by job title the specific individual who has primary responsibility for all aspects of SWPPP development and implementation and identify any other individuals concerned with SWPPP development or implementation, and their respective roles. The specific individual who has primary responsibility shall develop, evaluate, maintain and revise the SWPPP, and carry out the specific management actions identified in the SWPPP, including maintenance practices, monitoring activities, preparing and submitting reports, recordkeeping, and serving as facility contact for the Department.

3.3.2.2 Facility Site Description and Drainage Base Map The SWPPP shall contain a short summary of the major activities conducted at various locations throughout the facility. The SWPPP shall also include a facility drainage base map depicting all of the following:

3.3.2.2.1 How storm water drains on, through and from the facility to groundwater, surface water, or wetlands.

3.3.2.2.2 The facility property boundaries.

3.3.2.2.3 The storm drainage collection and disposal system including all surface and subsurface conveyances.

3.3.2.2.4 Any secondary containment structures.

3.3.2.2.5 The location of all outfalls that discharge channelized flow to groundwater, surface water or wetlands, including outfalls recognized as permitted outfalls under another WPDES permit, numbered for reference.

3.3.2.2.6 The drainage area boundary for each outfall.

3.3.2.2.7 The surface area in acres draining to each outfall, including the percentage that is impervious such as paved, roofed or highly compacted soil, and the percentage that is pervious such as grassy areas and woods.

3.3.2.2.8 Existing structural storm water controls.

3.3.2.2.9 The name and location of receiving waters.

3.3.2.2.10 The location of activities and materials that have the potential to contaminate storm water.

3.3.2.3 Summary of Existing Sampling Data or Observations The SWPPP shall summarize any results of available storm water sampling data or other observations that characterize the quality of storm water discharges or identifying sources of storm water contamination. Available data that characterizes the quality of storm water discharges under dry weather flow conditions shall also be included, except when such data has been or will be reported to the Department under another WPDES permit.

3.3.2.4 Potential Sources of Storm Water Contamination The SWPPP shall identify any significant pollutants or activities associated with the storm water pollution source areas identified in this permit. When possible, specific pollutants likely to be present in storm water as a result of contact with specific materials shall also be listed. The SWPPP shall identify all potential source areas of storm water contamination, including but not limited to:

3.3.2.4.1 Outdoor manufacturing areas.

3.3.2.4.2 Rooftops contaminated by industrial activity, exhaust vents, or a pollution control device.

3.3.2.4.3 Industrial plant yards.

3.3.2.4.4 Storage and maintenance areas for material handling equipment.

3.3.2.4.5 Immediate access roads and rail lines owned or operated by the permittee.

3.3.2.4.6 Material handling sites including storage, loading, unloading, transportation, or conveyance of any raw material, finished product, intermediate product and by-product or waste areas.

3.3.2.4.7 Storage areas (including tank farms) for raw materials, finished and intermediate products.

3.3.2.4.8 Disposal or application of wastewater.

3.3.2.4.9 Areas containing residual pollutants from past industrial activity.

3.3.2.4.10 Areas of significant soil erosion, including areas of bare soil.

3.3.2.4.11 Refuse sites.

3.3.2.4.12 Vehicle maintenance and cleaning areas.

3.3.2.4.13 Washing areas for equipment, vehicles, containers, or other items.

3.3.2.4.14 Shipping and receiving areas.

3.3.2.4.15 Manufacturing buildings.

3.3.2.4.16 Residual treatment, storage, and disposal sites.

3.3.2.4.17 Any other areas capable of contaminating storm water runoff.

3.3.2.5 Status of Non-Storm Water Discharges to the Storm Sewer The SWPPP shall identify all known contaminated and uncontaminated sources of non-storm water discharges to the storm sewer system or waters of the state and indicate which are covered by WPDES permits. The SWPPP shall contain the results of the non-storm water discharge monitoring required by s. NR 216.28, Wis. Adm. Code. If monitoring is not feasible due to the lack of suitable access to an appropriate monitoring location, the SWPPP shall include a statement that the monitoring could not be conducted and an explanation of the reasons why.

3.3.2.6 Source Area Control Best Management Practices The SWPPP shall rely, to the maximum extent practicable, on the use of source area control best management practices designed to prevent storm water from becoming contaminated at the facility. Source area control best management practices that are either proposed or in place at the facility shall be indicated on the facility drainage base map described in section 3.3.2.2 of this permit. The SWPPP shall provide for the use of the following source area control best management practices:

3.3.2.6.1 Activities to stabilize areas of bare soil with vegetation or through permanent land cover to control soil erosion.

