

DE PERE[®]



CITY OF DE PERE
STORM WATER MANAGEMENT
PROGRAM

JULY 29, 2025

CHAPTER 1 – OVERALL PROGRAM

The intent of this document is to provide written storm water management programs that describe in detail how the City of De Pere intends to comply with the MS4 permit requirements for each program (minimum control measures). These written programs inform the department, municipal staff, and public what the City will do. Throughout this document, the program requirements are listed in italics with the City procedures listed in regular font.

Overall Program Management

Staff and their storm water responsibilities are documented for who implements components of the SWMPs. Partnerships are established to implement all or aspects of the SWMPs, including any formal agreements.

MS4 Team Member	Title	SWMP Responsibilities
Eric Rakers	City Engineer	Public Education & Outreach, Public Involvement, IDDE, Construction Site Pollutant Control, Post-Construction Storm Water Management
Tony Fietzer	Street Superintendent	Pond/Swale Maintenance, Winter Road Management, Collection Services, Internal Training
Brian Christnovich	Park Superintendent	Nutrient Management, Pond/Swale Maintenance, Internal Training
Tom Blohowiak	Maintenance Supervisor	SWPPP inspections, Internal Training
Dennis Jensen	Building Inspector Manager	Construction Site Pollutant Control, Internal Training
Betty Marovich	Administrative Assistant	Public Education & Outreach, Public Involvement & Participation

The following chapters provide discussion of the City's stormwater management program and how the MS4 permit requirements are being met.

Staff is continuously updating their approach and integrating stormwater into their everyday activities. Examples include adding discussion at the annual construction public information meetings, sending educational material to residents who receive notices for debris dumped in stormwater facilities, and implementing an Adopt-a-Drain program.

CHAPTER 2 - PUBLIC EDUCATION AND OUTREACH

Goals and Objectives

Develop a public outreach and education program to increase awareness of how the combined actions of human behavior influence stormwater pollution and its effects on the environment. An active and involved community is important to the success of a stormwater program. The Public Education and Outreach Program emphasizes the need to properly manage excessive stormwater run-off and its damaging effect on property and the environment. Equally important are educational activities that describe actions individuals can take that will help control stormwater pollution. Common behaviors can cause pollution making it important for the public to be aware of how their behaviors may contribute to stormwater pollution and what they can do to help.

The Wisconsin Department of Natural Resources (DNR) requires that the public involvement and participation program include the following measurable goals:

1. The City shall address all eight topics in Table 1 at least once during the permit term and a minimum of six topics each year.

Table 1:

Topic #	Topic	Description
1	Illicit Discharge Detection and Elimination	Promote detection and elimination of illicit discharges and water quality impacts associated with such discharges from municipal separate storm sewer systems.
2	Household Hazardous Waste Disposal/Pet Waste Management/Vehicle Washing	Inform and educate the public about the proper management of materials that may cause storm water pollution from sources including automobiles, pet waste, household hazardous waste and household practices.
3	Yard Waste Management/Pesticide and Fertilizer Application	Promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides.
4	Stream and Shoreline Management	Promote the management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways.
5	Residential Infiltration	Promote infiltration of residential storm water runoff from rooftop downspouts, driveways and sidewalks.
6	Construction Sites and Post-Construction Storm Water Management	Inform and educate those responsible for the design, installation, and maintenance of construction site erosion control practices and storm water management facilities on how to design, install and maintain the practices
7	Pollution Prevention	Identify businesses and activities that may pose a storm water contamination concern, and educate those specific audiences on methods of storm water pollution prevention
8	Green Infrastructure/Low Impact Development	Promote environmentally sensitive land development designs by developers and designers, including green infrastructure and low impact development

2. The City shall use at least four public education delivery mechanisms each year with at least two from the Active/Interactive Mechanisms column in Table 2 each year.

Table 2:

Active/Interactive	Passive
<ul style="list-style-type: none"> -Educational activities (school presentations, summer camps) -Informational booth at event -Targeted group training (contractors, consultants, etc.) -Government event (public hearing, council meeting) -Workshops -Tours -Other 	<ul style="list-style-type: none"> -Passive print media (brochures at front desk, posters, etc.) -Distribution of print media (mailings, newsletters, etc.) via mail or email -Media offerings (radio and TV ads, press release, etc.) -Social media posts -Signage -Website -Other

3. The City shall identify the target audience for each public education and outreach topic. Target audiences may include the general public, public employees, residents, businesses, contractors, developers, industries, and/or other appropriate audiences.

Program Development

Public Education and Outreach is accomplished through a variety of active/interactive and passive mechanisms.

1. Events for active mechanisms in De Pere include: in-person and virtual tours, presentations at construction public information meetings, Sustainability Commission, and Board of Public Works; educational booths at the Farmers Market; and attending various public events such as conferences, seminars, and fairs.
2. Passive mechanisms throughout the year include: distribution of brochures, monthly newsletter, media offerings such as news interviews, social media posts, signage, and website.
3. Additionally, educational material is included in letters sent to residents who receive yard waste/debris dumping notifications.

The Public Education and Outreach Program routinely provides informative material on the topics outlined in the MS4 permit throughout the year. The City is a member of the Northeast Wisconsin Stormwater Consortium (NEWSC). NEWSC has developed educational materials on the following topics: Illicit Discharge, Household Hazardous Waste Disposal, Pet Waste Management, Composting and other Yard Waste Management, Rain Gardens and Native Plants to promote Residential Infiltration, Smart Salting and other Pollution Prevention topics, Construction Site Stormwater Management, City Streams and shoreline management, and Green Infrastructure. The City offers these materials online including the City website and social media and in print form at events.

Program Implementation

Each element of the public involvement and participation program is described below including Best Management Practices (BMP) and measurable goals. As indicated below, the public involvement program is integrated with the other five minimum control measures. The proposed BMPs and measurable goals were selected after considering the permit requirements and uniqueness of the City. The purpose of the measurable goals is to track program implementation and gauge effectiveness of the overall public involvement and participation program.

Staff tracks activities throughout the year and creates a summary sheet. The summary is included in the annual MS4 submittal. A sample is included in Appendix A.

The tables below will be utilized to summarize activities during the permit cycle.

Address 6 topics annually and 8 topics within permit term
Utilize four public education delivery mechanisms each year with at least two being active/interactive mechanisms
Identify the target audience for each public education and outreach topic

Public Education and Outreach					
Topic	Year 1	Year 2	Year 3	Year 4	Year 5
	Active/ passive	Active/ passive	Active/ passive	Active/ passive	Active/ passive
Illicit Discharge Detection and Elimination					
Household Hazardous Waste Disposal/Pet Waste Management/Vehicle Washing					
Yard Waste Management/Pesticide and Fertilizer Application					
Stream and Shoreline Management					
Residential Infiltration					
Construction Sites and Post-Construction Storm Water Management					
Pollution Prevention					
Green Infrastructure/Low Impact Development					

CHAPTER 3 – PUBLIC INVOLEMENT AND PARTICIPATION

Goals and Objectives

Develop a public involvement and participation program to notify the public of activities required by the permit and encourage public input. An active and involved community is important to the success of a stormwater program. A community involved in program development may be less likely to create obstacles and raise legal challenges during implementation. Citizens who participate in the decision making process are partially responsible for the program.

The Wisconsin Department of Natural Resources (DNR) requires that the public involvement and participation program include the following measurable goals:

1. The City shall provide a minimum of one opportunity annually for the public to provide input of each of the following permit activities: annual report, storm water management program, and if applicable, the adoption or amendment of stormwater related ordinances.
2. The City shall identify the public involvement and participation delivery mechanism for each permit activity. Delivery mechanisms may include public workshop, presentation of storm water information, government event (public hearing, council meeting, etc.), citizen committee meeting or website.
3. The City shall implement at a minimum one of the following volunteer activities per year: group best management practice (BMP) installation or maintenance, clean up event, citizen committee meeting, public workshop, presentation of storm water information or other hands-on event.
4. The City shall identify the targeted participants for each permit activity and volunteer activity. Participants may include general public, public employees, residents, businesses, contractors, developers, industries, and/or other appropriate audience.

Program Development

Regional Activities:

The City is a member of the Northeast Wisconsin Stormwater Consortium (NEWSC), which is a regional organization. NEWSC is essentially a partnership of municipalities, regulatory agencies, engineers, and vendors. The group's mission is to facilitate efficient implementation of local stormwater programs by: fostering partnerships, sharing information, seeking administrative efficiencies, and pooling financial resources. For example, NEWSC develops various educational brochures and manages regional public education and involvements efforts for the benefit of its membership and the region. Specifically for De Pere, Voyageur Park is one of the annual locations for Fox River Cleanup. This is one of the larger locations for volunteers cleaning the Fox River.

Staff Activities:

The City has several public meetings each year discussing the City's stormwater management plan. During each meeting, the public is provided an opportunity to provide public input and participate. Public education and public involvement opportunities are provided during a City public meeting, whenever stormwater ordinances are modified, funding sources are modified, capital improvement projects are implemented for TMDL stormwater quality compliance, and City's MS4 Annual Report is submitted to DNR each year, etc.

The City regularly completes the following activities:

1. Presents the City stormwater management program to the Board of Public Works annually.
2. Hosts a stormwater booth at the Farmers Market. This includes interactive displays, stormwater information, and providing the City's stormwater management program for review.
3. Manages an Adopt-a-Drain program.
4. Discusses stormwater management topics at the Sustainability Commission.
5. Hosts park specific cleanup events.

Program Implementation

Each element of the public involvement and participation program is described below including Best Management Practices (BMP) and measurable goals. As indicated below, the public involvement program is integrated with the other five minimum control measures. The proposed BMPs and measurable goals were selected after considering the permit requirements and uniqueness of the City. The purpose of the measurable goals is to track program implementation and gauge effectiveness of the overall public involvement and participation program.

Public Involvement and Participation	
Topic:	Stormwater Management Plan and/or Updates – Discussed annually
Participants:	Contractor, public, employees, residents, business, developer
Delivery Mechanism:	Active
Topic:	Stormwater Related Ordinance and/or Updates – If updated
Participants:	Contractor, public, employees, residents, business, developer
Delivery Mechanism:	Active
Topic:	MS4 Annual Report – Discussed annually
Participants:	Contractor, public, employees, residents, business, developer
Delivery Mechanism:	Active
Topic:	Volunteer Opportunities – Occurs annually
Participants:	Contractor, public, employees, residents, business, developer, school
Delivery Mechanism:	Active

CHAPTER 4 – ILLICIT DISCHARGE DETECTION AND ELIMINATION

Goals and Objectives

Develop an illicit discharge detection and elimination program to remove illicit connections and discharges from the municipal separate storm sewer system (MS4). A thorough awareness of the MS4 system is important to the success of an illicit discharge program. Awareness allows the MS4 operator to locate problem areas, find the source, and eliminate the discharge.

Potential sources of illicit discharge include illegal business discharges, overflows from sanitary sewer systems, illegal plumbing connections, illegal dumping of waste materials, and spills associated with roadway accidents and industrial activity. Illicit discharges can contribute high levels of pollutants, toxins, oil, grease, solvents, nutrients, viruses, and bacteria to receiving waterbodies. Pollutant levels from illicit discharges are concentrated and may be high enough to significantly degrade receiving water quality and threaten aquatic, wildlife, and human health.

Non-stormwater discharges or flows 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, firefighting, and discharges authorized under a WPDES permit unless identified by the City as a significant source of pollutants to waters of the state.

Program Development

The City adopted an illicit discharge detection and elimination ordinance. The purpose of the ordinance is to prevent and eliminate illicit discharges to the municipal separate storm sewer system (MS4). A copy of the illicit discharge ordinance is provided in Appendix B. Generally, the illicit discharge ordinance requires the following:

- No discharging, spilling, or dumping of non-stormwater substances and materials into waters of the state or the MS4 system.
- Identifies non-stormwater discharges or flows that are not considered illicit discharges.
- Establishes inspection, monitoring, sampling and enforcement authority.

