



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

**PERMIT TO DISCHARGE UNDER THE
WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM
WPDES PERMIT NO. WI-S049930-02**

In compliance with the provisions of Chapter 283, Wisconsin Statutes, and chs. NR 151 and 216,
Wisconsin Administrative Code:

WISCONSIN STATE FAIR PARK

is permitted to discharge storm water from

ALL PORTIONS OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM
owned or operated by the Wisconsin State Fair Park of Milwaukee to waters of the state in the following watersheds:

HONEY CREEK

in accordance with the conditions set forth in this permit.
This permit will become effective on the date of signature.
This permit to discharge shall expire at midnight, **June 11, 2018**.

To retain authorization to discharge after this expiration date, an application shall be filed for reissuance of this
permit in accordance with the requirements of Chapter NR 216, Wis. Adm. Code,
at least 180 days prior to this expiration date.

State of Wisconsin Department of Natural Resources
For the Secretary

By

Bryan Hartsook
Water Resources Engineer

6-12-13

Date of Signature

EFFECTIVE DATE: **June 12, 2013**

EXPIRATION DATE: **June 11, 2018**

TABLE OF CONTENTS

- Part I. Applicability**
- Part II. Permit Conditions**
- Part III. Compliance Schedule**
- Part IV. Standard Conditions**
- Part V. Definitions**

GENERAL DESCRIPTION AND PURPOSE OF THE WPDES STORM WATER PERMIT FOR WISCONSIN STATE FAIR PARK

Wisconsin State Fair Park owns and operates a municipal separate storm sewer system that discharges to waters of the state.

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

This WPDES permit regulates discharges from Wisconsin State Fair Park's municipal separate storm sewer system in accordance with s. 283.33, Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code. The permit requirements are intended to restore and maintain the chemical, physical, and biological integrity of waters of the state through pollution prevention and storm water management of urban runoff.

PART I. APPLICABILITY

- A. **PERMITTED AREA:** This permit covers all areas under the ownership, control or jurisdiction of Wisconsin State Fair (State Fair Park) that contribute to discharges from the municipal separate storm sewer system owned or operated by State Fair Park. Municipal separate storm sewer system, or MS4, has the meaning specified in Part V. of this permit. State Fair Park's storm sewer system maps further define the permitted area.
- B. **AUTHORIZED DISCHARGES:** This permit authorizes storm water point source discharges to waters of the state from the MS4 in the permitted area. This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, and storm water associated with industrial activity, provided the discharges are regulated by other WPDES permits or are discharges which are not considered illicit discharges.
- C. **WATER QUALITY STANDARDS:**
1. This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105 and NR 140, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to general narrative-type storm water discharge limitations and implementation of storm water management programs and practices.
 2. This permit does not authorize water discharges that the Department, prior to authorization of coverage under this permit, determines will cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standards. Where such determinations have been made prior to authorization, the Department may authorize coverage under this permit where the storm water management programs required under this permit will include appropriate controls and implementation procedures designed to bring the storm water discharge into compliance with water quality standards.
- D. **GENERAL STORM WATER DISCHARGE LIMITATIONS:** State Fair Park may not discharge the following substances from the MS4 in amounts that have an unreasonable effect on receiving water quality or aquatic life:
1. Solids that may settle to form putrescence or otherwise objectionable sludge deposits.
 2. Oil, grease, and other floating material that form noticeable accumulations of debris, scum, foam, or sheen.
 3. Color or odor that is unnatural and to such a degree as to create a nuisance.
 4. Toxic substances in amounts toxic to aquatic life, wildlife, or humans.
 5. Nutrients conducive to the excessive growth of aquatic plants and algae to the extent that such growths are detrimental to desirable forms of aquatic life, create conditions that are unsightly, or are a nuisance.
 6. Any other substances that may impair, or threaten to impair, beneficial uses of the receiving water.
- E. **INDIVIDUAL RESPONSIBILITY:** State Fair Park is responsible for:
1. Compliance with conditions of this permit relating to discharges from those portions of the MS4 where the State Fair Park is the owner or operator.
 2. Storm water management program implementation, as required by this permit, on portions of the State Fair Park that drain to its MS4 where it is the owner or operator.
 3. Submittal to the Department of any modifications to the current storm water management program that are contrary to the requirements of this permit prior to implementation.
 4. All other activities required by this permit.