3.3.2.6.2 Good house-keeping measures, preventive maintenance measures, visual inspections, spill prevention and response measures, and employee training and awareness.

3.3.2.6.3 Manage salt storage facilities so that neither precipitation nor storm water runoff can come into contact with the stored salt in order to minimize pollutant discharges. Alternatively, for permittees that use brine and have salt storage piles on impervious curbed surfaces, install and

maintain a means of diverting contaminated storm water to a brine treatment system for process use.

3.3.2.6.4 Use of a combination of storm water contact control or containment, drainage controls, or diversions to control SARA Title III Section 313 "Water Priority Chemicals" (42 USC s. 11023 (c)) potentially discharged through the action of storm water runoff, leaching, or wind.

3.3.2.7 Residual Pollutants The SWPPP shall identify pollutants that are likely to contaminate storm water discharges to waters of the state following implementation of source area control best management practices. Past sampling data collected at the facility or at sufficiently similar outfalls at other facilities may be used in making this determination. At a minimum, the following pollutants shall be considered for their potential to contaminate storm water:

3.3.2.7.1 Any pollutant for which an effluent limitation is contained in any discharge permit issued to the permittee, for this facility, by the Department.

3.3.2.7.2 Any pollutant contained in a categorical effluent limitation or pre-treatment standard to which the facility is subject.

3.3.2.7.3 Any SARA Title III Section 313 "Water Priority Chemical" (42 USC s. 11023 (c)) for which the permittee, for this facility, has reporting requirements and which has the potential for contaminating storm water.

3.3.2.7.4 Any other toxic or hazardous pollutants from present or past activity at the site that remain in contact with precipitation or storm water and which could be discharged to the waters of the state, and which are not regulated by another environmental program.

3.3.2.7.5 Any of the following parameters which might be present in significant concentrations: Oil and grease, pH, total suspended solids, 5-day biological oxygen demand, and chemical oxygen demand.

3.3.2.8 Storm Water Treatment Best Management Practices When source area control best management practices are not practicable or are inadequate to control storm water pollution, or when the Department determines source area control best management practices are inadequate to achieve a water quality standard, the SWPPP shall prescribe appropriate storm water treatment practices as needed to reduce the pollutants in contaminated storm water prior to discharge to waters of the state. Proposed or existing storm water treatment practices shall be shown on the facility drainage basin map described in section 3.3.2.2 of this permit. The SWPPP shall provide for the following types of storm water treatment practices:

3.3.2.8.1 Storm water significantly contaminated with petroleum products shall be treated for oil and grease removal by an adequately sized, designed, and functioning wastewater treatment device. Coverage under a separate individual or general permit is required for discharges of storm water from oil/water treatment devices. Under s. 281.41, Wis. Stats., prior Department approval of plans for oil and grease removal devices may be required.

3.3.2.8.2 Storm water discharges contaminated by sediment eroding from areas of bare soil that cannot be stabilized by pavement, gravel, vegetation, or other permanent land cover shall be treated by best management practices designed, installed and maintained to achieve compliance with the

construction site performance standards in s. NR 151.11(6m), Wis. Adm. Code, and in accordance with the Department's Construction Site Erosion and Sediment Control Technical Standards.

Note: The Construction Site Erosion and Sediment Control Technical Standards are available at the following Department website: https://dnr.wi.gov/topic/stormwater/standards/const_standards.html.

3.3.2.9 Facility Monitoring The SWPPP shall include provisions for complying with the monitoring requirements specified in s. NR 216.28, Wis. Adm. Code, and section 4 of this permit. The SWPPP shall include a checklist of inspections to be made during the annual facility site inspection required by s. NR 216.28(2), Wis. Adm. Code. The SWPPP shall also identify for each outfall the type of monitoring that will be conducted, such as non-storm discharge monitoring and storm water discharge quality inspections.

3.3.2.10 SWPPP Implementation Schedule The SWPPP shall include an implementation schedule for the requirements of this permit that meet the compliance timeframes set forth in this permit.

