

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO REISSUE A WISCONSIN POLLUTANT DISCHARGE
ELIMINATION SYSTEM (WPDES) GENERAL PERMIT NO. WI-B057681-05-0

General Permit Name: Operation and Maintenance of Municipal Water Systems

Receiving Water and Location: Point source discharges to waters of the state of Wisconsin.

Brief Description of Facilities Covered under General Permit: This general permit is applicable to short-term point source discharges of pollutants to a water of the state from operational and maintenance activities of municipal water systems. Discharges from operational and maintenance activities include: flushing water from cleaning, disinfecting, and/or flushing water distribution and storage systems; hydrostatic test water from hydrostatic testing of water distribution and storage systems; well development water from the development, installation, and/or purging water supply wells; and pigging/swabbing water from the pigging/swabbing water distribution systems to groundwater.

Permit Drafter's Name, Address, Phone and Email: Trevor J. Moen, DNR, 625 E County Rd Y STE 700, Oshkosh WI 54904-9731, phone: (920) 410-5192 and email: Trevor.Moen@Wisconsin.gov.

Date Permit Signed/Issued: July 14, 2021

Date of Effectiveness: August 1, 2021

Date of Expiration: July 31, 2026

Following the public notice period, the department has made a final determination to reissue the WPDES General Permit No. WI-B057681-05-0. The information from the WPDES permit file, comments received on the proposed permit and applicable Wis. Adm. Codes were used as a basis for this final determination.

The department has the authority to issue, modify, suspend, revoke and reissue or terminate WPDES permits and to establish effluent limitations and permit conditions under ch. 283, Wis. Stats.

Any minor corrections to typographical errors, updating page numbers and headers/footers, adding and updating the Table of Contents and titles, correcting formatting, renumbering headings, and web links are not included in this summary document. The following is a summary of significant comments and any significant changes which have been made in the terms and conditions set forth in the draft permit:

Comments Received from the Applicants, Individuals or Groups

Pervious Permit Exemption for Fire Hydrant Flushing with No Net Addition of Chlorine: The department received public comments requesting that the new permit retain an exemption for fire flushing discharges from the previous permit, applicable in situations where there is no net additional of chlorine or TSS.

Department Response: An exemption was previously codified in ch. NR 106, Wis. Adm. Code, which allowed permits to exempt monitoring for discharges that only contained water supply water treated to meet safe drinking water standards. However, the U.S. Environmental Protection Agency (EPA) determined that this code exemption violated the Clean Water Act. The department therefore revised ch. NR 106, Wis. Adm. Code to remove this exemption. To accommodate concerns from commenters, the department has included conditions under Section 3.2.2.1 in the permit applicable to fire hydrant flushing activities that allow the discharger to request a higher total residual chlorine limit of 38 ug/L if a discharge will be a high-flowing stream under Section 3.2.2.1.1, or the permittee may elect to utilize best management practices in lieu of monitoring for total residual chlorine under Section 3.2.2.1.3. For Section 3.2.2.1.3, the permittee must still report to the department a certification statement that they utilized BMPs each year to reduce or remove total chlorine at each fire hydrant.

Opposed to TSS Monitoring and Limits for Fire Hydrant Flushing: The department received public comments opposed to requiring TSS monitoring and limits for discharges from fire hydrant flushing of water distribution systems.

Department Response: The TSS monitoring and limits do not apply to scheduled and unscheduled fire hydrant flushing discharges from water distribution systems under Outfall 001. The TSS monitoring and limits apply to other water system maintenance discharges like water tower flushing, public water supply well development, or hydrostatic testing of water mains.

Treated Drinking Water is Not a Discharge of Pollutants: The department received public comments questioning how public drinking water treated to safe drinking water standards could be considered a discharge of pollutants under the Clean Water Act.

Department Response: Section 283.31, Wis. Stats, states the discharge of any pollutant into any waters of the state by any person is unlawful unless such discharge is done under a permit issued by the department. The flushed water may still contain pollutants like total residual chlorine. Also, some pollutant levels in the flushed water may exceed surface water quality standards under chs. NR 102, NR 103, NR 104, and NR 106, Wis. Adm. Code. There is no permit exemption in Chapter 283, Wisconsin Statutes or under the Clean Water Act for discharges treated to meet safe drinking water standards. It is important to note that standards which apply to public water supplies (“maximum contaminant levels,” or MCLs) are different than those that apply within waterbodies (“water quality standards”). This difference is because MCLs are protective of human health via water ingestion, whereas water quality standards protect aquatic life as well as human health. Chlorine can be harmful to aquatic life at concentrations lower than concentrations typically found in public water supplies.