- F. **OUTSTANDING AND EXCEPTIONAL RESOURCE WATERS:** This permit does not authorize the discharge to any Outstanding or Exceptional Resource Waters as listed in ss. NR 102.10 and 102.11, Wis. Adm. Code.
- G. **WETLANDS:** State Fair Park's MS4 discharge shall comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.
- H. **ENDANGERED AND THREATENED RESOURCES:** State Fair Park's MS4 discharge shall comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.
- I. **HISTORIC PROPERTY:** State Fair Park's MS4 discharge may not affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the MS4 discharge will not have an adverse effect on any historic property pursuant to s. 44.40 (3), Wis. Stats.
- J. **EXCLUSIONS:** The following are excluded from coverage under this permit:
1. **Combined Sewer and Sanitary Sewer Systems**
Discharges of water from a sanitary sewer or a combined sewer system conveying both sanitary and storm water. These discharges are regulated under s. 283.31, Wis. Stats, and require a separate individual permit.
 2. **Agricultural Facilities and Practices**
Discharges from "agricultural facilities" and "agricultural practices". "Agricultural facility" means a structure associated with an agricultural practice. "Agricultural practice" means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

Agricultural facilities and agricultural practices do not include temporary livestock housing, care or display and associated activities, or other agricultural product display that may occur at State Fair Park.
 3. **Other Excluded Discharges**
Storm water discharges from industrial operations or land disturbing construction activities that require separate coverage under a WPDES permit pursuant to subchs. II or III of ch. NR 216, Wis. Adm. Code. For example, while storm water from industrial or construction activity may discharge from State Fair Park's MS4, this permit does not satisfy the need to obtain any other permits for those discharges. This exclusion does not apply to State Fair Park's responsibility to regulate construction sites within its jurisdiction in accordance with Part II. sections C and D of this permit.

Part II. PERMIT CONDITIONS

- A. **EDUCATION AND OUTREACH:** State Fair Park shall continue to implement a public education and outreach program to increase the awareness of storm water pollution impacts on waters of the state to encourage changes in public behavior to reduce impacts. The program shall establish **measurable goals** State Fair Park shall at a minimum, address each of the following elements. State Fair Park may contact other interest groups that may be able to provide assistance for this program.
1. **General Public Education and Outreach:**
 - a. Promote detection and elimination of illicit discharges and water quality impacts associated with such discharges of pollution into MS4. This may include storm water inlet stenciling, runoff management signs constructed near manure management areas, employee alert bulletins, and cooperative efforts with State, local governments, and non-governmental organizations.
 - b. Promote infiltration of storm water runoff from rooftop downspouts, driveways and sidewalks. State Fair Park shall continue to promote rain barrel and rain garden use through signage for these facilities within the Fair Park.
 - c. Promote environmentally sensitive land use decisions by planners and designers.
 - d. Promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides.
 2. **Vendor/Camper Education and Outreach:**
 - a. State Fair Park shall create a vendor / camper notification brochure regarding storm water runoff. This brochure will be distributed to employees and direct users of the Fair Park whom would have a direct impact on storm water runoff and would be distributed at their arrival at the Fair Park annually, as part of the vendor contract packet and at camper welcome station. This brochure will inform and educate employees about the activities required by this permit and the proper management of materials that may cause storm water pollution from sources at State Fair Park including proper management and disposal of sanitary washwater and solid waste, locations of storm sewer drains and outfalls, and general good housekeeping practices.
- B. **PUBLIC INVOLVEMENT AND PARTICIPATION:** State Fair Park must notify the public of activities required by this permit and to encourage input and participation from the public regarding these activities. This program shall include **measurable goals** for public involvement and participation and comply with applicable state and local public notice requirements. State Fair Park may coordinate use of the Department's pavilion for featuring storm water related topics, and to solicit comments from the public regarding the activities required under this permit.
- C. **ILLICIT DISCHARGE DETECTION AND ELIMINATION:** State Fair Park shall continue to implement and enforce a program to detect and remove illicit connections and discharges to the MS4. The program shall include **measurable goals** and include all of the following:
1. State Fair Park shall continue to enforce signed agreements with existing vendors and initiate new agreements with new vendors requiring that all liquid and solid waste be properly disposed and that failure to comply with agreements held shall be cause for closing the concession involved. All vendors generating waste solids or substances shall be subject to written agreement and subsequent contract provisions. To fulfill this permit requirement, the State Fair Park must submit to the Department evidence that identifies that all potential sources of illicit discharge are subject to this provision. At a minimum, the legal authority established through signed agreements shall:
 - a. Prohibit the discharge, spill, leaking, pumping, pouring, emitting, emptying or dumping of non-storm water substances or material into waters of the state or the MS4.
 - b. Identify non-storm water discharges or flows that are not considered illicit discharges. Non-storm water discharges that are not considered illicit discharges include water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped

groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, fire fighting and discharges authorized under a WPDES permit unless identified by the permittee as significant source of pollutants to waters of the state.

c. Establish inspection and enforcement responsibilities.