3.3.2.11 Certification and Signature The SWPPP shall be signed in accordance with s. NR 216.22(7), Wis. Adm. Code, and contain the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3.4 Amending a SWPPP Unless an alternative timeframe is specified by the Department, the permittee shall amend and submit the SWPPP to the department within 30 days of the occurrence of any of the following circumstances:

3.4.1 When expansion, production increases, process modifications, changes in material handling or storage, or other activities are planned which will result in significant increases in the exposure of pollutants to storm water discharged either to waters of the state or to storm water treatment devices. The amendment shall contain a description of the new activities that contribute to the increased pollutant loading, planned source control activities that will be used to control pollutant loads, an estimate of the new or increased discharge of pollutants following treatment, and when appropriate, a description of the effect of the new or increased discharge on existing storm water treatment facilities.

3.4.2 The comprehensive annual facility site compliance inspection, quarterly visual inspection of storm water quality, or other information reveals that the provisions of the SWPPP are ineffective in controlling storm water pollutants discharged to waters of the state.

3.4.3 Upon written notice that the Department finds the SWPPP to be ineffective in achieving the conditions of this permit.

3.5 Storm Water Discharges to Outstanding and Exceptional Resource Waters If the permittee's industrial storm water will discharge to an outstanding resource water or exceptional resource water, the permittee shall include a written section in the SWPPP that discusses and identifies the management practices and control measures the permittee will implement to prevent the discharge of any pollutant(s) in excess of the background

level within the water body. This section of the permittee's plan shall specifically identify control measures and practices that will collectively be used to prevent the discharge of pollutants in excess of the background level within the water body.

4. MONITORING REQUIREMENTS

4.1 Purpose Monitoring includes site inspections and non-storm water discharge assessments. The purpose of monitoring is to evaluate storm water outfalls for the presence of non-storm water discharges, and to evaluate the effectiveness of the permittee's pollution prevention activities in controlling contamination of storm water discharges.

4.2 Evaluation of Non-Storm Water Discharges

4.2.1 The permittee shall evaluate all storm water outfalls for non-storm water contributions to the storm drainage system for the duration of this permit. Any monitoring shall be representative of non-storm water discharges from the facility. Evaluations shall take place during dry periods, and may include either end of pipe screening or detailed testing of the storm sewer collection system. Either of the following monitoring procedures is acceptable:

4.2.1.1 A detailed testing of the storm sewer collection system may be performed. Acceptable testing methods include dye testing, smoke testing, or video camera observation. The Department may require a re-test after 5 years or a lesser period as deemed necessary by the Department.

4.2.1.2 End of pipe screening shall consist of visual observations made at least twice per year at each outfall of the storm sewer collection system. Instances of dry weather flow, stains, sludge, color, odor, or other indications of a non-storm water discharge shall be recorded.

Note: The department recommends compiling photographic documentation of visual observations made during non-storm water discharge evaluations.

4.2.2 In addition to maintaining results on-site at the facility, results of the non-storm water evaluations shall be included in the SWPPP required in section 3.3.2.5 of this permit and the Annual Facility Site Compliance Inspection report required in section 5.2 of this permit. Information reported shall include the date of testing, test method, outfall location, testing results, and potential significant sources of non-storm water discovered through testing. Upon discovering non-storm water flows that are not covered under another WPDES permit, the permittee shall either immediately seek coverage under another permit from the Department or eliminate the non-storm water flow.

4.2.3 Any permittee unable to evaluate an outfall for non-storm water discharges shall sign a statement certifying that this requirement could not be complied with, and include a copy of the statement in the SWPPP and the Annual Facility Site Compliance Inspection report. The statement shall be submitted to the Department within 30 days after the permittee determines that it is unable to evaluate an outfall.

4.3 Evaluation of Storm Water Discharges The permittee shall evaluate storm water outfalls for storm water contributions to the storm drainage system. Any monitoring shall be representative of storm water discharges from the facility.

4.3.1 Annual Facility Site Compliance Inspection Permittees shall perform and document the results of an Annual Facility Site Compliance Inspection (AFSCI). The AFSCI shall be adequate to verify that the site drainage conditions and potential pollution sources identified in the SWPPP remain accurate, and that the best management practices prescribed in the SWPPP are being implemented, properly operated and adequately maintained. Information reported shall include the inspection date, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWPPP.