Not a Direct Discharge to Waters of the State and Meaning of Discharge: The department received public comments wanting to know the meaning of “Discharge” and that water flushed from mains and fire hydrants should not be treated as if it were a direct discharge into a water of the state under the Clean Water Act. The Clean Water Act applies to the discharge of a pollutant into any waters of the United States. Wisconsin’s adoption of the Clean Water Act applies to the discharge of any pollutant into any waters of the State of Wisconsin. Water flushed from mains and fire hydrants is rarely discharged directly into a surface water or the groundwater.

Department Response: The department requires a WPDES permit for any discharge of pollutants to waters of the state. Pursuant to federal law, a “direct discharge” means a “discharge of a pollutant.” See 40 CFR 122.2.

A “discharge of a pollutant” or “discharge of pollutants” means any addition of any pollutant to the waters of this state from any point source pursuant to s. 283.01(5), Wis. Stats. This definition includes a “point source” which means a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants may be discharged either into the waters of the state or into a publicly owned treatment works except for a conveyance that conveys only storm water. This term does not include agricultural storm water discharges and return flows from irrigated agriculture pursuant to s. 283.01(12)(a), Wis. Adm. Code. See 40 CFR 122.2. This is differentiated from an “indirect discharger” which means a nondomestic discharger introducing pollutants to a publicly owned treatment works. See 40 CFR 122.2. Therefore, the department considers any water flushed from a water system to be a direct discharge to waters of the state and requires a WPDES permit because they are conveyed through point sources and are not directed to a wastewater treatment plant.

Discharges into Storm Water Systems Already Regulated in Many Communities. The department received a public comment stating in many communities, discharges from the municipal storm water system are already regulated through an MS4 Permit. If a community discharges water from its drinking water system into a municipal storm water system that is already subject to an MS4 Permit, a community should not also be subject to the draft General Permit. Public drinking water is already tested more often and for more contaminants than any other discharge to the municipal storm sewer system.

Department Response: Discharges from municipal water system to municipal separate storm sewer systems (MS4) are not regulated under any general or individual MS4 WPDES permit. These permits regulate storm water runoff from municipal separate storm sewer systems. Some MS4 permits may authorize discharge of “uncontaminated” water in certain instances as well, but chlorine and other pollutants regulated under this general permit are considered contaminants that must be removed. In other words, discharges with reasonable potential to cause or contribute to an exceedance of water quality standards is considered contaminated for purposes of the WPDES program. Discharges for which this general permit is applicable are regulated under this general permit rather than an MS4 permit.

Chlorine Limit is Unreasonably Low and Replace Chlorine Testing Requirement with Best Practices Management Requirements: The department received many public comments opposed to the chlorine limit of 19 ug/L applicable to fire hydrant flushing as water leaving a fire hydrant nozzle is not a representative sample of the total chlorine residual that will be discharged into the receiving water outfall and requiring dechlorination for each hydrant when some hydrants do not go straight into a surface water of the state. These requirements would be burdensome and costly for municipal water systems. The public comments also requested that the chlorine monitoring and limits for

fire hydrant flushing be replaced with best management practices that would allow for the discharge of treated water to locations that will facilitate this reduction of chlorine before the discharged water reaches the receiving stream. This change will address the concerns above regarding testing and unnecessary dechlorination.