Note: All potential sources of illicit discharge may be addressed through enforcement of the aforementioned vendor agreements.

2. Field screening at all major outfalls during dry weather periods. Outfalls will be evaluated at least once during operating hours of the annual Wisconsin State Fair, and again annually, on an on-going basis, at all major outfalls during dry weather periods (typically 72 hours after any measurable rainfall). Outfalls will be evaluated at the commencement of each permit cycle, but those outfalls exhibiting dry conditions or parameters continuously within the expected ranges will have consideration for discontinuing of testing during subsequent years of the same permit cycle, after discussion and coordination with the Department. Currently, State Fair Park has identified three major outfalls (HO-B1, HO-03 and HO-17), located at 82nd Street and Greenfield Avenue, 84th Street and Walker Street and 77th Street and Walker Street, respectively. At a minimum, field screening shall be documented and include:

a. Sensory Observation - A narrative description of visual observations including color, odor, turbidity, oil sheen or surface scum, flow rate and any other relevant observations regarding the potential presence of non-storm water discharges or illegal dumping. (Include narrative in annual report)

b. Field Analysis - If flow is observed, and preliminary indications of non-stormwater discharges or illegal dumping exist, a field analysis shall be conducted to determine the presence of illicit non-storm water discharges or illegal dumping. The field analysis shall include sampling for pH, total chlorine, total copper, total phenol and detergents, unless the State Fair Park elects instead to use detergent, ammonia, potassium and fluoride as the indicator parameters. Outfalls SHC05A (Manhole interior to Milwaukee Mile Racetrack) and SHC05B (catch basin west of swine building) shall be analyzed for E.Coli and Enterococcus (Fecal Coliform) bacteria counts during dry and wet weather conditions, at least once during operating hours of the Wisconsin State Fair, and again annually, on an on-going basis, unless discontinuation of testing during subsequent years has been approved by the Department. Other alternative indicator parameters may be used as requested by State Fair Park and as authorized by the Department in writing. Documentation shall be collected, maintained and submitted to the Department with the annual report as evidence that the flow observed is not considered an illicit discharge.

Note: State Fair Park may elect to collect additional samples at a screening point upstream of the influence of State Fair Park's MS4 in order to establish the background influent loading for bacteria counts and/or other parameters. The Department has written a guidance document to assist municipalities with development of field screening programs to determine the presence of illicit discharges from MS4 outfalls. The guidance can be found on the Departments website at:

http://dnr.wi.gov/topic/stormwater/documents/MS4_IDDE_Guidance_3-2012.pdf

i. Field screening points shall, where possible, be located downstream of any source of suspected illegal or illicit activity.

ii. Field screening points shall be located where practicable at the farthest manhole or other accessible location downstream in the system. Safety of personnel and accessibility of the location shall be considered in making this determination.

3. Procedures for responding to known or suspected illicit discharges. At a minimum, procedures shall established for:

a. Immediately investigate portions of the MS4 that, based on the results of field screening or other information, indicate a reasonable potential for containing illicit discharges or other sources of non-storm water discharges.

b. Responding to spills that discharge into and/or from the MS4 including tracking the source of the spill