The AFCSI Report Form can be accessed at the following website:
<https://dnr.wi.gov/files/PDF/forms/3400/3400-176.pdf>

4.3.2 Quarterly Visual Monitoring Permittees shall perform and document quarterly visual inspections of storm water discharge quality at each storm water discharge outfall. Inspections shall be conducted within the first 30 minutes of discharge or as soon thereafter as practical, but not exceeding 60 minutes. The inspections shall include any observations of color, odor, turbidity, floating solids, foam, oil sheen, or other obvious indicators of storm water pollution. Information reported shall include the inspection date, inspection personnel, visual quality of the storm water discharge, and probable sources of any observed storm water contamination.

The Quarterly Visual Inspection Form can be accessed at the following website:
<https://dnr.wi.gov/files/PDF/forms/3400/3400-176a.pdf>

4.3.3 Monitoring Waivers The Department may waive specific monitoring requirements for the following reasons:

4.3.3.1 The permittee indicates that either an employee could not reasonably be present at the facility at the time of the snowmelt or runoff event, or that attempts to meet the monitoring requirement would endanger employee safety or well-being.

4.3.3.2 The permittee indicates that there were no snow melt or runoff events large enough to conduct a quarterly visual inspection at an outfall. A waiver is automatically granted for a quarter where the permittee sufficiently documents and retains records demonstrating that there were no snow melt or runoff events large enough to conduct a quarterly visual inspection at the facility during that quarter. Documentation and records used to qualify for an automatic waiver shall be submitted to the Department upon request.

4.3.3.3 The facility is inactive or remote facility (such as an inactive mining operation) where the permittee demonstrates that monitoring and inspection activities are impractical or unnecessary. At a minimum, the Department shall establish an alternative requirement that the permittee make site inspections by a qualified individual at least once in every 3-year period.

4.3.3.4 The permittee demonstrates to the Department's satisfaction that the sources of storm water contamination are outside of the permittee's property boundary and are not associated with the permittee's activities. The demonstration shall be presented in the SWPPP or AFSCI report and submitted to the Department for evaluation.

5. COMPLIANCE AND REPORTING REQUIREMENTS

5.1 SWPPP Compliance and Reporting Requirements

5.1.1 An owner or operator of a facility requiring coverage under this permit shall prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to applying for permit coverage under s. NR 216.22, Wis. Adm. Code, and shall submit the SWPPP summary to the Department when applying for coverage under this permit. For existing facilities that previously operated without required permit coverage and without a SWPPP as required, the owner or operator shall immediately develop a SWPPP, submit the SWPPP summary to the Department when applying for coverage under this permit, and implement the SWPPP to achieve compliance with this permit in the shortest practicable time. A facility has the option to submit their full SWPPP in lieu of the SWPPP summary when applying for coverage.

5.1.2 The SWPPP shall conform to the requirements specified in s. NR 216.27 (3), Wis. Adm. Code, and section 3.3 of this permit.

5.1.3 The SWPPP shall be kept at the facility and made available to the Department for inspection and copying upon request. If storm water discharges from the facility enter a municipal separate storm sewer system covered under a storm water permit pursuant to Subchapter I of ch. NR 216, Wis. Adm. Code, the SWPPP shall be made available to the owner or operator of the municipal separate storm sewer system for inspection and copying upon request.

5.1.4 Unless an alternate implementation schedule is specified by the Department, the SWPPP shall be implemented in accordance with the implementation schedule developed under section 3.3.2.10 of this permit.

5.1.5 The permittee shall keep the SWPPP current and amend it as necessary to correct deficiencies in the SWPPP as they are identified. The permittee shall amend the SWPPP and submit it to the Department in the event of any facility operational changes that may result in additional significant storm water contamination.

5.2 Monitoring Compliance and Reporting Requirements

5.2.1 The permittee shall conduct the first Annual Facility Site Compliance Inspection (AFSCI) within 12 months of the **Start Date** of coverage under this general permit. Subsequent AFSCIs shall be conducted and AFSCI reports prepared by the permittee by the anniversary of the **Start Date** for each year of coverage under this permit. Reports shall be written on forms available from the Department and shall contain information from the AFSCI, the quarterly visual inspection, and the non-storm water evaluation. Copies of all AFSCI reports, quarterly visual inspections and nonstorm water monitoring reports shall be maintained on site at the facility and made available to the Department for inspection and copying upon request for the duration of permit coverage.

Note: The AFSCI Report form, Quarterly Visual Inspection form, and Storm Water Chemical Analysis Report form are available on the Department website at:
<https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

5.2.2 Quarterly visual inspections of storm water discharge quality shall be conducted by the permittee four times annually by the anniversary date of **Start Date** of coverage under the permit.