Department Response: The department has promulgated acute and chronic water quality standards for total residual chlorine listed in Table 1 and Table 5 of s. NR 105.06, Wis. Adm. Code. The department must ensure that WPDES permits prescribe conditions that are compliance with and protective of water quality standards pursuant to s. 283.31(4), Wis. Stats. Additionally, this general permit must ensure that water quality standards are protected in the most conservative discharge scenarios, such as a discharge containing total residual chlorine to a low-flow stream. Therefore, the department has included a daily maximum total residual chlorine limit to be protective of and ensure compliance with the chlorine water quality standards. The chronic water quality standard for total residual chlorine was not considered due to the intermittent nature of the discharges covered by this general permit. Nevertheless, the department has included conditions under Section 3.2.2.1 in the permit for fire hydrant flushing activities that allow the discharger to request a higher total residual chlorine limit of 38 ug/L if a discharge will be a high-flowing stream under Section 3.2.2.1.1. Additionally, the department has updated the draft permit so that the permittee may elect to utilize best management practices (BMPs) in lieu of monitoring for total residual chlorine under Section 3.2.2.1.3, where the discharge is made to surface waters via storm sewers. For Section 3.2.2.1.3, the permittee must still report to the department a certification statement that they utilized BMPs each year to reduce or remove total chlorine at each fire hydrant.

Also, the department has revised total residual chlorine monitoring waiver conditions under Section 3.3.2.2.3 for other water system discharges to include all types of storm water conveyance systems, storm water pond systems (e.g. municipal regional storm water ponds), or combination of both to be used to demonstrate that the total residual chlorine levels will be dissipated below the chlorine limits prior to entering the surface water.

Chlorine Field Testing Equipment Does Not Have a Sufficiently Sensitive LOD: The department received public comments stating that many total residual field testing equipment do not have a sensitive enough limit of detection (LOD) below the total residual chlorine limits proposed in the permit.

Department Response: The department is also aware that some approved field or laboratory test methods for total residual chlorine may not have a sensitive enough limit of detection (LOD) below the total residual chlorine effluent limit. Therefore, permit includes Sections 3.2.2.1.2 and 3.3.2.2.2 that explains how the permittee can demonstrate compliance with total residual chlorine limits if the limit is below the LOD for the approved chlorine test method used by the permittee.

Sampling Location for Fire Hydrant Flushing Discharges: The department received public comments about the sampling location for fire hydrant flushing discharge and questions on the meaning of “end of the pipe” under Section 3.1 of the general permit.

Department Response: The permittee shall sample the flushing water from fire hydrant flushing of water distribution systems following treatment (if applicable) at the end of pipe or prior to entering any pipe, ditch, channel, tunnel, conduit, swale, or storm sewer that will discharge to surface water or wetlands via Outfall 001. The permittee shall take representative samples of the discharge that consists solely of the water before mixing with any other water.

This means that the permit allows the permittee to take a sample at the “end of pipe,” which is the point where the discharge enters the receiving water, if there are no other dilutionary sources entering the pipe prior to discharge. Alternatively, if “the end of pipe” is not accessible or feasible to collect a representative sample, then a sample may be taken from the point of discharge which is the fire hydrant nozzle. By collecting samples at the point of discharge, the permittee is ensuring that all permit effluent limits, and monitoring will be met before reaching the receiving water.

Meaning of Continuous Discharge: The department received public comments requesting clarification on the meaning of “Continuous Discharge,” as continuous discharges at a single site are not applicable under Section 1.2 of the general permit.

Department Responses: Continuous discharge means a facility that discharges 24 hours per day on a year-round basis except for temporary shutdowns for maintenance or other similar activities pursuant to s. NR 205.03(9g), Wis. Adm. Code. The department considers many of the discharges covered by this general permit to be either intermittent, temporary, or recurring and not continuous.

Eliminate Phosphorus Testing or Reporting of Dosage Rate of Phosphorus: The department received public comments requesting the removal of total phosphorus monitoring from the permit for fire hydrant flushing discharges. Some public comments also requested that monitoring frequency be reduced to annual and/or replaced with reporting the dosage rate of total phosphorus added to the finished water supply system water.

Department Response: The department has revised the total phosphorus monitoring under Sections 3.2.2 and 3.2.2.2 for fire hydrant flushing activities to allow the permittee to either collect a sample of the discharge for total phosphorus or calculate concentration estimated in the discharge based on source water concentrations and the dosage rate of phosphate chemicals added to the finished water supply system water.

Require Only Annual Sampling and Reporting for Fire Hydrant Flushing Discharges: The department received public comments requesting that all monitoring requirements for fire hydrant flushing discharges under Sections 3.2.1. and 3.2.2 be reduced to annual sampling and reporting. Volumes are generally monitored and reported yearly for non-revenue water. This may be an easier, less costly route to take for this reporting. Also, there are additional labor costs that will be incurred to report more frequently.