- if unknown.
- c. Preventing and containing spills that may discharge into or are already within the MS4.
 - d. Notifying the Department immediately in accordance with ch. NR 706, Wis. Adm. Code, in the event that the permittee identifies a spill or release of a hazardous substance, which has resulted or may result in the discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour toll free spill hotline at 1-800-943-0003. The permittee shall cooperate with the Department in efforts to investigate and prevent such discharges from polluting waters of the state.
 - e. Identified illicit discharges or connections shall be eliminated within three working days to the maximum extent practicable. The Department shall be contacted to discuss an appropriate action and /or timeframe for removal if it will take more than three working days to remove an illicit discharge or connection once the source or location has been identified.
 - f. Eliminating or minimizing leakage from sanitary conveyance systems into the MS4.
 - g. Eliminating sanitary and gray water discharge from vendor trailers, other temporary trailers or units used during the Wisconsin State Fair or other events, and portable restrooms.
 - h. Eliminating direct runoff from feedlots, manure storage facilities, or animal washing areas into the MS4. At no time can manure be stored or piled in an unconfined manner.
 - i. Eliminating direct runoff from the refuse collection and refuse compaction area into the MS4.
 - j. Providing the Department with advance notice of the time and location of dye testing within a MS4. (Because the dye may get reported to the Department as an illicit discharge or spill, the Department requires prior notification of dye testing.)
 - k. In the case of an illicit discharge that originates from the State Fair Park's permitted area and that discharges directly to a storm sewer system or property under the jurisdiction of another municipality, the State Fair Park shall notify the affected municipality (City of West Allis) immediately, but no longer than one working day.
 - l. In the case of an illicit discharge that is identified within the State Fair Park's permitted area, but is determined to originate from a contributing storm sewer system or property under the jurisdiction of another municipality, State Fair Park shall notify the contributing municipality or municipality with jurisdiction immediately, but no longer than one working day.
 - m. The name, title and phone number of the individual(s) responsible for responding to reports of illicit discharges and spills shall be included in the illicit discharge response procedure and submitted to the Department in accordance with Part III.C.3
- D. CONSTRUCTION SITE POLLUTANT CONTROL. State Fair Park shall continue to defer to the Department of Administration – Division of State Facilities' master specifications and design guidelines for all construction and remodeling projects undertaken by State Fair Park, particularly Section 31 10 00 Site Clearing; Section 31 20 00 Earthmoving; Section 31 23.16.13 Trenching; Section 31 23 19 Dewatering; and Section 31 25 00 Erosion Control. At a minimum, State Fair Park shall continue to manage erosion and sediment from construction site activities through implementation and maintenance of source area controls and structural best management practices. This requirement may be addressed by:
1. Inspections and enforcement to follow Wisconsin Construction Site Technical Standards found online at <http://dnr.wi.gov/topic/stormwater/standards/index>
 2. Discuss and communicate with those responsible for the design, installation, and maintenance of construction site erosion control practices and storm water management facilities, including contractors for construction projects on State Fair Park projects, the proper design, installation and maintenance of practices and facilities in accordance with ch. NR 151 and ch. NR 216, Wisconsin Administrative Code.

3. Inspection of all land disturbing activities for proper erosion and sediment control weekly and within 24 hours after a rainfall event of 0.5 inch or greater. A “rainfall event” may be considered to be the total amount of rainfall recorded in any continuous 24-hour period. Inspection records must be kept onsite. A model inspection report is available online at <http://dnr.wi.gov/topic/stormwater/construction/forms.html>
 4. Repair or replacement of erosion and sediment control BMPs must be completed as necessary within 24 hours of an inspection or notification indicating that repair or replacement is needed. Any changes made shall be noted in the inspection records.
 - a. It shall apply to construction sites with one acre or more of land disturbance, and sites of less than one acre if they are part of a larger common plan of development or sale under the jurisdiction of the permittee. An erosion control plan for construction sites with less than one acre of land disturbance shall be developed and implemented when necessary, to limit the impact of land disturbance to State Fair Park’s MS4.
 - b. Erosion and sediment control criteria, standards and specifications equivalent to those approved by the Department. Department erosion and sediment control standards are available through the Department’s stormwater internet site at: <http://dnr.wi.gov/org/water/wm/nps/stormwater.htm>
 - c. Construction site performance standards equivalent to or more restrictive than those in ss. NR 151.11, 151.105, and 151.23, Wis. Adm. Code.
 - d. Erosion and sediment control plan requirements.
 - e. Permitting requirements, easement policies, procedures, and application.
 - f. Inspection and enforcement responsibility.
 - g. Requirements for construction site owners or operators to manage waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site so as to minimize adverse impacts to waters of the state.
 2. Procedures for construction site inspection and enforcement of erosion and sediment measures. At a minimum, the procedures shall establish:
 - a. State Fair Park departments or staff responsible for construction site inspections and enforcement.
 - b. Construction site inspection frequency and documentation
 - c. Enforcement mechanisms that will be used to achieve compliance.
 3. Procedures for site planning which incorporate consideration of potential water quality impacts.
 4. Procedures for receipt and consideration of information submitted by the public.
- E. **POST-CONSTRUCTION STORM WATER MANAGEMENT.** State Fair Park shall develop, implement, and enforce a program to control the quantity and quality of discharges from areas of new development and redevelopment, after construction is completed. The program shall establish measurable goals and include:
1. A legal authority, policy, or other regulatory mechanism to regulate post-construction storm water discharges from new development and redevelopment. To fulfill this permit requirement, the State Fair Park shall submit to the Department evidence that identifies that all post-construction activities are subject to this provision. At a minimum, the ordinance, policy, or other regulatory mechanism shall establish or include:
 - a. Applicability and jurisdiction that shall apply to construction sites with one acre or more of land disturbance, and sites of less than one acre if they are part of a larger common plan of development or