The City developed various policies and procedures to assist with implementation of the illicit discharge detection and elimination program. The policies and procedures include the following:

1. On-Going Field Screening: Procedures for conducting on-going field screening of outfalls during dry weather periods are provided in Appendix C. The City Engineer is responsible for coordinating the on-going field screening of outfalls.
2. Routine Inspections: In addition to the on-going field screening, the City searches for illegal connections and sanitary leakage by conducting routine plumbing, sanitary sewer, and storm sewer inspections. The Building Inspection Division are responsible for performing the routine plumbing inspections. The Building Inspection Division and/or Engineering Department are responsible for performing the routine sanitary sewer and storm sewer inspections.
3. Responding to Illicit Discharges: Procedures for responding to known or suspected illicit discharges are provided in Appendix D. The procedures include investigating the source of an illicit discharge or spill, responding to spills, preventing and containing spills, notifying the DNR of spills that may discharge into waters of the state, eliminating sanitary leakage into the MS4, notifying the DNR of dye testing, and notifying adjacent municipalities of illicit discharges that may enter their MS4 system.
4. Information Submitted by the Public: Information submitted by the public is logged in the City's SeeClickFix Portal or by direct contact to City staff and provided to proper authority for documentation and follow-up.

Follow-up activities may consist of reviewing the MS4 map, requesting a copy of plumbing plans, conducting site inspections, performing field tests, and/or initiating enforcement actions. Follow-up activities will be documented with written reports.

The City prepared a municipal separate storm sewer system (MS4) map depicting the location of outfalls and receiving waterbodies. The map also depicts how the MS4 system is interconnected and which land uses drain into the MS4 system.

Program Implementation

Each element of the illicit discharge detection and elimination program is described below including Best Management Practices (BMP) and measurable goals. As indicated below, the illicit discharge program is integrated with the other five minimum control measures. The proposed BMPs and measurable goals were selected after considering the permit requirements and the uniqueness of the City. The purpose of the measurable goals is to track program implementation and gauge effectiveness of the overall program.

Illicit Discharge Detection and Elimination		
BMP:		Conduct on-going field review of MS4 outfalls
Measurable Goals:	Number of total MS4 outfalls	
	Number of MS4 outfalls evaluated during routine field review program	
	Number of MS4 outfalls with confirmed illicit discharges, from field review	
	Number of illicit discharge complains received	
	Number of MS4 outfalls with confirmed illicit discharges, from complaints	
	Number of identified illicit discharges eliminated within reporting year	
Delivery Mechanism:		
	Number/Value	
BMP:		Enforce the illicit discharge ordinance and remove illicit discharges from MS4
Measurable Goals:	Number of verbal warning notices issued	
	Number of written warning notices issued, including emails	
	Number of notices of violation issued	
	Number of civil penalties/citations issued	
Delivery Mechanism:		
	Number/Value	
BMP:		
Measurable Goals:		
Delivery Mechanism:		
	Number/Value	

CHAPTER 6 – CONSTRUCTION SITE POLLUTANT CONTROL

Goals and Objectives

Develop a construction site pollutant control program to reduce the discharge of sediment and construction materials into local streams, rivers and lakes. Common construction site pollutants include sediment, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste. Of these pollutants, sediment is typically of greatest concern. According to the US Environmental Protection Agency (EPA), the sediment load from a construction site is typically 10 to 20 times greater than farmland and 1,000 to 2,000 times greater than a forest. Sediment and pollutants from construction sites can cause physical, chemical and biological harm to our waterbodies.

Program Development

The City adopted a construction site erosion control ordinance. The purpose of the ordinance is to require erosion and sediment controls at all construction sites and a permit application for sites with land disturbance. Erosion control is covered under Chapter 42 of the Municipal Code. A copy of the ordinance is provided in Appendix E. The ordinance establishes sanctions to ensure compliance and provides the necessary inspection and enforcement authority.

Generally, the construction site erosion control ordinance requires best management practices to:

- Prevent or reduce deposition of soil from being tracked onto streets by vehicles.
- Prevent or reduce discharge of sediment from disturbed areas into stormwater inlets, adjacent waters of the state, drainageways that flow offsite, dewatering activities, and soil stockpiles existing for more than 7 days.
- Prevent or reduce discharge of on-site chemicals, cement, and other building materials into waters of the state or storm sewers.
- For sites with one acre or more of land disturbing construction activity, by design, discharge no more than five tons per acre per year of sediment from the site.
- Comply with DNR Technical Standards for best management practices.
- Prepare and implement an erosion and sediment control plan.

The City developed various policies and procedures to assist with implementation of its construction site pollutant control program. The policies and procedures include the following:

1. **Permit Application:** The permit application, Erosion & Sediment Control Plan, and application fee are submitted to the City Building Inspection Division. The inspection division has created an online application process. This system is also used to track inspections. Similar to private projects, municipal projects also need to comply with performance standards contained within the ordinance, though a formal permit application is not required, and a permit is not issued.
2. **Plan Review:** Each permit application and Erosion & Sediment Control Plan is reviewed for compliance with the construction site erosion control ordinance, Reference Guide, and DNR Technical Standards. The Building Inspector conducts the review for 1 and 2 family residential dwellings. The Building Inspector conducts the review for sites. Plan review letters and the issued permit are forwarded to the permit applicant. The number of plan reviews will depend on the submittal quality. Meetings between the applicant, designer, and plan reviewer are encouraged during the pre-design, design, and plan review process. The meetings are used to educate each other about regulatory requirements, environmentally sensitive areas, and design challenges. The number of meetings typically correlates with the size and complexity of the project. Meetings can be face-to-face, virtual, or via telephone.
3. **Permit Issuance:** The Building Inspector issues an approval letter and/or certificate to the permit applicant, after the plans are approved. The applicant is required to post the permit in a conspicuous place at the site, until construction is completed.
4. **Construction Site Inspections:**

Wisconsin DNR form 3400-187 is used to inspect erosion and sediment control on all construction sites. Municipal sites follow the Wisconsin DNR permit requirements for frequency: once per week or after ½" rain event. Private sites follow Table 3 of the permit (shown below). Issues found on private sites are addressed via e-mail from building inspection, a site visit to follow and a stop-work order if noncompliance continues.

Table 3: Construction Site Inspection Frequency

Site	Inspection Frequency
(1) All sites one acre or more in size	<ul style="list-style-type: none"> • New projects shall be inspected within the first two weeks of commencement of land disturbing activity • All active sites shall be inspected at least once every 45 days • All inactive sites shall be inspected at least once every 60 days
(2) Follow up inspection	<ul style="list-style-type: none"> • Follow up inspections are required within 7 days of any sediment discharge or inadequate control measure, unless corrections were made and observed by the inspector during initial inspection or corrections were verified via photographs submitted to the inspector
(3) Final inspection	<ul style="list-style-type: none"> • Confirm that all graded areas have reached final stabilization and that all temporary control measures are removed, and permanent storm water management BMPs are installed as designed

5. Enforcement Actions: For a minor non-compliance issue, the inspector will provide a verbal or written "Warning Notice" for correcting the non-compliance. Most non-compliance issues are corrected in this manner. If the non-compliance is blatant, intentional, or not corrected in a timely manner, the City inspector will post a "Stop Work Order" or send a written "Notice of Violation" which outlines the required actions to be completed by a specific date and time. Enforcement actions will depend on the type and severity of non-compliance. Typically, enforcement actions will include forfeitures. Stop work orders, citations, and forfeitures will continue until the City inspector determines the site is compliant. Each day of non-compliance can be considered a new violation. Other potential enforcement actions include permit revocation, "Cease and Desist Orders", and issuing a "Notice of Intent" that the City intends to perform emergency work.

CHAPTER 6 – POST-CONSTRUCTION STORMWATER MANAGEMENT

Goals and Objectives

Develop a post-construction stormwater management program to control runoff quality and quantity from areas of new development and redevelopment, after construction is completed. Urban development increases the amount of impervious surfaces as farmland, forests and grasslands are converted to buildings, parking lots and streets. Impervious surfaces reduce subsurface infiltration and increase surface water runoff. As stormwater washes over impervious surfaces, pollutants are picked up and the speed of runoff increases. The resulting stormwater flows are higher in flow rate, volume, pollutants and temperature. Uncontrolled runoff may cause stream erosion, flooding, algae, bacteria and aesthetic problems within streams, rivers and lakes.

Program Development

The City adopted a post-construction stormwater management ordinance. A copy of the stormwater ordinance is provided in Appendix F. The ordinance establishes sanctions to ensure compliance and provides the necessary inspection and enforcement authority. Generally, the post-construction stormwater management ordinance requires the following for sites with 20,000 square feet or more of impervious surface disturbance or 1 acre or more of land disturbance:

- Reduce sediment by 80% for new development and 40% for redevelopment. Also, if more stringent, reduce sediment and phosphorus in conformance with Total Maximum Daily Load.
- Control 1, 2, 10 and 100-year peak discharge rates based on ~~a meadow or woodland~~ pre-development land use.
- Infiltrate runoff for new development if one acre or more of land disturbance (where applicable due to soil types). The majority of the City consists of soil types not conducive to infiltration.
- Create buffers along streams, rivers, lakes, wetlands and channels.
- Prevent visible petroleum sheen in stormwater runoff.
- Comply with DNR Technical Standards.
- Prepare a Stormwater Management Plan and Operation & Maintenance Plan.
- Prepare a long-term maintenance agreement and record at Register of Deeds.

The City created a stormwater utility to financially support the post-construction stormwater management program. The user fees are intended to support the program. The City developed various policies and procedures to assist with implementation of the post-construction stormwater management program. The policies and procedures include the following:

1. Permit Application: The permit application, Stormwater Management Plan, long-term maintenance agreement, and application fee are submitted to the City Building Inspection Office. The City Building Inspection Office processes the application and forwards for review and approval.
2. Plan Review: Each permit application, Stormwater Management Plan, and maintenance agreement is reviewed for compliance with the stormwater management ordinance, and DNR Technical Standards. The Building Inspector conducts the review of private sites. Plan review letters and the issued permit are forwarded to the permit applicant. The number of plan reviews will depend on the submittal quality. Meetings between the applicant, designer, and plan reviewer are encouraged during the pre-design, design, and plan review process. The meetings are used to educate each other about regulatory requirements, environmentally sensitive areas, and design challenges. The number of meetings typically correlates with the size and complexity of the project. Meetings can be face-to-face, virtual, or via telephone.
3. Operation & Maintenance Agreement: An operation and maintenance agreement is required for sites with 20,000 square feet or more of impervious surface disturbance or sites with 1 acre or more of land disturbance (unless draining to a City-owned regional facility). Ideally, the maintenance agreement will be approved and

executed prior to occupancy issuance. The City Engineering Office records the maintenance agreement at the County Register of Deeds.

4. **Permit Issuance:** The Building Inspector issues an approval letter and/or certificate to the permit applicant, after the plans are approved. The applicant is required to post the permit in a conspicuous place at the site, until construction is completed.
5. **Project Completion Process:** After the project is completed, the City Engineer completes a final inspection of the property permanent stormwater features. A PE stamped record drawing is prepared by the owner and submitted to the City Engineer for review. The City Engineer reviews the record drawing and notifies the Inspection Division if the site satisfies the City design and ordinance requirements.
6. **Tracking Long-Term Operation & Maintenance:** The City Engineer tracks long-term maintenance of private stormwater facilities. As required by the maintenance agreement, the facility owner is required to perform routine inspections, conduct maintenance, and document activities in annual maintenance logs. The facility owner is required to notify the City when maintenance is completed. In addition, the City Engineer conducts an inspection or audit of at least 20% of private stormwater facilities each year and prepares an inspection report. A copy of the City's inspection report is provided to the private facility owner, with directions to correct deficiencies by a specified date.
7. **Enforcement Actions:** For a minor non-compliance issue, the City inspector will provide a verbal or written "Warning Notice" for correcting the non-compliance. Most non-compliance issues will be corrected in this manner. The written notice will outline the required actions to be completed by a specific date and time to avoid enforcement action. Enforcement actions will depend on the type and severity of non-compliance. Typically, enforcement actions will include "Notices of Violation", citations and penalty fees. Violations, citations, and penalty fees will continue until the City inspector determines the site is compliant. Each day of non-compliance can be considered a new violation. For blatant, intentional, repetitive, or severe non-compliance issues, the City inspector has authority to immediately issue a written "Notice of Violation" and/or initiate enforcement actions without prior notice. Other potential enforcement actions may include permit revocation, "Cease and Desist Orders", and issuing a "Notice of Intent" that the City intends to perform emergency work. Costs are billed to the responsible party or charged to the tax roll.