5.3 Discharges to Regulated Municipal Separate Storm Sewer Systems

5.3.1 Permittees regulated under this permit with storm water discharges and non-storm water discharges entering a municipal separate storm sewer system covered under a storm water permit pursuant to Subchapter I of ch. NR 216, Wis. Adm. Code, shall provide information on these discharges to the owner or operator of the municipal separate storm sewer system upon request. Information the permittee shall provide includes the area or sub-areas of the facility draining to the municipal separate storm sewer system, the nature of industrial activity and potential storm water contamination sources in the areas draining to the system, the nature and number of non-storm water discharges to the system, storm water best management practices employed at the facility and their effectiveness at pollutant removal, storm water monitoring data, and copies of the SWPPP and AFSCI reports.

5.3.2 Upon discovering a previously unknown non-storm water discharge to the municipal separate storm sewer system that is not authorized to discharge under a required WPDES permit or that is an illicit discharge as defined by s. NR 216.002(11), Wis. Adm. Code, the permittee shall immediately report the discharge to the owner or operator of the municipal separate storm sewer system.

5.3.3 The permittee shall immediately report spills or dumping of materials that enter the municipal separate storm sewer system to the owner or operator of the system.

5.3.4 In accordance with the owner or operator's established authority to control discharges to its municipal separate storm sewer system, the permittee shall assist the owner or operator of the system with detecting and eliminating illicit discharges to the system to the maximum extent practicable if the owner or operator finds that the source of an illicit discharge may originate from the permittee's facility.

6. GENERAL CONDITIONS The general conditions in s. NR 205.07(1), (3), and (5), Wis. Adm. Code, are hereby incorporated by reference into this permit, except for s. NR 205.07(1)(n) and (3)(b), Wis. Adm. Code. Under s. NR 205.08(9), Wis. Adm. Code, dischargers covered under a storm water general permit are not required to submit an application for reissuance unless directed to do so by the Department under s. NR 216.22(9), Wis. Adm. Code. The requirements for spill reporting are in section 6.5 below.

Note: Chapter NR 205 is available at the following website: https://docs.legis.wisconsin.gov/code/admin_code/nr/200.

6.1 Work near Surface Waters and Wetlands Activities performed in wetland areas, in floodplains, or near shorelands may require permits or approvals through applicable state law, state regulations, or county or local ordinances. Additionally, state permits or contracts required by chs. 30, 31 and 87, Wis. Stats. and s. 281.36, Wis. Stats. (or Wisconsin Administrative Code promulgated under these laws), and federal permits may be applicable.

6.2 Continuation of the Expired General Permit As provided in s. NR 205.08(9), Wis. Adm. Code, and s. 227.51, Wis. Stat., the terms and conditions of this general permit shall continue to apply until this general permit is reissued or revoked or until an individual permit is issued for the discharge to which the general permit applied.

6.3 Petition to Move to Individual Permit Coverage Any person may submit a written request to the department to withdraw coverage under this general permit and to replace it with an individual storm water permit under s. NR 216.25(4), Wis. Adm. Code.

6.4 Liabilities under Other Laws Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the federal Clean Water Act (33 USC s. 1321), any applicable federal, state, or local law or regulation under authority preserved by Section 510 of the Clean Water Act (33 USC s. 1370).

6.5 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 remainder of this permit shall not be affected thereby.

6.6 Spill Reporting The permittee shall notify the Department immediately of any release or spill of a hazardous substance to the environment in accordance with s. 292.11, Wis. Stats., and ch. NR 706, Wis. Adm. Code.

Note: The 24-hour toll free spills hotline number is (800) 943-0003. Information about hazardous substance spills is available from the Department's website at: <https://dnr.wi.gov/topic/Spills/>.

6.7 Submitting Records Any forms or reports submitted to the Department of Natural Resources in accordance with this permit shall be submitted via the Department's Water ePermitting System available at: <https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

6.8 Enforcement Any violation of s. 283.33, Wis. Stats., ch. NR 216, Wis. Adm. Code, or this permit is enforceable under s. 283.89, Wis. Stats.

6.9 Permit Fee A storm water discharge permit fee shall be paid annually for each industrial facility covered under this permit. The permittee will be billed by the Department annually in May of each year and the fee is

due by June 30 of each year in accordance with s. NR 216.30, Wis. Adm. Code. A permittee may be referred to the Wisconsin Department of Revenue for the collection of any unpaid storm water fee.