- sale under the jurisdiction of the permittee.
- b. Design criteria, standards and specifications equivalent to technical standards or the Wisconsin Storm Water Manual approved by the Department. The Department approved technical standards shall take precedence over the Wisconsin Storm Water Manual. The Department approved technical standards and the Wisconsin Storm Water Manual are available at:
<http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm>.
 - c. Post-construction performance standards equivalent to or more restrictive than those in ss. NR 151.121 and 151.124, Wis. Adm. Code.
 - d. Storm water plan requirements for landowner of construction sites.
 - e. Permitting requirements, easement policies, procedures and application.
 - f. Long-term maintenance requirements for landowners and other persons responsible for long-term maintenance.
 - g. Inspection and enforcement responsibilities.
2. Procedures that will be used for site planning by landowners and developers which incorporate consideration of potential water quality impacts.
 3. Procedures that will be used by the State Fair Park to ensure the long-term maintenance of storm water management facilities.
- F. **POLLUTION PREVENTION:** State Fair Park shall continue to implement a pollution prevention program that establishes **measurable goals** for pollution prevention. The program shall include:
1. Routine inspection and maintenance of State Fair Park owned, permitted, or operated structural storm water management facilities to maintain their pollutant removal operating efficiency.
 2. To the maximum extent practicable, street sweeping in areas of the Wisconsin State Fair Grounds that are actively utilized during operating hours of the Wisconsin State Fair and other events to reduce, with the goal of eliminating, discharges to State Fair Park's storm sewer system. Particular attention must be given to areas where manure or industrial-type waste, such as waste associated with race events, is likely to discharge to the storm sewer system. A street sweeping plan to be implemented during event operating hours shall be developed and submitted to the Department for its review and approval. This plan shall identify methods that eliminate the discharge of water that is used to flush or clean areas of State Fair Park to State Fair Park's MS4.
 3. To the maximum extent practicable, nightly street sweeping and sweeping at the conclusion of the Wisconsin State Fair and other events. A nightly and end-of-event street sweeping plan shall be developed and submitted to the Department for its review and approval. This plan shall identify methods that eliminate the discharge of water that is used to flush or clean areas of State Fair Park to State Fair Park's MS4.
 4. To maximum extent practicable, catch basin cleaning where appropriate. State Fair Park will also provide and maintain inlet protection devices for catch basins in sensitive areas where particulate debris entrance could be a concern. These locations will be documented and supplied to the Department for review.
 5. Storm sewer cleaning, including vacuuming storm sewer inlets prior to jetting, on an annual basis.
 6. Proper disposal of street sweeping, catch basin, and storm sewer cleaning waste.
 7. If road salt or other deicers are applied by the permittee, no more shall be applied than necessary to maintain public safety.

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

8. Proper collection and disposal of leaves and grass clippings, which may involve beneficial on-site reuse as opposed to collection.
 9. Proper collection and disposal of manure located in feedlots, manure storage facilities, or animal washing areas. Prior to the start of the 2013 Wisconsin State Fair (Fair), the following modifications to State Fair Park's washwater collection system(s) and pollution prevention operating procedures must be completed or modified:
 - a. A dedicated, under roof washing area plumbed to the sanitary sewer system for the sheep barn area – similar to other indoor/under roof washing and washwater collection areas implemented on the grounds.
 - b. Daily sweeping of concrete drainage swale along the western perimeter of the swine building throughout the Fair's operation. Inlet protection fabric shall also be installed on the catch basin on the western side of the swine building and maintained throughout the Fair.
 - c. Added signage along western fence line of swine building directing Fair exhibitors to wash animals and maintain pens in a manner as to minimize the introduction of waste materials and wash water into the storm sewer system.
 - d. Repair the degraded concrete and asphalt pad beneath the waste collection area.
 - e. Washing of the waste collection area/compactor unit shall be done in a manner which does not cause the asphalt curb secondary containment surrounding the compactor unit to be overtopped.
 10. Storm water pollution prevention planning for State Fair Park garages, storage areas and other sources of storm water pollution, including quarterly inspections of these facilities.
 11. Application of lawn and garden fertilizers on State Fair Park controlled properties, with pervious surfaces over 5 acres each, in accordance with a site-specific nutrient application schedule based on appropriate soil tests.
- G. **STORM WATER QUALITY MANAGEMENT:** State Fair Park shall develop and implement a storm water management program to increase total suspended solids, phosphorus and bacteria removal from runoff. Since much of the phosphorus found in urban runoff is adsorbed to soil particles, it is reasonable to expect that implementation of actions under this permit that reduce total suspended solids loads will also reduce phosphorus proportionally with the intent to achieve designated use conditions in impaired waterways. The storm water management program shall achieve compliance with the developed urban area performance standards of s. NR 151.13(2), Wis. Adm. Code, for those areas of the municipality that were not subject to the post-construction performance standards of s. NR 151.12 or 151.24, Wis. Adm. Code. (Note: projects prior to Oct. 1, 2004). The program shall include:
1. A storm water management plan that **identifies a schedule** for implementing best management practices necessary to achieve a 20 percent reduction in the annual average mass of total suspended solids discharging from the MS4 to waters of the state as compared to no controls. State Fair Park may elect to meet the 20 percent total suspended solids standard on a watershed or regional basis by working with other permittee(s) to provide regional treatment or other measures that collectively meets the standard. Existing controls that collectively contribute to a given MS4 achieving greater than a 20 percent reduction in TSS loads from areas of existing development as of July 1, 2011, shall not be applied to increase the level of compliance of an MS4 with a level of reduction below 20 percent. This plan must be submitted to the Department within 12 months of the permit start date, and shall include the following:

- a. Assessment of compliance with s. NR 151.13(2), Wis. Adm. Code must include an updated pollutant loading analysis using a model such as SLAMM, P8 or equivalent methodology approved by the Department.
- b. Any agreements with an adjacent municipality, or with municipalities within a 10 digit hydrologic unit code level, to implement the required total suspended solids reduction.
- c. Any long-term maintenance agreements with owners of non-public control measures where credit for the total suspended solids reduction is included in the analysis.
- d. A cost-effectiveness analysis including the systematic comparison of alternatives to meet the 20 percent total suspended solids reduction based on the cost per pound of pollutant removed. This analysis shall take into account anticipated redevelopment or reconstruction projects and the cost to retrofit existing practices versus the cost to install practices during redevelopment or reconstruction. The analysis shall consider the cost to ensure long term maintenance of nonpublicly owned control practices for which State Fair Park is taking credit as well as publicly owned control practices, the source of funding for installation and maintenance of control measures, and competing interests for that funding source. State Fair Park may include an analysis of affordability in the cost-effectiveness analysis. The analysis shall consider the feasibility and commensurate increase in cost of installing a control measure where there are competing issues such as human safety and welfare, endangered and threatened resources, historic properties, and geographic features.

Note: Pursuant to s. NR 151.13(2), Wis. Adm. Code, the total suspended solids reduction requirements are applied to runoff from areas of urban land use and are not applicable to agricultural or rural land uses and associated roads. Additional MS4 modeling guidance for modeling the total suspended solids control is given on the Department's Internet site at:

<http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm>

2. To the maximum extent practicable, continued operation and maintenance of all best management practices implemented on or before July 1, 2011 to achieve a total suspended solids reduction of more than 20 percent as compared to no controls.

H. IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

1. State Fair Park's MS4 discharges to Honey Creek which is an impaired water body listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC §1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR §130.7(c)(1). Impaired waters are those that are not meeting applicable water quality standards. Honey Creek, from its originating point at S 43rd St. north of Edgerton Avenue in the City of Greenfield to its confluence with the Menomonee River near Hart Park in the City of Wauwatosa, is listed due to recreational restrictions caused by high levels of Fecal Coliform bacteria. The Department's assessment information indicates Fecal Coliform counts exceed 400 cfu/100 ml 38% of time annually, 14% of time from May-September, and the mean is 4000 CFU/100 mL (which exceed WisCALM thresholds). Fecal coliform loads from Honey Creek are considered significant and a concern for planning efforts ongoing in the Menomonee River Watershed. This water was also assessed during the 2012 listing cycle, and total phosphorus sample data exceed 2012 WisCALM listing criteria for the fish and aquatic life use, and biological impairment was observed (i.e. at least one macroinvertebrate or fish Index of Biotic Integrity (IBI) scored in the poor condition category). Based on the total phosphorus criteria excursions and the corroborating biological assessment (poor scoring fish IBI and mIBI), this water is proposed for an additional listing due to the degraded biological community impairment caused by elevated total phosphorus concentrations. Table 1 summarizes the waterway impairments for Honey Creek. A complete list of Wisconsin impaired water bodies may be found on the Department's Internet site at:

<http://dnr.wi.gov/org/water/wm/wqs/303d/303d.html>

Table 1. Honey Creek Impairments

Waterway Name	Segment Length (miles)	Location Description <i>MS4(s)</i>	Pollutant of Concern	Impairment ⁺	Listing Date
Honey Creek	8.96	S 43 rd St. north of Edgerton Ave. flowing northerly to confluence with Menomonee River near Hart Park and Honey Creek Parkway in Wauwatosa. <i>Cities of Greenfield, Milwaukee, West Allis, Wauwatosa</i>	Total Phosphorus	●	Proposed 2012
	8.96		Fecal Coliform	+	2010
+ Key: Recreational Restrictions – Pathogens (+); Degraded Biological Community (●)					

2. The State Fair Park shall include a written section in its storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of pollutants of concern that contribute to the impairment of the water body, explaining why these control measures and practices were chosen as opposed to other alternatives. Pollutant(s) of concern means a pollutant that is causing impairment of a water body.
3. After a permittee's start date of coverage under this permit, the permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharge causes the receiving water to meet applicable water quality standards.
 - a. "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 the coverage under this permit.