Program Implementation

City staff inspects City ponds annually. Maintenance requirements are documented and appropriate action taken. Activities that require contractor repair are scheduled with the Capital Improvement Program. Actions are tracked with a separate spreadsheet. An example for 2024 is included in Appendix G. A similar list is generated for private stormwater management facilities.

CHAPTER 7 – MUNICIPAL POLLUTION PREVENTION

Goals and Objectives

Develop a municipal pollution prevention program to reduce the amount and type of pollution that (1) collects on municipally owned streets, parking lots, open spaces, storage areas, and vehicle maintenance areas, and (2) results from poor maintenance of municipally owned flood control facilities and storm sewer systems. The goal is to modify existing municipal operations to improve stormwater quality and protect receiving waters.

Program Development

The City developed various policies and procedures to assist with implementation of the municipal pollution prevention program. The policies and procedures include the following:

1. Structural BMPs, including City swales, are shown on the City's TMDL maps. These are included in Appendix H.
2. Street Sweeping: The City performs street sweeping on a daily basis during the season. City streets are swept a minimum two (2) times per year with a vacuum sweeper and waste material is properly disposed. The City performs street sweeping to improve aesthetics, reduce storm inlet clogging, cleanup leaves and grass clippings, and reduce non-point source pollution.
3. Catch Basin Cleaning: The City performs catch basin sump cleaning on an annual basis.
4. Snow Storage: The Public Works Department is responsible for snow plowing and snow storage. Snow is typically plowed and stored along streets until the spring melt. The City has a designated snow storage site. At publicly owned property, snow is stockpiled on-site within parking lot or lawn areas, if possible.
5. Deicers: The Public Works Department is responsible for proper application of road salt and other de-icers. Currently, the City applies de-icers at street intersections and along curves, steep slopes and arterial / collector streets. The City stores salt in a covered shed at the City Garage site. The salt storage shed is inspected each year by Wisconsin Department of Natural Resources (DNR) Staff. The City equipment is calibrated for application rates.
6. Leaves & Grass Clippings: The City provides a disposal / drop-off location for residents at its yard waste site, which is located at 655 Rockland Road. Residents can dispose of leaves, grass clippings, brush, and other yard waste at the site. The City performs curbside leaf and grass clipping collection in the spring and fall annually and curbside brush collection in May, July, and October annually. The City will perform curbside brush collection following severe storms with widespread wind/tree damage.
7. Municipal Garage: The Public Works Department is responsible for managing stormwater pollution at the Municipal Garage. The Municipal Garage is located at 925 S. Sixth Street. Municipal vehicles, equipment, salt storage, and other materials are stored at the Municipal Garage. The City has a SWPPP for the Municipal Garage site.
8. Currently, the City applies fertilizer to the following City owned properties with 5 acres or more of lawn area: Southwest Park is greater than 5 acres and a nutrient management plan has been created for this area.
9. Pet Waste: The Health Department is responsible for enforcing the City's pet waste ordinance. Pet waste can be a source of nutrients and bacteria in stormwater runoff when allowed to accumulate on sidewalks and street surfaces. To control pet waste, pet owners should pick up and properly dispose of pet waste by placing in the garbage, flushing down the toilet, or burying in the backyard. The City Clerk's Office sends the NEWSC Good Dog-Good Owner brochure with each dog license issued.
10. Employee Training: The Public Works, Parks, Inspection, and Engineering Department are jointly responsible for training municipal employees and other personnel about municipal pollution prevention and good housekeeping practices. Potential training topics include structural BMPs, street sweeping, catch basin cleaning, snow plowing, deicers, leaves and grass clippings, municipal garages, municipal

storage yards, vehicle / equipment maintenance, proper waste handling, hazardous spills, illegal connections, illicit discharges, fertilizers, and responding to information from the public.

Program Implementation

City actions for the implementation are included in the Annual Report submitted to the Wisconsin DNR. Training is documented throughout the year and attached with the supplemental information in the Annual Report. A sample is included in Appendix A. The City has also created an MS4 Team with staff from Engineering, Streets, Inspection, and Parks to discuss the requirements of the permit. A sample of the agenda from 2025 is attached in Appendix I.

INDEX OF APPENDICES

APPENDIX A	SUPPLEMENTAL INFORMATION SAMPLE FOR YEARLY ACTIVITIES	3 PAGES
APPENDIX B	CITY OF DE PERE STORM SEWER SYSTEM USE ORDINANCE (CHAPTER 29)	9 PAGES
APPENDIX C	ON-GOING FIELD SCREENING	
APPENDIX D	SPILL AND ILLICIT DISCHARGE RESPONSE PROCEDURAL MANUAL	21 PAGES
APPENDIX E	CITY OF DE PERE CONSTRUCTION SITE EROSION CONTROL ORDINANCE (CHAPTER 42)	12 PAGES
APPENDIX F	CITY OF DE PERE POST CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE (CHAPTER 28)	24 PAGES
APPENDIX G	STORMWATER OPERATION AND MAINTENANCE LISTING	4 PAGES
APPENDIX H	MS4 SYSTEM MAPS	5 PAGES
APPENDIX I	MS4 TEAM AGENDA	2 PAGES

APPENDIX A

SUPPLEMENTAL INFORMATION SAMPLE FOR YEARLY ACTIVITIES

CITY OF DE PERE

Public Works - Engineering Department

925 S. Sixth Street, De Pere, WI 54115 | 920-339-4061 | www.de-pere.org



City of De Pere MS4 Annual Permit – Supplemental Information for 2024 Activities

Last Update: March 5, 2025

Note during the year:

List:

- *Active or Passive*
- *Delivery Mechanism – See Permit, 2.1.2 Table 2*
- *Audience – General Public, Public Employees, Residents, Businesses, Contractors, Developers, Industries, Public Officials, or Other*

Below is a summary of activities completed for the various requirements of the MS4 permit.

1 - Public Education and Outreach Summary

- 2024 0130 PIM for 24-02. Active. Presented information on ice and snow removal (including salt use reduction), grass clipping management (including sweeping up in the road), and leaf collection (including discussion about storing leaves in the terrace). (6 People)
- 2024 0201 PIM for 24-01. Active. Presented information on ice and snow removal (including salt use reduction), grass clipping management (including sweeping up in the road), and leaf collection (including discussion about storing leaves in the terrace). (People not known)
- 2024 0213 Discussed storm water at the Sustainability Commission. Active
- 2024 0312 Staff interviewed for Fox 11 story regarding salt usage. Passive
- 2024 0312 Discussed storm water at the Sustainability Commission. Active
- 2024 0319 & 0328 Provided additional 50 handouts of Good Dog, Good Owner to City Hall for distribution. This is handed out with dog license. Active.
- 2024 0403 Sent "The Perfect Lawn" flyer to eight (8) residents who also received notifications to clean grass clippings/debris from swales. Passive
- 2024 0506 Sent "The Perfect Lawn" flyer to three (3) residents who also received notifications to clean grass clippings/debris from swales. Passive
- 2024 0701 Posted the following on our social media sites.
 - Fireworks and Pollution. Passive.
 - Pest Waste. Passive.
 - Street Sweeping. Passive.
- 2024 0904 Sent "The Perfect Lawn" flyer to one (1) business who also received a notification to clean grass clippings/debris from a pond. Passive

- 2024 0917 Storm Water Week Proclamation approved at Common Council. (Need to print proclamation)
- 2024 0919 Storm Water Booth at Farmer's Market. 27 people stopped to discuss. Active
- 2024 0923 Storm Water Awareness Week Participation. Passive

2 - Public Involvement and Participation

- 2024 0311 Discussed MS4 Annual Permit at the BOPW and addressed questions. Active
- 2024 0212, 2024 0312, 2024 0611, 2024 0709 Discussed storm water management at the Sustainability Commission. Active
- 2024 0813 Discussed adopt an inlet at Sustainability Commission. Active
- 2024 0820 Discussed and adopted adopt an inlet at Common Council. Active

3 - Illicit Discharge Detection and Elimination

- 2024 0205 Insulation beads entered storm sewer from Shopko demolition
- 2024 1118 IDDE Follow-up on two sites. REL E-mail.

4 - Construction Site Pollutant Control

- 2024 0207 Active. E-mail sent out to contractors notifying of upcoming rain and the need to have erosion control in place. (36 People)
- 2024 0209 Active. E-mail sent to contractors with notice of non-compliance (11 People)
- 2024 0212 Active. E-mail with stop order to 1784-1786 Garroman (1)
- 2024 0212 Active. E-mail with stop order to 2514 S. Stellita (1)
- 2024 0212 Active. E-mail with stop order to 2537 and 2538 N. Stellita (1)
- 2024 0212 Active. E-mail with stop order to 2576 S. Stellita (1)
- 2024 0213 Active. E-mail with stop order to 389 Willie Mays (1)
- 2024 0213 Active. E-mail with stop order to 302 Willie Mays (1)
- 2024 0213 Active. E-mail with stop order to 417 Lansdowne (1)
- 2024 0213 Active. E-mail with stop order to 2508 Meadowview (1)
- 2024 0213 Active. E-mail with stop order to 2514 S. Stellita (1)
- 2024 0703 Active. E-mail to home builders as a reminder to check inlet protection.
- 2024 1105 Active. E-mail to repair erosion control at 2164 Fox Point Circle (1)
- 2024 1105 Active. E-mail to repair erosion control at 2493 Kilrush Road (1)
- 2024 1105 Active. E-mail to repair erosion control at 2564 Meyer Way (1)

5 - Post Construction Storm Water Management

- 2024 0328 – Crews spent two days fixing outfalls
- 2024 0419 – Cleaned 341 catch basins in the east and west side. Visually inspected additional catch basins that were deemed clean.
- 2024 0403 Sent grass/yard debris violation (dumping in swales and near ponds) to eight (8) residents.
- 2024 0912 Sent debris violation letter (brush dumped by pond) to 1844 Payton Court

- 2024 1009 Trimmed storm water pond on basin AC140 off Cross Creek Circle.
- 2024 1010 Cleaned swale at storm water pond on basin ER 120 off Trailside Lane.
- 2024 1010 Trimmed woody vegetation around the storm water pond on basin ER120 off Trailside Lane.
- 2024 1011 Sent grass/yard debris violation (dumping near swales) to seven (7) residents along with the “The Perfect Lawn” brochure.
- 2024 1113 Send grass/yard debris violation (dumping at City pond) to 2021 Enterprise Drive along with the “The Perfect Lawn” brochure.