Department Response: The department has reduced the sampling and reporting for all parameters under Section 3.2.1 and 3.2.2 to annual. The permittee shall estimate the total annual discharge volume of all hydrants flushed each year. This estimate includes scheduled and unscheduled hydrant flushing that may occur in a year. The department also included a condition under Section 3.3.3 to allow permittees to reduce the sampling and reporting frequency based on the schedule for recurring other water system discharges (e.g. water tower flushing, storage tank flushing) at single site for the permittee.

Applicable Outfall Identification: The department received comments requesting clarification on the meaning of “for each applicable outfall at the facility site” under Sections 3.2.2 and 3.3. given that water system operations are occurring at different locations in the municipality most every municipal storm outlet will get some of that flow.

Department Response: Under Section 3.2.3, if multiple hydrant flushing discharges occur in one year within the municipality, the permittee only needs to take a sample from one hydrant that is been flushed for the parameters in Sections 3.2.1 and/or 3.2.2. However, the permittee must ensure that the monitoring requirements and limitations under Section 3.2.1 and 3.2.2 are being met for each hydrant being flushing within the municipal water system each year. Sections 3.2 and 3.2.2 have been revised to remove “each applicable outfall” and replace with “for each hydrant being flushed within the municipal water system” to make it clearer for fire hydrant flushing discharges under Outfall 001.

For Sections 3.3.1 and 3.3.2, “for each applicable outfall at the facility site” means that the monitoring requirements and limits apply to each location where other water system maintenance discharge to surface water may occur within the municipality. So, a municipality may have multiple sampling points if different applicable discharges to surface water occur within the municipality. For instance, a municipality may have three different outfalls for hydrostatic testing if three hydrostatic testing projects were occurring at three different locations with discharges to surface water within the municipality, so the permittee would be required to take samples in compliance with this general permit at each of those locations. Sections 3.2 and 3.2.2 have been revised to remove “each applicable outfall at the facility site” and replace with “for each hydrant being flushed within the municipal water system” to make it clearer for other water system maintenance discharges under Outfall 002. The department also revised Section 4.2.1 to remove “each applicable outfall at the facility site” and replace with “for each other water system maintenance discharge to groundwater that may occur within the municipal water system” to make it clearer for other water system maintenance discharges under Outfall 003.

Multiple Watersheds: The department received public comments requesting clarification on how utility discharges into two different watersheds should monitor and report discharges.

Department Response: If a municipal water system will have fire hydrant flushing discharges to multiple watersheds where different permit conditions may apply, the permittee may work with department to set up multiple outfalls for each watershed and report all fire hydrant flushing discharges for each watershed separately. Otherwise, the department will consider the most restrictive conditions for reporting all fire hydrant flushing discharges under one outfall. Water system maintenance discharges for activities other than hydrant flushing will have separate outfalls for each discharge that occurs within the municipal water system, so multiple watersheds will not be factor.

Emergency Situation Discharges. The department received questions asking whether the permit and monitoring requirements would apply to discharges from emergency situations like water main breaks, firefighting, and other emergency and after-hours situations.

Department Response: Under Section 1.2.11, this general permit is not applicable to discharges of water from any fire emergency, accidental or uncontrolled release, spill, leak, or overflow. The department has revised Section 1.2.11 to make this clear. However, the permittee shall follow the standard procedures for reporting accidental and uncontrolled releases from emergency situations.

Unscheduled Flushing: The department received public comments requesting clarification on which activities are considered hydrant flushing discharges subject to the requirements of Outfall 001 and how the sampling and reporting requirements for fire hydrant flushing would apply to any unscheduled flushing. For example, if the utility received a complaint about rusty water and needing to flush a hydrant, would the discharge be covered under Outfall 001?

Department Response: Outfall 001 is applicable to any scheduled and/or any unscheduled fire hydrant flushing discharge from a water distribution system to a surface water or wetland. Outfall 002 and Outfall 003 are applicable to other water system maintenance discharges (e.g. water storage tank flushing, water tower flushing, hydrostatic testing of water mains, development of municipal water supply wells) to surface water or groundwater.