Note: Once the Department approves a TMDL for an impaired water body to which the permittee discharges, the Department anticipates that when this permit is reissued in the next permit cycle it will include requirements necessary to achieve the TMDL wasteload allocation for the MS4. Approved TMDLs are listed on the Department Internet site at <http://dnr.wi.gov/org/water/condition/impaired/>

4. The storm water management program developed under Part 2 of this permit shall be redesigned as necessary to achieve and maintain compliance with any Department approved-TMDL allocation for an impaired water to which the MS4 discharges. The redesigned storm water management programs shall be implemented as soon as possible.
- I. STORM SEWER SYSTEM MAP. State Fair Park shall maintain a current MS4 map. The MS4 map shall include:
1. Identification of waters of the state, watershed boundaries, name and classification of receiving waters, identification of whether the receiving water is listed as an impaired water under s. 303 (d) of the Clean Water Act, storm water drainage basin boundaries for each MS4 outfall and municipal separate storm sewer conveyance systems.
 2. Identification of all known MS4 outfalls discharging to waters of the state or other MS4s. Major outfalls shall be uniquely identified.
 3. Location of any known discharge to the MS4 that has been issued WPDES permit coverage by the Department.
 4. Location of State Fair Park or owned or operated structural storm water facilities including detention basins, infiltration basins, and manufactured treatment devices. If State Fair Park will be taking credit for pollutant removal from privately-owned facilities they must be identified.
 5. Identification of publicly owned parks, recreational areas and other open lands.

6. Location of municipal garages and other public works facilities.
7. Identification of streets.

J. 84-inch DIAMETER MAJOR OUTFALL. State Fair Park shall reduce adverse impacts from storm water discharges from the State Fair Park's 84-inch diameter outfall. In an effort to reduce the impact of storm water pollution on, and improve the water quality of Honey Creek, the State Fair Park shall evaluate the cause(s) and alternatives to address high bacteria levels during the Wisconsin State Fair associated with the 84-inch diameter major outfall.

1. Consistent with Part I. C. and G. of this permit, the State Fair Park shall, continue to implement the following:
 - a. Fecal coliform and E. coli monitoring at the 84-inch diameter major outfall during one wet-weather event and one dry-weather event during the operating hours of the annual Wisconsin State Fair. If a wet weather event does not occur during the annual Wisconsin State Fair, a second dry-weather event monitoring may be substituted.
 - b. Evaluation of the data associated with State Fair Park's 84-inch diameter major outfall, particularly the concern associated with high bacteria levels. The 2013 data shall be evaluated in reference to the previously obtained data from 2007 through 2012.
 - c. A Management Plan shall be developed to achieve water quality improvements in the storm water discharge from the State Fair Park's 84-inch diameter major outfall based on the aforementioned evaluation of source(s) of elevated bacteria levels identified within or tributary to State Fair Park's MS4. The Management Plan shall be submitted to the Department for review and approval prior to implementation.

K. ANNUAL REPORT. State Fair Park shall submit an annual report to the Department for each calendar year. The State Fair Park shall invite the State Fair Park Board, interest groups and the general public to review and comment on the annual report. The annual report shall include:

1. The status of implementing the permit requirements and compliance with permit schedules.
2. Updated storm sewer system maps, where necessary, to identify any new outfalls, structural controls, or other noteworthy changes.
3. A summary describing:
 - a. The number and nature of inspections and enforcement actions conducted to ensure compliance with the required ordinances.
 - b. Vendor / camper education as listed in Part II.A. The number of brochures distributed will be documented and supplied to the Department.
 - c. Illicit discharge field screening and responses
 - d. Spill responses.
 - e. Street sweeping frequency and the amount collected.
 - f. Catch basin cleaning frequency and the amount of material collected.
 - g. Any other activities that have measurable results.
4. A summary of revisions made to the stormwater management plan.
5. A summary of the 84-inch diameter major outfall monitoring and investigation results.