6 - Pollution Prevention

- Internal Training
 - 2024 0129 – Green Tier Legacy Communities – Sustainable Storm Water Project Discussion - Chase
 - 2024 0209 – Storm Water Inspector Re-Certification – Matt Le Clair and McKenzie Thomson
 - 2024 0227 – Fox-Wolf Conference – Chase Kuffel
 - 2024 0305 – MS4 General Permit Training - Tony
 - 2024 0311 – Meeting to discuss storm water management facility maintenance – Tony, Matt, Adam, Eric
 - 2024 0418 – Training on sewer nozzles for cleaning storm sewer – Five staff.
 - 2024 0414 – Training at APWA Winter Road Maintenance Operator Certification – Five Hour Course – Five staff.
- 2024 0302 – Volunteer for park cleanup (3 parks).
- 2024 0311 – Presented MS4 Annual Permit to the BOPW. Five elected officials and three staff
- 2024 0312 – Discussed MS4 Annual Permit with staff. Dennis, Matt, Tom, Don, Tony, Adam, Betty, Chase, Eric
- 2024 0312 – Volunteer for park cleanup (1 park)
- 2024 0319 Discussed outfall inspection and cleanup plan for 2024 with the Street Department.
- 2024 0328 – Storm water pond outfall maintenance by Street Department.
- 2024 0515 – SWPPP plan reminder – Six staff.
- 2024 0618 – Cleaned illegal debris dumping on the pond off Diversity Drive.

Map Updates

- Waterview Heights – Phase 2
- Ridgeway Drive
- Superior, Virginia, Bomier

MS4 Team Meeting – Internal Education and Communication - Meet the training component on WDNR form.

APPENDIX B

CITY OF DE PERE STORM SEWER SYSTEM USE ORDINANCE (CHAPTER 29)

Chapter 29 STORM SEWER SYSTEM USE

Sec. 29-1. Purpose.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the state pollutant discharge elimination system (WPDES) permit process. The objectives of this chapter are:

- (1) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user;
- (2) To prohibit illicit connections and discharges to the MS4;
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.

(Code 2001, § 29-1; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-2. Applicability.

This chapter shall apply to all water entering the MS4 generated on any lands unless explicitly exempted by an authorized enforcement agency.

(Code 2001, § 29-2; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized enforcement entity means director of public works or designee.

Best management practices (BMPs) means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Contaminated stormwater means stormwater that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in Wis. Admin. Code ch. NR 216.

Department (DNR) means the state department of natural resources.

Discharge means as defined in Wis. Stats. § 283.01 and, when used without qualification, includes a discharge of any pollutant.

Discharge of pollutants means, as defined in Wis. Stats. § 283.01, any addition of any pollutant to the waters of the state from any point source.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit connections means either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4, including, but not limited to, any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit discharge means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, firefighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

Industrial activity means activities subject to WPDES industrial permits under Wis. Admin. Code ch. NR 216 and Wis. Stats. ch. 283.

Municipality means any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, stormwater or other wastes.

Municipal separate storm sewer system (MS4) means, as defined in Wis. Admin. Code ch. NR 216, a conveyance or system of conveyances including roads with drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria:

- (1) Owned or operated by a municipality.
- (2) Designed or used for collecting or conveying stormwater.
- (3) Is not a combined sewer conveying both sanitary and stormwater.
- (4) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

Non-stormwater discharge means any discharge to the MS4 that is not composed entirely of stormwater.

Outfall means the point at which stormwater is discharged to waters of the state or to a storm sewer.

Owner means any person holding fee title, an easement or other interest in property.

Pollutant means, as defined in Wis. Stats. § 283.01, any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution means, as defined in Wis. Stats. § 283.01, any manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

Pollution prevention means taking measures to eliminate or reduce pollution.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Stormwater means runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

Stormwater management plan/stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse means a natural or artificial channel through which water flows. These channels include all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils book for the county, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined.

Waters of the state means, as defined in Wis. Stats. ch. 283 (November 1, 2005), those portions of Lake Michigan and Lake Superior within the boundaries of the state, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

Wisconsin Pollutant Discharge Elimination System (WPDES) stormwater discharge permit means a state pollutant discharge elimination system permit issued pursuant to Wis. Stats. ch. 283.

(Code 2001, § 29-3; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-4. Discharge and connection prohibitions.

(a) *Prohibition of illicit discharges.*

- (1) No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater.
- (2) Exceptions.
 - a. Water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
 - b. Discharges or flow from firefighting, and other discharges specified in writing by the director of public works as being necessary to protect public health and safety.
 - c. Discharges associated with dye testing; however, this activity requires a verbal notification to the director of public works and the department of natural resources a minimum of one day prior to the time of the test.
 - d. Any non-stormwater discharge permitted under an WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the state department of natural resources. Any person subject to such an WPDES stormwater discharge permit shall comply with all provisions of such permit.

(b) *Prohibition of illicit connections.*

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

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- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is in violation of this chapter if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
 - (4) Improper connections in violation of this chapter shall be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system; such system to be approved by the director of public works prior to such redirection.
 - (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the director of public works requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the director of public works.

(Code 2001, § 29-4; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-5. Watercourse protection.

Every person owning or having a leasehold property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Code 2001, § 29-5; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-6. Compliance monitoring.

- (a) *Right of entry; inspecting and sampling.* The director of public works shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter.
 - (1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the director of public works.
 - (2) Facility operators shall allow the director of public works ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records.
 - (3) The director of public works shall have the right to set up on any facility such devices as are necessary in the opinion of the director of public works to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The director of public works has the right to require the discharger to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

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- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the director of public works and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (6) Unreasonable delays in allowing the director of public works access to a facility is a violation. A person who is the operator of a facility commits an offense if the person denies the director of public works reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.
- (b) *Special inspection warrant.* If any authorized person has been refused access to any part of the premises from which stormwater is discharged, and he/she believes that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then such person may seek a special inspection warrant pursuant to Wis. Stats. § 66.0119.

(Code 2001, § 29-6; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-7. Reducing stormwater pollutants by the use of best management practices.

The owner or operator of any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the state shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal MS4 or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater management plan (SWMP)/stormwater pollution prevention plan (SWPPP) as necessary for compliance.

(Code 2001, § 29-7; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-8. Notification of spills.

- (a) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the MS4, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
- (b) In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the director of public works in person or by phone or facsimile no later than the next business day.
- (c) Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director of public works within two business days of the phone notice.
- (d) If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least seven years.

(e) Failure to provide notification of a release as provided above is a violation of this chapter.

(Code 2001, § 29-7; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-9. Violations, enforcement, and penalties.

- (a) *Violations.* It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. If the violation constitutes an immediate danger to public health or public safety, the director of public works is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation. The director of public works is authorized to seek costs of the abatement as outlined in section 29-12.
- (b) *Warning notice.* When the director of public works finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the director of public works may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the director of public works to take action, including emergency action or any other enforcement action without first issuing a warning notice.
- (c) *Notice of violation.* Whenever the director of public works finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the director of public works may order compliance by written notice of violation to the responsible person.
 - (1) The notice of violation shall contain:
 - a. The name and address of the alleged violator;
 - b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to restore compliance with this chapter and a time schedule for the completion of such remedial action;
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - f. A statement that the determination of violation may be appealed to the board of public works by filing a written notice of appeal within three days of service of notice of violation; and
 - g. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or contractor and the expense thereof shall be charged to the violator.
 - (2) Such notice may require, without limitation:
 - a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit connections or discharges;
 - c. That violating discharges, practices, or operations shall cease and desist;

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- d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of a fine to cover administrative and remediation costs; and
 - f. The implementation of BMPs.
- (d) *Suspension of MS4 access.*
- (1) *Emergency cease and desist orders.*
 - a. When the director of public works finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violations have caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the director of public works may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:
 - 1. Immediately comply with all ordinance requirements; and
 - 2. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.
 - b. Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the director of public works may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the state, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The director of public works may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the director of public works that the period of endangerment has passed unless further termination proceedings are initiated against the discharger under this chapter. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the director of public works within two days of receipt of the emergency order.
 - (2) *Suspension due to illicit discharges in emergency situations.* The director of public works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the director of public works may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.
 - (3) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The director of public works will notify a violator of the proposed termination of its MS4 access. The violator may petition the director of public works for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the director of public works.
- (e) *Prosecution and penalties.* In addition to other penalties as may be provided herein, any person who violates this chapter shall be subject to a forfeiture of not less than \$1.00 nor more than \$1,000.00 per occurrence.

Each act of violation and every day upon which a violation occurs or continues constitutes a separate violation.

(Code 2001, § 29-9; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-10. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the director of public works. The notice of appeal must be made to the board of public works within seven days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 30 days from the date of receipt of the notice of appeal. The notice of violation may be in addition to other penalties, including the imposition of a forfeiture through the issuance of a municipal ordinance violation.

(Code 2001, § 29-10; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-11. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, such shall be deemed a public nuisance under chapter 78.

(Code 2001, § 29-11; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-12. Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the director of public works to seek cumulative remedies. The director of public works may recover all attorney's fees court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

(Code 2001, § 29-12; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-13. Responsibility for administration.

The director of public works and/or designee shall administer, implement, and enforce the provisions of this chapter.

(Code 2001, § 29-13; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-14. Compatibility with other regulations.

This chapter is not intended to and does not modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(Code 2001, § 29-14; Ord. No. 09-06, § 1, 2-3-2009)

Sec. 29-15. Minimum standards.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(Code 2001, § 29-15; Ord. No. 09-06, § 1, 2-3-2009)

APPENDIX C

ON-GOING FIELD SCREENING

2.3 Illicit Discharge Detection and Elimination

2.3.1 IDDE ordinance. A regulatory mechanism is adopted to prohibit illicit discharge into your MS4; it also establishes inspection and enforcement authority. This mechanism is referenced in the SWMP.

2.3.1 Chapter 29 of the Municipal Code addresses Illicit Discharge Detection and Elimination and gives the City authority to prohibit and enforce illicit discharges.

2.3.2 IDDE field screening.

- *The program has 100% of the total major outfalls planned to be screened during the term of the permit.*
- *The program has a prioritization procedure developed for selecting minor outfalls for screening (consideration was given to hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or buildings in the area, history of the area and land use types)*
 - *The procedure identifies selected minor outfalls to screen annually.*
 - *Dates/timeframe for screening identified.*
- *The program has visual and field sampling procedures established.*

2.3.2 All major outfalls are screened during a permit term. Major outfalls are screened every 5 years. The City has used Robert E. Lee & Associates to complete IDDE inspections. Inspections of all major outfalls was completed in 2021 and again in 2023. The City has purchased an IDDE Detection Kit. Staff will be creating a yearly plan and dividing the City into regions rather than completing all outfalls in one year. This plan will be incorporated into this appendix.

2.3.3 Source investigation and elimination. The program establishes:

- *Risk assessment procedures and response times*
- *Public facing procedures for illicit discharge complaints and spill reporting.*
- *Procedures for documenting screenings, source investigations, and eliminations (h.1-5)*

2.3.4 Response times.

- *The program establishes response times for removing illicit discharge.*
- *Report to DNR if it cannot be fixed in 30 days.*

2.3.5 Does the program identify who is responsible for responding to illicit discharge reports and spills?

2.3.5 The City adopted an Illicit Discharge Detection and Elimination Manual. The Manual is posted on the City website. The IDDE Manual identifies who is responsible for responding to illicit discharge reports and spills.

APPENDIX D

SPILL AND ILLICIT DISCHARGE RESPONSE PROCEDURAL MANUAL

DE PERE®



Spill and Illicit Discharge Response Procedure Manual

Spill and Illicit Discharge Response Procedure Manual

The purpose of this Spill and Illicit Discharge Response Procedure Manual is to provide a framework for spill and illicit discharge response procedures in the City of De Pere and to comply with the Wisconsin Department of Natural Resources WPDES Permit No. WI-S050075-3 requirements. All employees are expected to work cooperatively with state and local agencies to define, contain, and clean up spills and illicit discharges.

This manual is designed to provide general response procedures to the City of De Pere employees. However, each situation is unique and field conditions may determine different procedures. Home and mobile telephone numbers are not to be released to the public.

SAFETY FIRST – Follow all appropriate safety procedures when dealing with any spill or illicit discharge.