The reporting of total annual volume now includes an estimate for total volume flushed from scheduled and unscheduled hydrant flushing that may occur in a year under Section 3.2.1.1. Unscheduled hydrant flushing may include fire flow testing, flushing to improve clarity for a residence, or opening of a hydrant to flush the line due to a water main break.

Other Water Supply System Discharges and Staffing Impacts: The department received public comments requesting that the general permit should allow contractors who work with municipal water system with the ability to apply for coverage under the general permit as it may be difficult for some municipalities with limited staffing to be responsible for contractors that may perform and operate other temporary water system discharges (i.e. hydrostatic testing of water mains or well development).

Department Response: This general permit may cover recurring hydrant flushing discharges of the entire water distribution system for a municipality under one blanket municipal-wide coverage. For other water system discharges, municipalities (municipal water system owners) may choose to have those discharges covered under their general permit coverage or allow other non-municipal entities working on behalf of municipal water system owners to apply for coverage under this general permit separately. So, a contractor may apply for this general permit separately if they are performing a one-time discharge and plan on discharging to a water of state. The department recommends that municipalities include the contract or specifications that the non-municipal entities apply for coverage under this general permit for the discharge activity. Section 1.1 of the general permit has been updated to explain how this general permit may apply to municipalities and non-municipal entities.

Advised of Additional Sampling Requirements: The department received public comments asking how municipal water systems will be advised of any additional sampling requirements like oil and grease and dissolved oxygen that apply to their discharges.

Department Response: The department will transmit a reissuance letter via mail addressed to all municipal water systems stating that the scheduled and/or unscheduled hydrant flushing of their distribution systems is granted coverage under this general permit and will include monitoring requirements Sections 3.2.1 and 3.2.2. If a permittee will have other temporary discharges associated with their water system (e.g. storage tank flushing, water tower flushing or hydrostatic testing of water mains) under Sections 3.3.1, 3.3.2 or 4.2.1 each year, they shall either contact the department via the planned change requirements under Section 8.3.3 of the permit to get that discharge covered under the general permit or have the contractor apply for this general permit separately if the contractor will be responsible for the discharge and plans on discharging to a water of state. The coverage letter issued by the department will specify which additional sampling requirements apply based on the site-specific situation of each discharger.

Food Grade Oil and Grease: The department received public comments to clarify whether food grade oil and grease fall under Oil and Grease (Hexane).

Department Response: Food grade oil and grease is considered under the sampling for oil and grease (hexane). Oil and grease testing determines the amount of non-volatile hydrocarbons (i.e. petroleum derivatives), vegetable oils, animal fats, waxes, soaps, greases and related material in a sample.

Permit Application Attachments for Municipal Water Systems: The department received public comment that the notice of intent attachments under Section 2.1.4 to be revised for municipal water systems given that this permit covers the entire system.

Department Response: The department has revised Section 2.1.4 to make it clearer what attachments apply only to fire hydrant flushing discharges since these discharges are covered for the entire municipal water system.

Request Higher Total Residual Chlorine Limits: The department received a public comment asking whether higher total residual chlorine limits under Sections 3.2.2.1.1 and 3.3.2.2.1 can be requested right away upon reissuance of this general permit.

Department Response: Yes, for fire hydrant flushing if a municipal water system chooses to perform sampling for total residual chlorine under Section 3.2.2.1.3, then the permittee may request a higher total residual limit for hydrant flushing discharges under Section 3.2.2.1.1 upon receiving the coverage letter.

For other water system maintenance discharges, the permittee may request a higher total residual chlorine limit after notifying the department of other water system maintenance discharges that the municipality wants covered under the general permit. The permittee may allow a contractor to obtain coverage under this general permit separately for the one-time discharge.

Request for Higher pH Limit: The department received a public comment that permit include a condition to allow municipal water systems to request a higher pH limit if they use lime softening processes that result in finished water supply system water with a higher pH.

Department Response: The department has included a condition under Section 3.3.1.3 for municipalities with finished water supply water from lime softening treatment processes, the department may determine upon the effective date of this general permit or at the time of the submittal of the Notice of Intent (NOI), a daily maximum pH limit of 11 s.u. if the receiving water flow (7-day flow that occurs once in 10 years) to average effluent flow ratio is greater than or equal to 2:1. Those discharges that do not have enough mixing and dilution will have to meet a daily maximum pH limit of 9.0 s.u. at the end of the pipe. The permittee may request a higher pH limit for other water system maintenance discharges after notifying the department of other water system maintenance discharges that the municipality wants covered under the general permit.