6. Proposed revisions to the stormwater management program.
7. A fiscal analysis which includes the annual expenditures and budget for the reporting year, and the proposed budget for the next year.
8. Identification of any known or perceived water quality improvements or degradation in the receiving water to which the permittee's MS4 discharges. Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water.
9. A duly authorized representative of State Fair Park shall sign and certify the annual report and include a statement or resolution that the State Fair Park Board reviewed or been apprised of the content of the annual report. A signed copy of the annual report and other required reports shall be submitted to the **DNR Waukesha Service Center, 141 NW Barstow St., Room 180, Waukesha, WI 53188.**

PART III. COMPLIANCE SCHEDULE

Wisconsin State Fair Park shall achieve compliance with the specific permit conditions contained in Part II in accordance with the following schedule:

- A. **VENDOR / CAMPER OUTREACH AND EDUCATION:** The State Fair Park shall submit the proposed brochure to the Department by **May 31, 2013**. The brochure shall be available for distribution during the Wisconsin State Fair starting in 2013.
- B. **STORM WATER QUALITY MANAGEMENT:** The State Fair Park shall submit a storm water management plan designed to achieve at least a 20% reduction in total suspended solids from runoff to the Department **within 12 months of the effective date of this permit.**
- C. **STORM SEWER SYSTEM MAP:** The State Fair Park shall maintain a current storm sewer system map as changes occur. Updates shall be provided with the annual reports due by **June 30th of each year.**
- D. **84-inch DIAMETER MAJOR OUTFALL:** The State Fair Park shall submit any plan updates for evaluating source and alternatives to address high bacteria levels discharging from the 84-inch diameter major outfall to the Department by **June 30th of each year.**
- E. **ANNUAL REPORT:** The State Fair Park shall submit an annual report for the preceding calendar year by **June 30th of the subsequent calendar year.**
- F. **REAPPLICATION FOR PERMIT COVERAGE:** To retain authorization to discharge after the expiration date of this permit, the State Fair Park shall apply for reissuance of this permit in accordance with the requirements of s. NR 216.09, Wis. Adm. Code, at least 180 days prior to this permit's expiration date.

PART IV. STANDARD CONDITIONS

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

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

- J. **ADDITIONAL MONITORING:** If a permittee monitors any pollutant more frequently than required by the permit, the results of that monitoring shall be recorded and reported in accordance with this chapter. Results of this additional monitoring shall be included in the calculation and reporting of the data submitted in the annual report.
- K. **INSPECTION AND ENTRY:** The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
1. Enter upon the municipal premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit.
 2. Have access to and copy, at reasonable times, any records that are required under the conditions of the permit.
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit.
 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.
- L. **DUTY TO PROVIDE INFORMATION:** The permittee shall furnish the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking or reissuing the permit or to determine compliance with the permit. The permittee shall also furnish the Department, upon request, copies of records required to be kept by the permittee.
- M. **PROPERTY RIGHTS:** The permit does not convey property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or an invasion of personal rights, or any infringement of federal, state or local laws or regulations.
- N. **DUTY TO REAPPLY:** If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee shall apply for a new permit at least 180 days prior to the expiration date of the permit. If the permit is not reissued by the time the existing permit expires, the existing permit remains in effect.
- O. **OTHER INFORMATION:** Where the 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.
- P. **RECORDS RETENTION:** The permittee shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 5 years from the date of the sample, measurement, report or application. The Department may request that this period be extended by issuing a public notice to modify the permit.
- Q. **PERMIT ACTIONS:** As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing the permit may be modified or revoked and reissued for cause. If the permittee files a request for a permit modification, revocation or reissuance, or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.
- R. **SIGNATORY REQUIREMENT:** All applications, reports or information submitted to the Department shall be signed for by a ranking elected official, or other person authorized by them who has responsibility for the overall operation of the MS4 and storm water management program activities regulated by permit. The representative shall certify that the information was gathered and prepared under their supervision and based on inquiry of the people directly under their supervision that, to the best of their knowledge, the information is true, accurate, and complete.

PART V. DEFINITIONS

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

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

Department means Department of Natural Resources.

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

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

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

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

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

Infiltration system means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

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

Land Disturbing Construction Activity means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover that may result in storm water runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

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

1. A single pipe with an inside diameter of 36 inches or more or equivalent conveyance (cross sectional area of 1,018 square inches) which is associated with a drainage area of more than 50 acres; or,
2. A single pipe with an inside diameter of 12 inches or more or equivalent conveyance (cross sectional area of 113 square inches) which receives runoff from land zoned for industrial activity and is associated with a drainage area of more than 2 acres.

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

Municipal Separate Storm Sewer System or MS4 means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

1. Owned or operated by a municipality.
2. Designed or used for collecting or conveying storm water.
3. Which is not a combined sewer conveying both sanitary and storm water.

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

another.

No Controls Condition means a pollutant-loading analysis that does not include pollutant reductions from existing storm water management practices including, but not limited to, infiltration systems.

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

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

Redevelopment means areas where development is replacing older development.

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

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

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

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

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

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

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