For the City of De Pere, Scott Thoresen in the Public Works Department at 920-339-8095 is the designated Illicit Discharge Coordinator. If Scott Thoresen is not available, contact the following people in the following order to act as Illicit Discharge Coordinator in his/her absence:

Eric Rakers in the Engineering Dept at 920-339-4061

Tony Fietzer in the Street Dept at 920-339-8325

I - DISCOVERY AND NOTIFICATION

- a) Accept information regarding reported spill or illicit discharge using the Spills/Illicit Discharge – Initial Contact Form in Appendix A.
- b) If it is obvious that there is a fire, explosion or safety hazard to life and health, threat to the environment, or need to evacuate, contact the 911 immediately. This includes any incident involving petroleum sheen, sheen from any unknown source or a highly suspicious material.
- c) Notify the Illicit Discharge Coordinator of reported spill or illicit discharge.

If the incident is determined to be a spill, with a risk of fire explosion or safety hazard to life, health or the environment or a need to evacuate, the Fire Department will follow their spill procedures. The remainder of this document is not intended to conflict with or supersede any of their procedures.

II – COORDINATION AND CONTAINMENT

- a) Identify persons and agencies that need to be notified and involved in the situation.

For the City of De Pere, parties that may be requested to assist in a situation may include, but are not limited to:

- Fire Department (emergency dial 911, non-emergency dial 920-339-4078)
- Police Department (emergency dial 911, non-emergency dial 920-339-4078)
- County Emergency Management Director – Daniel Kane, 920-391-7401

- United States Coast Guard (Federal Waterways) - Duty Officer at the USMC Safety Detachment, Sturgeon Bay 920-495-1271
- Public Works Department – Scott Thoresen 920-339-8095
- Inspection Department – Dennis Jensen 920-339-4052
- Health Department – Chrystal Woller 920-339-2373
- Adjacent municipalities (See Appendix C)

Current contact information for some of these people can be found on the Flowcharts in Appendix B. In circumstances when a spill or illicit discharge originating in the City of De Pere discharges directly to a municipal separate storm sewer or property under the jurisdiction or another municipality, that jurisdiction or municipality shall be notified of the incident as soon as possible but at least within one working day. These areas are identified on a street-by-street basis and can be seen on the map or in the table found in Appendix C.

- b) Notify persons and agencies, providing as much information about the incident as possible.
- c) Contain the spill or illicit discharge safely and legally through necessary means.
- d) Determine if the spill is “reportable” to the WDNR (using standards found in <https://dnr.wisconsin.gov/topic/Spills/report.html>). If reportable, contact the WDNR through the spill hotline (1-800-943-0003).
- e) Please report all spills through the RR Program Submittal Portal. For more information: [RR Program Submittal Portal | Wisconsin DNR](#)
- f) If the spill is not “reportable”, contact the NE Region WDNR Spills Coordinator, Cody Heinze, 920-883-9383.
- g) If a responsible party has been identified, they are to take control of the situation as soon as practical and shall continue containment, cleanup and disposal of the substance as required by local and state agencies.

III – CLEANUP, EVIDENCE COLLECTION AND DOCUMENTATION

- a) Coordinate efforts of those people involved in managing the incident
- b) Locate the source of the spill or illicit discharge
- c) Attempt to locate the responsible party

The City of De Pere will use any or any combination of the following strategies to locate the source and responsible party of a spill or illicit discharge:

- Visual and smell indicators
- Field test kit
- Uncover manholes upstream to identify where flow may be coming from and use additional samples and tests as needed to isolate potential source areas
- Utilize available MS4 mapping to assist in tracking upstream of the incident.
- Dye-test storm and sanitary sewers. Contact will be made with DNR Storm Water or Spills Staff of date and time dye test is to be conducted – Contact Cody Heinze, 920-883-9383.
- Smoke test sanitary storm sewers
- Televiser sanitary and/or storm sewers
- Obtain access to private property to obtain samples and perform tests.

- d) Collect evidence
- e) Document the entire process

The following documentation will be kept to the maximum extent possible during a spill or illicit discharge event:

- An on-going written log
- Pictures
- Sketches or Maps
- A list of the names of those who have been involved, their agency and contact information.
- Other data as may be deemed appropriate by those involved in managing the incident
- Samples - Samples will be collected from the following locations as long as they are accessible and conditions are safe:
 - The suspected source of the spill or discharge (discharge substance and/or site soil)
 - Down-gradient of the suspected source
 - Up-gradient of the suspected source

- f) Clean-up the spill or illicit discharge

Parties responding to the incident will work downstream to determine the extent of cleanup required.

If the Responsible Party is identified, they will be notified and directed to correct the problem. The Responsible Party is required to provide adequate cleanup for a spill or illicit discharge. The City of De Pere will follow the enforcement procedures as outlined in the Illicit Discharge Ordinance. The City of De Pere will notify WDNR if an illicit discharge is not cleaned up and removed after 30 days to discuss further options.

If the Responsible Party cannot be identified, the City of De Pere will work with WDNR to ensure that the necessary steps are taken to clean up the spill or illicit discharge. The WDNR may be contacted to discuss any funding opportunities that may be available. WDNR may be contacted for assistance in hiring a qualified contractor and will be kept informed of the progress of a cleanup.

- g) Work toward cost recovery

Once the responsible party has been identified every effort will be made to receive cost recovery of funds expended by the City of De Pere. The WDNR may be contacted to discuss any funding opportunities that may be available.

IV – EVALUATION AND REPORTING

- a) Evaluate the process and procedures

The Illicit Discharge Coordinator will contact the parties involved in the event to discuss what went right, what went wrong, and any suggested improvements to the process and procedures. This information will be kept in the Municipal Service Center at 925 S Sixth St, De Pere, WI.

b) Report cleanup efforts

All files regarding spill events created by the Fire Department will be kept at the Fire Department located at 400 Lewis St in De Pere, by the Fire Chief, Brett Jansen. All files regarding spills and illicit discharges created by the Illicit Discharge Coordinator shall be kept at Municipal Service Center at 925 S Sixth St, De Pere, WI. Reports will be made to the following agencies as appropriate for each incident:

- County Emergency Management
- WDNR

All files will be made available to the City of De Pere Stormwater Coordinator for the Annual Report.

List of Appendix

Appendix A – Spills/Illicit Discharge – Initial Contact Form
Appendix B – Flow Chart (3rd Party and Employee)
Appendix C – Map / Contact List of adjoining municipalities
Appendix D – Sample Chain of Custody Form
Appendix E – Spill Containment Procedures

Spill and Illicit Discharge Response Guidance Document

This Guidance Document is for the City of De Pere use only. It includes phone numbers for help at all levels, safety information, response guidance for some specific spills, authority, references, and forms.

Each employee that may be involved in spill or illicit discharge response should take the time to become familiar with the information in the Procedure Manual and the Guidance Document. If you know of revisions that should be made or have suggestions to improve this manual, send your comments to Scott Thoresen, Director of Public Works.

Staff will maintain their personal safety and the safety of others as their first objective. It is also critical that complete and accurate information of the incident and all parties' involvement is documented.

Introduction:

This document describes the stages of spill and illicit discharge cleanup and provides examples for the various sections of the Manual. The stages involved in spill and illicit discharge response and cleanup are:

- I. Discovery and Notification
- II. Coordination and Containment
- III. Cleanup, Evidence Collection, and Documentation
- IV. Evaluation and Reporting

Types of Discovery

- **3rd Party Reporting:** Incidents that have been reported to the municipality by members of the general public.
- **Employee Discovery:** Incidents where a municipal employee comes across a spill or illicit discharge during regular work activities.
- **Illicit Substances Detected Due to Field Screening:** Incidents of spills and illicit discharges that are discovered during planned field screening of outfalls.

Intake

Upon discovering or being notified of a spill or illicit discharge, obtain as much information about the incident as possible. This information will assist in establishing the severity of the incident and how to proceed with the cleanup efforts.

Use the Spills/Illicit Discharge Initial Contact Form in Appendix A to get as much information as possible regarding: date and time of the discharge, location of discharge, street address, municipality, property owner name and address, name and phone number of person reporting the incident, name and address of possible responsible party, type or description of substance, approximate amount of substance, and any actions taken by the person reporting the incident.

Illicit Discharge Coordinator

Regardless of who reports the incident, the first priority is to determine if there is any fire, explosion or safety hazard to life, health or the environment or a need to evacuate. If this is not clearly obvious to the person taking the call, the Illicit Discharge Coordinator will make that determination. It is also the responsibility of the Illicit Discharge Coordinator to identify all persons who will be involved in the cleanup effort.

Example Scenarios

The following example scenarios are intended to provide general guidelines on how to proceed in different situations. Each incident is unique and will need to be addressed per its particular circumstances. Keep in mind that whenever safety to people or the environment is in question, it should be reported to the appropriate call center or notification system (such as 911) immediately.

Type of incident	911	Illicit Discharge Coordinator
Public report of grass clippings in storm sewer	N	Y
Public report of pet waste in storm sewer	N	Y
Public report of a sheen along the river	Y	Y
Public report of gasoline or other petroleum product entering storm sewer	Y	Y
Public report of an unknown chemical substance entering the storm sewer	Y	Y
Public report of chlorinated swimming pool water being discharged into the storm sewer	N	Y
Public or employee report of carpet cleaning company discharging dirty water into storm sewer	N	Y
Employee notices grease and/or cooking oil going into storm drain during restaurant inspection	N	Y
Employee spills less than one gallon of gasoline while fueling a municipal vehicle – it does not enter the storm sewer; is contained and cleaned up	N	Written record shall be submitted
Employee spills less than one gallon of gasoline while fueling a municipal vehicle – it does enter storm sewer	N	Y
Employee notices large amount of unidentified substance on the river while in the field for another purpose	Y	Y
Employee notices an unidentified substance discharging from an outfall to a waterway while performing other work related activities	Y	Y
During Illicit Discharge field screening, employee notices small quantity of an unknown material / substance at the outfall.	N	Y
During Illicit Discharge field screening, employee notices large quantity of a material with unusual color and odor	Y	Y

Scenarios

3rd Party Reporting

- a) Phone call received from the general public that he saw someone putting pet waste or grass clippings into the storm sewer

Recommended Action: Complete the Spills/Illicit Discharge – Initial Contact Form and route to the Illicit Discharge Coordinator

- b) Phone call received from the general public that she noticed a sheen and gasoline smell along the river

Recommended Action: Complete the Spills/Illicit Discharge - Initial Contact Form and contact 911 immediately. Notify the Illicit Discharge Coordinator by giving them a copy of the Spills/Illicit Discharge - Initial Contact Form.

Employee Discovery:

- a) During routine maintenance an employee spilled a small quantity of oil.

Recommended Action: The employee should follow the municipality's standard policy and procedure on containment, clean up and disposal of material (e.g. using oil dry and sweeping up)

- b) During a restaurant inspection an employee notices that grease is being poured into the storm sewer drain.

Recommended Action: Employee should contact their supervisor and/or the Illicit Discharge Coordinator immediately to report their observation. The Spills/Illicit Discharge - Initial Contact Form should be completed and routed to the Illicit Discharge Coordinator. The Illicit Discharge Coordinator will then work to get the restaurant to cease its actions.

- c) While out on an inspection an employee notices a large quantity of an unidentified substance along the river.

Recommended Action: The Employee should call 911 immediately or, if they do not have a cell phone, contact their supervisor and/or the Illicit Discharge Coordinator to call 911 immediately. The Spills/Illicit Discharge - Initial Contact Form should be completed and routed to the Illicit Discharge Coordinator.

Illicit Substances Detected Due to Field Screening

- a) While doing a field inspection for illicit discharge the employee comes across a small quantity of an unknown material/substance at the outfall

Recommended Action: The employee should contact the Illicit Discharge Coordinator. The Spills/Illicit Discharge - Initial Contact Form should be completed.