TSS Monitoring Waiver: The department received a public comment requesting that the department consider allowing TSS monitoring waivers for other water system discharges except for well development water.

Department Response: The department has added Section 3.3.3 to allow the permittee to request a sampling and reporting reduction for all parameters in Sections 3.3.1, 3.3.2, and/or 4.2.1 based on the schedule for recurring other water system discharges at single site for the permittee. However, the department retains the TSS monitoring and limits for other water system maintenance discharges. TSS and pH monitoring and limits are base parameters to ensure other water system maintenance discharges comply with numeric and narrative surface water quality standards.

Total Residual Chlorine Monitoring Waiver: The department received a public comment stating that it may be difficult for any municipality to meet Condition #1 under Section 3.3.2.2.3 when applying for a total residual chlorine waiver for other water system discharges.

Department Response: The department has revised Condition #1 of Section 3.3.2.2.3 for other water system discharges so that it now includes all types of storm water conveyance systems, storm water pond systems (e.g. municipal regional storm water ponds), or combination of both to be used to demonstrate that the total residual chlorine levels will be dissipated below the chlorine limits prior to entering the surface water.

Dissolved Oxygen Monitoring and Lab Certification: The department received a public comment asserting that unless the discharge is straight (without any other conveyance) into a receiving body (stream or lake), meeting the dissolved oxygen monitoring and limits is unrealistic and it is unclear whether lab accreditation is required for dissolved oxygen.

Department Response: The revised Section 3.3.2.3 for DO monitoring that DO monitoring and limits are only required if the permittee adds chemicals prior to discharge that are known to scavenge or remove oxygen and does not discharge to a vegetative swale system, storm water pond system or combination of storm water conveyance system and storm water pond system that will convey the water to a surface water or wetland. The department believes that discharging to a vegetative swale system, storm water pond system or combination of storm water conveyance system and storm water pond system will provide natural aeration where DO levels are expected to be within acceptable levels. The department does not require that DO samples be tested and analyzed by a laboratory certified or registered under ch. NR 149, Wis. Adm. Code. The department has revised Section 8.2.13 to include dissolved oxygen.

Maintenance of Private Fire Hydrants within our water system: The department received a public comment asking whether the municipal water system is responsible for flushing of private fire hydrants.

Department Response: This general permit only applies to operation and maintenance discharges from municipal water systems. Commercial/industrial entities would need to apply for a WPDES permit separately for those discharges. The Operation and Maintenance of Industrial Potable and Non-Potable Water Systems and Hydrostatic Testing of Petroleum Systems WPDES General Permit No. WI-A057681-05-0 may be applicable to those discharges.

Discharge of water to/from adjoining water system: The department received a public comment asking who is responsible for sampling and reporting under the general permit if flushed water enters a nearby community's storm sewer system.

Department Response: The municipality that owns the hydrant being flushed is responsible for taking samples in compliance with this general permit regardless of what storm sewer system it may enter.

Waiver for Smaller Municipal Water Systems: The department received a public comment asking whether there could be a waiver for smaller municipal water systems.

Department Response: The general permit does not have a waiver for municipal water systems from the general permit requirements based on their size. However, the department has reduced the sampling and reporting for all parameters under Section 3.2.1 and 3.2.2 to annual in order to reduce administrative burden. The permittee shall estimate the total annual discharge volume of all hydrants flushed each year. This estimate includes scheduled and unscheduled hydrant flushing that may occur in a year.

Sampling for Other Water System Discharges: The department received public comments asking whether total residual chlorine and total phosphorus tests are required for other water system discharges (i.e. hydrostatic testing of water mains or water tower flushing).

Department Response: Yes, this general permit would apply and sampling and reporting will be required for the discharge from those other projects. However, the sampling parameters are dependent upon the discharge location (see Sections 3.3.1, 3.3.2, and 4.2.1). Once these other projects are completed, the sampling and reporting can be inactivated or discontinued by notification. For other water system discharges, municipalities may choose to have those discharges covered under the general permit or allow other entities who work with municipal water systems to apply for coverage under this general permit separately. So, a contractor may apply for this general permit separately if they are performing a one-time discharge and plan on discharging to a water of state. The department recommends that municipalities include the contract or specifications that the contractor or consultant apply for coverage under this general permit for the discharge activity. If the other projects will be discharged to the sanitary sewer system, then the permit will not apply.