- b) While doing a field inspection for illicit discharge the employee comes across a large quantity of a material with unusual color and odor

Recommended Action: The Employee should contact 911 immediately and then contact the Illicit Discharge Coordinator relaying as much information as possible. The Spills/Illicit Discharge - Initial Contact Form should be completed.

Locating an unknown source and responsible party

Once a spill or discharge is found, additional efforts usually are necessary to determine the source and responsible party. There are many methods that can be used to find the source of a spill or illicit discharge, including:

- Tracing the discharge upstream through the MS4 using available maps
- Field test kits
- Chemical analysis
- A certification program that shows that buildings have been checked for illicit connections
- An incentive program
- An inspection program of septic systems
- Televising the storm and/or sanitary sewers
- Dye-testing buildings in problem areas. The WDNR and/or the local wastewater treatment facility should be contacted prior to dye testing.
- Visual and smell indicators
- Uncovering manholes upstream to identify where flow may be coming and use additional samples and tests as needed to isolate potential source areas.
- Utilizing available MS4 mapping to assist in tracking the incident upstream.
- Checking for amount of flow in discharge
 - Sanitary blockages (usually higher flows)
 - Cross-connects (usually much lower flows)
- Dye testing sanitary and storm sewers and connections
- Smoke testing sanitary sewers
- Obtaining access to perform tests and obtain samples
- Tracing the spill or illicit discharge upstream – beginning at the outfall

A combination of tactics may be required to aid in the discovery of the source and responsible party of a spill or illicit discharge. The City of De Pere shall determine in advance the various roles individual departments may play. Some examples include:

- The Department of Public Works will be required to open Public manhole covers but not allowed to open Private manhole covers
- The plumbing inspectors may be authorized to make inspections on Private property while Public Works employees are not.

When locating an illicit discharge, remember illicit discharges generally originate from one of the following sources:

- An internal plumbing connection (e.g., the discharge from a washing machine is directed to the building's storm lateral; the floor drain in a garage is connected to the building's storm lateral)

- A service lateral cross-connection (e.g., the sanitary lateral from a building is connected to the MS4)
- An infrastructure failure within the sanitary sewer or MS4 (e.g., a collapsed sanitary line is discharging into the MS4)
- An indirect transitory discharge resulting from leaks, spills, or overflows.

Evidence Collection

It is important to gain evidence of the spill or illicit discharge before the site has changed, during the cleanup, and after the work has been completed. Samples and photographs should be obtained prior to the evidence being changed or destroyed by weather or cleanup crews. The level of effort and quantity of evidence collected will need to be based upon experience and the severity of the incident or as directed by the City of De Pere legal authority. If there are multiple agencies working on a single incident, sharing of information is imperative so that duplication of efforts is minimized.

- Evidence will be used to hold the responsible party accountable, for successful enforcement of civil/criminal statutes, and to recover cleanup costs. Uniform procedures should be followed when documenting an incident through sampling, photographs, and collecting other information. This includes maintaining a “chain of custody” on all samples, photographs, and other evidence.

- **Keep an on-going written log**

Statements should be taken while eyewitnesses are still readily available. Written documentation should include notes or a log of your observations, conversations, statements of witnesses, decisions, actions, sampling activity, and photographs. Include names, addresses, dates, and times in your notes. Also, obtain copies of any shipping papers, material safety data sheets (MSDS), and statements from responsible parties regarding product, vehicle numbers, etc. Make certain you have the correct spelling of each chemical name (common and scientific).

- **Take pictures**

Take pictures before the spill site has changed, during the cleanup, and after the work has been completed. Color photographs are preferred. Do not be afraid to use film when you are at a spill incident. The more pictures you take, the better the documentation. Carry your camera with you during the entire incident. Always have spare batteries and film readily available.

Pictures should show the source or possible sources, path of discharge, the extent of the discharge, damage to the environment, and any other object or scene which will make the case clearer for other Municipal Staff, WDNR staff, prosecutors, and the courts. Be sure to maintain the chain of custody of both the original photographs and negatives.

Document the following information on each photo and in your reports:

- Date and time of the photo
- Name of the responsible party
- Exact location and site description
- The photographer’s name

Digital Photos

The use of a digital image as evidence requires additional care because, unlike a negative, the original image can be easily manipulated. Digital images can be easily and quickly manipulated by virtually anyone who possesses a computer. Digital images can also be intentionally or unintentionally deleted or lost. The following digital image management steps are recommended:

- Be familiar with the operation of the digital camera.
- Take extra batteries and floppy disks or memory cards/sticks.
- Label disks used at the scene with all pertinent information, as listed above.
- Upon returning to the office, a back-up file of the digital image should also be made. Any disks containing the original digital image should have a file name that includes the word 'original', and should be preserved as evidence.
- Digital images should be promptly viewed on a computer monitor to become familiar with the digital images and ensure the digital image accurately depicts the scene at the time it was photographed.
- Any enhancements, including simple cropping, should be made to duplicate digital image and saved with a different file name. Manipulation should not be performed on any original digital images that may be used as evidence.
- Consider using password protection, "write protect" features, or writeable CDs for storing digital images.
- A brief report documenting how the digital images were handled, enhanced, and archived should be prepared and placed in the case file.

■ **Collect samples**

Do not collect samples of unknown substances. Only authorized and properly trained persons should be permitted to collect samples. Those who are authorized to collect samples must be properly protected prior to sample collection.

Those collecting samples should understand and have available the following before beginning sample collection:

- Appropriate PPE (Personal Protection Equipment) for the situation
- Sample collection jars
- Sample preservation
- Sample analytical parameters
- Chain of Custody
- Sample packaging for shipping

Any other questions relating to sample collection and analysis should be addressed to Scott Thoresen, Director of Public Works. WDNR environmental staff may be able to offer some general assistance. A sample Chain of Custody form can be found in Appendix G.

Document the following information on each sample and in your reports:

- Date and time collected
- Name of the responsible party
- Exact location and site description
- Name of person collecting the sample

Sampling is critical to identification of the spilled material and may aid in determining the responsible party or parties. Supporting sample documentation includes maintaining a chain of custody, pictures of sample locations, sampling parameters, sample results, etc.

■ **Create Sketches or Maps**

Sketches and maps should show the extent of the environmental impacts, discharge point, location of vehicles, permanent reference points, sampling locations, etc. because this information is valuable in explaining and understanding the spill incident.

Add the following information on each map or sketch:

- Date and time of the sketch
- Name of the responsible party
- Location and site description
- The name of person completing sketch
- Location of permanent reference points such as street intersection, building corner, fire hydrant, trees, etc.
- Scale measurements used

■ **Other Data**

Check container shapes, markings, colors, placards, identification number and labels that may indicate the presence of a hazardous material. Talk with the drivers; check shipping paper information (most reliable), vehicle ID numbers and/or initials to identify hazardous material cargo.

Cleanup Efforts

Cleanup includes transportation and disposal of the spill or illicit discharge substance. Efforts should be coordinated with other agencies with a notable interest in the cleanup. If a contractor is needed for cleanup, contact the WDNR and ask for assistance in hiring a qualified contractor. For hazardous spills, the WDNR will use their Zone Contractor procedure.

Documentation from the process of identifying, containing and cleaning up spills and illicit discharges should be collected. Documented actions should be provided to the City of De Pere Stormwater Coordinator, Scott Thoresen, Director of Public Works, to be tracked for the annual report. These actions should be included in annual reports and include information such as: the number of outfalls screened; any complaints received and corrected; the number of discharges and quantities of flow eliminated; the number of dye or smoke tests conducted, etc. This illustrates that progress is being made to eliminate illicit connections. The County Emergency Director shall be notified of any spills that were determined to be a fire, explosion or safety hazard to life and health, threat to the environment or a need to evacuate.

The Responsible Party shall provide adequate cleanup for a spill or illicit discharge. If the Responsible Party has been identified, every effort should be made to receive cost recovery for funds expended by the City of De Pere. The WDNR should be kept informed of the progress on cleanups and to verify if any funding opportunities are available.

If a spill or illicit discharge is not cleaned up immediately it will require routine inspections to ensure that steps are being taken toward completing the cleanup. It is necessary to document these inspections in case further enforcement actions are necessary.

The Responsible Party shall provide documentation that the spill or illicit discharge has been cleaned up. The Illicit Discharge Coordinator has the authority to determine that the spill or illicit discharge has been adequately addressed. If the WDNR was involved in the cleanup, The City of De Pere may contact the WDNR to discuss the status.

Definitions:

WDNR Reportable Spill

ALL discharges of hazardous substances that adversely impact, or threaten to adversely impact public health, welfare or the environment must be IMMEDIATELY reported to the WDNR. Please report all spills through the RR Program Submittal Portal. For more information: [RR Program Submittal Portal | Wisconsin DNR](#)

Hazardous Substance

Chapter 292.01(5), Wis. Stats., defines a hazardous substance as "any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illnesses or 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. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department."

Illicit Discharge – 09-06 Illicit Discharge and Connection to Storm Sewer System

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 landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

(Source: NEWSC MODEL ILLICIT DISCHARGE AND CONNECTION ORDINANCE)

Municipal Separate Storm Sewer System (MS4) - 09-06 Illicit Discharge and Connection to Storm Sewer System

As defined in Wisconsin Administrative Code NR 216 (effective August 1, 2004), 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 the following criteria:

- (a) Owned or operated by a municipality.
- (b) Designed or used for collecting or conveying storm water.
- (c) Which is not a combined sewer conveying both sanitary and storm water.
- (d) Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

(Source: NEWSC MODEL ILLICIT DISCHARGE AND CONNECTION ORDINANCE)

Outfall 09-06 Illicit Discharge and Connection to Storm Sewer System

The point at which storm water is discharged to waters of the state or to a storm sewer.
(Source: NEWSOC MODEL ILLICIT DISCHARGE AND CONNECTION ORDINANCE)

Spill

The spill law, Chapter 292.11, Wis. Stats., requires that a person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the department immediately of any discharge not exempted by the statute. In order to determine whether you have a hazardous substance spill that requires immediate notification, you must ask yourself the following three questions: 1) Is the substance spilled a hazardous substance?; 2) Has it been released to the environment?; and 3) Are there statutory or rule exemptions that apply to this situation?

List of Appendix

Appendix A – Spills/Illicit Discharge – Initial Contact Form
Appendix B – Flow Chart (3rd Party and Employee)
Appendix C – Map / Contact List of adjoining municipalities
Appendix D – Sample Chain of Custody Form
Appendix E – Spill Containment Procedures



Appendix A

Spills / Illicit Discharge – Initial Contact Form

Director of Public Works: Scott Thoresen
925 S Sixth Street
Work 920-339-8095
Cell 920-639-1003

City Engineer: Eric Rakers
925 S Sixth Street
Work 920-339-4061
Cell 920-639-1000

Street Superintendent: Tony Fietzer
925 S Sixth Street
Work 920-339-8325
Cell 920-639-1001

Emergency Contact: 911

City of De Pere Fire Dept.: Brett Jansen, Fire Chief
400 Lewis Street
Work 920-339-4085
Cell 920-445-4802

For Cleanups on Surface Waters Brown County Hazmat,
Contacted and Quantitated by De Pere Fire Department.

Spills/Initial Discharge Log

Time and Date Call Received: _____

Name of Caller: _____

Phone Number: _____

Address of Caller: _____

Is Anyone Hurt or In Danger? _____

Location / Address of Spill: _____

Source of Spill: _____

Material Spilled (Liquid, Solid, Powder): _____

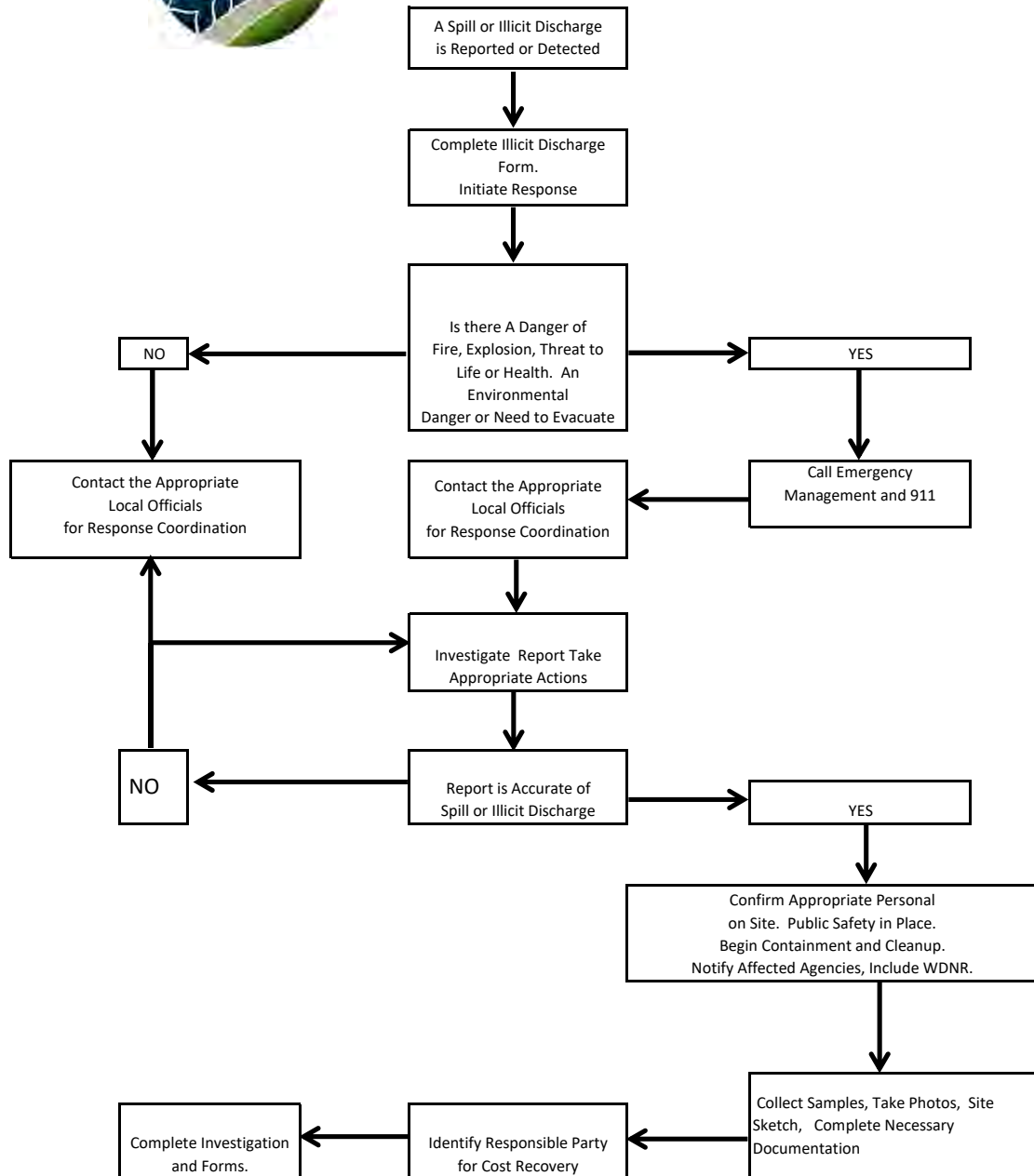
Extent / Size of Spill: _____

If Liquid, is it Flowing to Sewer System or Being Tracked by Traffic? _____

Is / has any action been taken? _____



Appendix B
City of De Pere
Spills and Illicit Discharge
Response Procedures





Village of Hobart

Village of Allouez

Village of Bellevu

City of De Pere

Town of Lawrence

Town of Ledgewie











Town of Ledgerville

Town of Rockland

Town of Rockland

City of De Pere

Map Features

 City of De Pere
 Neighboring Municipalities
 Parks and Public Space
 Water Features
 Railroad
Street Classes
 Interstate Highway
 U.S. / State Highway
 County Highway
 Local Road or Street
 Private, Vacated, Other Road

Brown County

1 inch = 1,000 feet

OWN COUNTY FAIRGROUNDS	C5
PERCE CRY ARENA	C11
5 PARK	C12
ST RIVER TRAIL	G20
ST DEE NATURE PARK	S13
ST JOHN BOAT LAUNCH	S14
X RIVER TRAIL	C14, H3, G
ORANGE STREET	F16
ST JOHN STREET PARKWAY	F15
MARTIN	G17
WILSON	G18
DANEN	O7
WITON	F11
WILSON	F13
SNIS TRAILSIDE	E13
CHAMIEL WALKER PLAZA	E13
CHAMIEL WALKER PLAZA	C14
TIMIST	H13
TRIDT	L9
ROCKFIS BOAT LAUNCH	C12
ESERVE	K5
INSEVOY	F16
ITARY	J16
CK	F15
MANTHA	O4
UTHERSTW	P2
W.	F10
YAGEUR	E12
WILSON PARK TRAIL	E13
WILSON	H13
LCOX	H13
LLIEMS	I10
LSGON	G11

[illegible]

City History

1834 In 1834, a mere 14 years after the signing of the 1820 Missouri Compromise, the first African American slave, Frederick Douglass, arrived in the city of Pittsburgh and, like thousands of other slaves, he was purchased by a money-hungry capitalist, Richard Armstrong.

De Paul One of the first names and origins in the city, the historic mission of St. Francis Xavier was first established here. For almost 200 years, from 1634, the mission has been a part of the city's history, and has played an important role in the city's history, and has played an important role in the city's history.

Leopoldo De Paul

1912 One year later, Marguerite spent the winter of 1912 in the city of Pittsburgh, a city of 100,000 people. She was the first woman to be elected to the city's first woman's club, the Lehigh Valley Club. She was the first woman to be elected to the city's first woman's club, the Lehigh Valley Club. She was the first woman to be elected to the city's first woman's club, the Lehigh Valley Club.

Early Settlement

The beginning of modern Pittsburgh dates from 1819, when the city was founded by the city's first woman, Marguerite. The city was founded by the city's first woman, Marguerite. The city was founded by the city's first woman, Marguerite.

Local Government

Between 1827 and 1854, De Paul spent the County of Allegheny. The city was founded by the city's first woman, Marguerite. The city was founded by the city's first woman, Marguerite. The city was founded by the city's first woman, Marguerite.

City Area:
12.77 square miles; 17,373 acres



Appendix D

City of De Pere Illicit Discharge Chain of Custody

Sampled By _____

Temperature _____

Sample Date _____

Weather _____

of Samples Taken _____

Sample Material _____

Liquid ☐

Powder ☐

Sample Discription and I.D. Number

Sample Location:

Testing Lab:

Composition of
Material tested

Tested By:

Date of Test:

Contact Person: Scott Thoresen (920)-339-8095 sthoresen@deperewi.gov
925 S Sixth Street De Pere, Wi. 54115



Appendix E

SPILL CONTAINMENT PROCEDURES:

- A. Stop the flow of the spill.
 - 1. Build a berm or sand bag to prevent the flow on pavement and in ditches.
 - 2. Sand bag inlets to prevent flow into inlets.
 - 3. Insert plugs in pipes to prevent flow within sewers.
 - 4. Divert flow to containment site or sanitary sewer, pump or vacuum if applicable.
- B. Prevent Runoff during Rain.
 - 1. Cover with plastic or tarps, divert water flow on pavement or ditch area.
- C. Prevent Tracking
 - 1. Barricade off area.
- D. Recover Discharged Material.
 - 1. Absorb liquids. Cover with sand, oil dry.
 - 2. Vacuum liquid, sweep street.
- E. Contain Liquids on Bodies of Water.
 - 1. City of De Pere Fire Department 920-339-4085 or 911.
 - 2. Containment and Clean up by Brown County Hazmat Team.
- F. Remove Solids.
 - 1. Loader and dump truck, street sweeper, hand shovels and broom.
- G. Dispose of recovered material to proper approved location or site.

APPENDIX E

CITY OF DE PERE CONSTRUCTION SITE EROSION CONTROL ORDINANCE (CHAPTER 42)

Chapter 42 CONSTRUCTION SITE EROSION CONTROL

Sec. 42-1. Authority.

- (a) This chapter is adopted under the authority granted by Wis. Stats. § 62.234, This chapter supersedes all provisions of any ordinance previously enacted under Wis. Stats. § 62.23 that relate to construction site erosion control. Except as otherwise specified in Wis. Stats. § 62.234, Wis. Stats. § 62.23 applies to this chapter and to any amendments to this chapter.
- (b) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the common council.
- (c) The common council designates the building inspector or designee to the administering authority to administer and enforce the provisions of this chapter.
- (d) The requirements of this chapter do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (1) State department of natural resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.
 - (2) Targeted nonagricultural performance standards promulgated in rules by the state department of natural resources under Wis. Admin. Code § NR 151.004.

(Code 2001, § 42-1; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-2. Findings of fact.

The common council finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state within the city.

(Code 2001, § 42-2; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-3. Purpose.

It is the purpose of this chapter to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the city.

(Code 2001, § 42-3; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-4. Applicability and jurisdiction.

- (a) *Applicability.*
 - (1) Except as provided under subsection (a)(2) of this section, this chapter applies to the land disturbing construction activities site as defined under section 42-5.
 - (2) This chapter does not apply to the following:

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- a. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
 - b. A construction project that is exempted by federal statutes or regulations from the requirement to have a National Pollutant Discharge Elimination System permit issued under 40 CFR 122, for land disturbing construction activity.
 - c. Nonpoint discharges from agricultural activity (facilities and practices).
 - d. Nonpoint discharges from silviculture activities.
 - e. Routine maintenance for project sites that have less than five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (3) Notwithstanding the applicability requirements in subsection (a)(1) of this section, this chapter applies to construction sites of any size that, as determined by the building inspector, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or the transportation of particulate.
- (b) *Jurisdiction.* This chapter applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the city, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to Wis. Stats. § 236.45(2) and (3).
- (c) *Exclusions.* This chapter is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1).
- (Code 2001, § 42-4; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-5. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administering authority means the city building inspector or designee, empowered under Wis. Stats. § 62.234, designated by the city to administer this chapter.

Agricultural facilities and practices has the meaning in Wis. Stats. § 281.16(1), as may be amended from time to time.

Best management practices or *BMPs* means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Business day means a day the office of the building inspector is routinely and customarily open for business.

Cease and desist order means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the building inspector.

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

Division of land means the creation from one or more parcels or building sites of additional parcels or building sites each in an area where such creation occurs at one time or through the successive partition within a five-year period.

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

Erosion and sediment control plan means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Extraterritorial means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within 1½ miles of a fourth class city or village.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Land disturbing construction activity means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, which may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. The term "land disturbing construction activity" includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

Landowner means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater BMPs on the property.

Maximum extent practicable or *MEP* means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this chapter as determined in accordance with section 42-6.

Performance standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the building inspector to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Pollutant has the meaning given in Wis. Stats. § 283.01(13).

Pollution has the meaning given in Wis. Stats. § 281.01(10).

Responsible party means the landowner or any other entity performing services to meet the requirements of this chapter through a contract or other agreement.

Runoff means stormwater or precipitation, including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

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

Silviculture activity means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

Stop work order means an order issued by the building inspector which requires that all construction activity on the site be stopped.

Technical standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under Wis. Stats. § 85.095(1)(b). The term "transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the department pursuant to Wis. Stats. § 281.33.

Waters of the state includes those portions of Lake Michigan and Lake Superior within the boundaries of the state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction.

(Code 2001, § 42-5; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-6. Maximum extent practicable.

Maximum extent practicable applies when a person who is subject to a performance standard of this chapter demonstrates to the building inspector's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

(Code 2001, § 42-6; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-7. Technical standards.