Sampling and reporting for hydrant flushing is limited to volume, total residual chlorine, and/or total phosphorus under Sections 3.2.1 and 3.2.2. Total phosphorus monitoring is only necessary for systems that add phosphates for corrosion control or sequestering. Alternatively, the permittee shall either collect a sample of the discharge for total phosphorus or calculate concentration estimated in the discharge based on the dosage rate of phosphate chemicals added to the finished water supply system water under Section 3.2.2.2. For total residual chlorine, the permittee may elect to utilize best management practices in lieu of monitoring under Section 3.2.2.1.3. For Section 3.2.2.1.3, the permittee must still report to the department a certification statement that they utilized BMPs each year to reduce or remove total residual chlorine at each fire hydrant.

Dechlorination Required: The department received a comment asking whether dechlorination will be required for all discharges covered under this general permit.

Department Response: Dechlorination is only necessary if the total residual limits cannot be met or the permittee selects to use dechlorination devices as a best management practice in lieu of monitoring for total residual chlorine under Section 3.2.2.1.3 for fire hydrant flushing. The permit does have conditions that recognize that field test methods may not be able to reach a limit of detection sensitive enough to meet the limit. In these cases, any level of total residual chlorine reported less than the LOD is in compliance with the permit and limit. Also, the department has included total residual chlorine monitoring waiver conditions for other water system discharges where it can be demonstrated that the total residual chlorine levels will be dissipated below the chlorine limits prior to reaching the surface water.

Comments Received from EPA or Other Government Agencies

The department received the following comments from the United States Environmental Protection Agency (EPA) on the draft permit.

Reporting of Sampling: EPA requested that the department revise the sampling point language in Section 3.1 and 4.1 of permit as there may be periods of no discharge during a reporting period to: “the permittee is only required to collect samples when there is a discharge to surface water [and groundwater]; if there are no discharges within the sampling frequency the permittee should report no discharge.”

Department Response: The department has revised the sampling point descriptions in Section 3.1 and 4.1 as suggested by EPA.

Petitions for Individual Permit: EPA requested that the department include the individual permit petition language from 40 CFR § 122.28(b)(3)(i) in the general permit.

Department Response: The department does not believe that this is an appropriate permit term or condition, therefore, the department has decided not to make any changes to the permit. The department primarily includes terms and conditions in permits to assure compliance with water quality standards, groundwater protection standards, effluent limitations, and/or technology-based effluent limits. Any person or discharger still maintains the right to petition the department pursuant to ss. NR 205.08 (4) and (5), Wis. Adm. Code and 40 CFR §122.28(b)(3)(i) regardless if it is in the permit.

Standard Conditions: EPA requested that the department revise the standard requirements of general permit to include all the language from s. NR 205.07(1)(j), Wis. Adm. Code for proper operation and maintenance and bypassing from s. NR 205.07(1)(u), Wis. Adm. Code.

Department Response: The department has revised Section 8.2.7 as suggested for the proper operation and maintenance to be consistent with federal and state rules. The department has added the bypassing requirements under Section 8.2.18.

As provided by s. 283.63, Wis. Stats., and ch. 203, Wis. Adm. Code, persons desiring further adjudicative review of this final determination may request a public adjudicatory hearing. A request shall be made by filing a verified petition for review with the Secretary of the Department of Natural Resources within 60 days of the date the permit was signed (see permit signature date above). Further information regarding the conduct and nature of public adjudicatory hearings may be found by reviewing ch. NR 203, Wis. Adm. Code, s. 283.63, Wis. Stats., and other applicable law, including s. 227.42, Wis. Stats.

Information on file for this permit action, including the draft permit and fact sheet may be reviewed on the internet at the above web link or may be inspected and copied at the permit drafter’s office during office hours. Information on this permit may also be obtained by calling the permit drafter or by writing to the department. Reasonable costs (usually 20 cents per page) will be charged for copies of information in the file other than the public notice, permit and fact sheet. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.