All BMPs required for compliance with this chapter shall meet the design criteria, standards and specifications based on any of the following:

- (1) Design guidance and technical standards identified or developed by the state department of natural resources under Wis. Admin. Code ch. NR 151, subch. V (Wis. Admin. Code § NR 151.30 et seq.).
- (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
- (3) Technical standards and methods approved by the building inspector.

(Code 2001, § 42-7; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-8. Performance standards for construction sites under one acre.

- (a) *Responsible party.* The responsible party shall comply with this section.
- (b) *Erosion and sediment control practices.* Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - (1) The deposition of soil from being tracked onto streets by vehicles.

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- (2) The discharge of sediment from disturbed areas into on-site stormwater inlets.
 - (3) The discharge of sediment from disturbed areas into adjacent waters of state.
 - (4) The discharge of sediment from drainageways that flow off the site.
 - (5) The discharge of sediment by dewatering activities.
 - (6) The discharge of sediment eroding from soil stockpiles existing for more than seven days.
 - (7) The transport by runoff into waters of the state of chemicals, cements, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subsection.
- (c) *Location.* The BMPs shall be located so that treatment occurs prior to runoff entering waters of the state.
- (d) *Implementation.* The BMPs used to comply with this section shall be implemented as follows:
- (1) Erosion and sediment control practices shall be constructed or installed before land disturbing constructive activities begin.
 - (2) Erosion and sediment control practices shall be maintained until final stabilization.
 - (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(Code 2001, § 42-8; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-9. Performance standards for construction sites of one acre or more.

- (a) *Responsible party.* The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with section 42-11.
- (b) *Erosion and sediment control plan.* A written site-specific erosion and sediment control plan shall be developed in accordance with section 42-11 and implemented for each construction site.
- (c) *Erosion and other pollutant control requirements.* The erosion and sediment control plan required under subsection (b) of this section shall include the following:
 - (1) *Erosion and sediment control practices.* Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - a. The deposition of soil from being tracked onto streets by vehicles.
 - b. The discharge of sediment from disturbed areas into on-site stormwater inlets.
 - c. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - d. The discharge of sediment from drainageways that flow off the site.
 - e. The discharge of sediment by dewatering activities.
 - f. The discharge of sediment eroding from soil stockpiles existing for more than seven days.
 - g. The discharge of sediment from erosive flows at outlets and in downstream channels.

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- h. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 - i. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
 - (2) *Sediment performance standards.* In addition to the erosion and sediment control practices under subsection (c)(1) of this section, the following erosion and sediment control practices shall be employed:
 - a. BMPs that, by design, discharge no more than five tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 - b. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply to the maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this section. Credit may be given toward meeting the sediment performance standard of this subsection for limiting the duration or area, or both of land disturbing construction activity and for other appropriate mechanisms.
 - c. Notwithstanding subsection (c)(2)a of this section, if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.
 - (3) *Preventative measures.* The erosion and sediment control plan shall incorporate all of the following:
 - a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - b. Minimization of soil compaction and preservation of topsoil.
 - c. Minimization of land disturbing construction activity on slopes of 20 percent or more.
 - d. Development of spill prevention and response procedures.
 - (4) *Location.* The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.
 - (d) *Implementation.* The BMPs used to comply with this section shall be implemented as follows:
 - (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in accordance with subsection (b) of this section.
 - (2) Erosion and sediment control practices shall be maintained until final stabilization.
 - (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(Code 2001, § 42-9; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-10. Permitting requirements; procedures and fees.

- (a) *Permit required.* No responsible party may commence a land disturbing construction activity subject to this chapter without receiving prior approval of an erosion and sediment control plan for the site and a permit from the building inspector.
- (b) *Permit application and fees.* At least one responsible party desiring to undertake a land disturbing construction activity subject to this chapter shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of section 42-11 and shall pay an application fee to the building inspector in an amount to be determined by resolution of the common council. By submitting an application, the applicant is authorizing the building inspector to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (c) *Permit application review and approval.* The building inspector shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (1) Within 20 business days of the receipt of a complete permit application, required by subsection (b) of this section, the building inspector shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this chapter.
 - (2) If the permit application and erosion and sediment control plan are approved, the building inspector shall issue the permit.
 - (3) If the permit application or erosion and sediment control plan is disapproved, the building inspector shall state in writing the reasons for disapproval.
 - (4) The building inspector may request additional information from the applicant. If additional information is submitted, the building inspector shall have 20 business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.
 - (5) Failure by the building inspector to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (d) *Surety bond.* As a condition of approval and issuance of the permit, the building inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
- (e) *Permit requirements.* All permits shall require the responsible party to:
 - (1) Notify the building inspector within 48 hours of commencing any land disturbing construction activity.
 - (2) Notify the building inspector of completion of any BMPs within 14 business days after their installation.
 - (3) Obtain permission in writing from the building inspector prior to any modification pursuant to section 42-11(c) of the erosion and sediment control plan.
 - (4) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (5) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (6) Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land disturbing construction activities and document repairs in a site inspection log.

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- (7) Inspect the BMPs within 24 hours after each rain of one-half inch or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary and document these activities in an inspection log that also includes the date of inspection, the name of individual who performed the inspection and a description of the present phase of the construction at the site.
 - (8) Allow the building inspector to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.
 - (9) The permit applicant shall post the certificate of permit coverage in a conspicuous location at the construction site.
 - (f) *Permit conditions.* Permits issued under this section may include conditions established by building inspector in addition to the requirements set forth in subsection (e) of this section, where needed to ensure compliance with the performance standards in section 42-8 or 42-9.
 - (g) *Permit duration.* Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The building inspector may grant one or more extensions not to exceed 180 days cumulatively. The building inspector may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this chapter.
 - (h) *Maintenance.* The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this chapter until the site has undergone final stabilization.

(Code 2001, § 42-10; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-11. Erosion and sediment control plan statement, requirements and amendments.

- (a) *Erosion and sediment control plan statement.* For each construction site identified under section 42-4 (a)(3), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the building inspector. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the chapter. A site map shall also accompany the erosion and sediment control plan statement.
- (b) *Erosion and sediment control plan requirements.*
 - (1) An erosion and sediment control plan shall be prepared and submitted to the building inspector.
 - (2) The erosion and sediment control plan shall be designed to meet the performance standards in section 42-8 or 42-9 and other requirements of this chapter.
 - (3) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - a. Names and addresses of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - b. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5-minute series topographic map.

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- c. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - d. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 - e. Calculations to show the compliance with the performance standard in section 42-9(c)(2)a.
 - f. Existing data describing the surface soil as well as subsoils.
 - g. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 - h. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (4) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet:
- a. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year floodplains, flood fringes and floodways shall also be shown.
 - b. Boundaries of the construction site.
 - c. Drainage patterns and approximate slopes anticipated after major grading activities.
 - d. Areas of soil disturbance.
 - e. Location of major structural and nonstructural controls identified in the erosion and sediment control plan.
 - f. Location of areas where stabilization BMPs will be employed.
 - g. Areas which will be vegetated following land disturbing construction activities.
 - h. Areas and locations of wetland on the construction site, and locations where stormwater is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 - i. Areas used for infiltration of post-construction stormwater runoff.
 - j. An alphanumeric or equivalent grid overlying the entire construction site map.
- (5) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

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- a. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 - b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the building inspector, structural measures shall be installed on upland soils.
 - c. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
 - d. Trapping of sediment in channelized flow.
 - e. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
 - f. Protection of downslope drainage inlets where they occur.
 - g. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 - h. Clean up of off-site sediment deposits.
 - i. Proper disposal of building and waste material.
 - j. Stabilization of drainageways.
 - k. Installation of permanent stabilization practices as soon as possible after final grading.
 - l. Minimization of dust to the maximum extent practicable.
- (6) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

Note to users: The erosion and sediment plan requirements of this subsection will meet the erosion control plan requirements of Wis. Admin. Code § NR 216.46, when prepared in accordance with good engineering practices and the design criteria, standards and specifications published by the state department of natural resources under Wis. Admin. Code ch. NR 151, subch. V (Wis. Admin. Code § NR 151.30 et seq.).

- (c) *Erosion and sediment control plan amendments.* The applicant shall amend the erosion and sediment control plan if any of the following occur:
- (1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
 - (2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (3) The building inspector notifies the applicant of changes needed in the erosion and sediment control plan.

(Code 2001, § 42-11; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-12. Fee schedule.

The fees referred to in other sections of this chapter shall be established by resolution of the common council and may from time to time be modified. A schedule of the fees established by the common council shall be available for review in the building inspection office.

(Code 2001, § 42-12; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-13. Inspection.

If land disturbing construction activities are being carried out without a permit required by this chapter, the building inspector may enter the land pursuant to the provisions of Wis. Stats. § 66.0119(1), (2), and (3).

(Code 2001, § 42-13; Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-14. Enforcement.

- (a) The building inspector may post a stop work order if any of the following occurs:
 - (1) Any land disturbing construction activity regulated under this chapter is occurring without a permit;
 - (2) The erosion and sediment control plan is not being implemented in a good faith manner;
 - (3) The conditions of the permit are not being met.
- (b) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the building inspector may revoke the permit.
- (c) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the building inspector, or if a responsible party violates a stop work order posted under subsection (a) of this section, the building inspector may request the city attorney to obtain a cease and desist order in any court with jurisdiction.
- (d) The board of appeals may retract the stop work order issued under subsection (a) of this section or the permit revocation under subsection (b) of this section.
- (e) After posting a stop work order under subsection (a) of this section, the building inspector may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this chapter. The building inspector may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the building inspector, plus interest at the rate authorized by the common council, shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Wis. Stats. ch. 66., subch. VII (Wis. Stats. § 66.0701 et seq.).
- (f) Any person violating any of the provisions of this chapter shall be subject to a forfeiture of not less than \$200.00 nor more than \$1,000.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(Ord. No. 16-19, § 1, 9-20-2016)

Sec. 42-15. Appeals.

- (a) *Board of appeals.* The board of appeals, created pursuant to section 14-21 of the city's zoning ordinance and pursuant to Wis. Stats. § 62.23(7)(e):
- (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the building inspector in administering this chapter except for cease and desist orders obtained under section 42-14(c);
 - (2) May authorize, upon appeal, variances from the provisions of this chapter which are not contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship; and
 - (3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (b) *Who may appeal.* Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the city affected by any decision of the building inspector.

(Code 2001, § 42-15; Ord. No. 16-19, § 1, 9-20-2016)

APPENDIX F

CITY OF DE PERE POST CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE (CHAPTER 28)

Chapter 28 POST-CONSTRUCTION STORMWATER MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 28-1. Authority.

- (a) This chapter is adopted by the common council under the authority granted by Wis. Stats. § 62.234. This chapter supersedes all provisions of any ordinance previously enacted that relates to stormwater management regulations. Except as otherwise specified in Wis. Stats. § 62.234, Wis. Stats. § 62.23 applies to this chapter and to any amendments to this chapter.
- (b) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (c) The common council hereby designates the director of public works or designee to administer and enforce the provisions of this chapter.
- (d) The requirements of this chapter do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:
 - (1) The state department of natural resources administrative rules, permits or approvals, including those authorized under Wis. Stats. §§ 281.16 and 283.33.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the state department of natural resources under Wis. Admin. Code § NR 151.004.

(Code 2001, § 28-1; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-2. Findings of fact.

The common council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainageways, and other minor drainage facilities.
- (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

(Code 2001, § 28-2; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-3. Purpose and intent.

- (a) *Purpose.* The general purpose of this chapter is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
- (1) Further the maintenance of safe and healthful conditions.
 - (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
 - (4) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.
- (b) *Intent.* It is the intent of the common council that this chapter regulates post-construction stormwater discharges to waters of the state. This chapter may be applied on a site-by-site basis. The common council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this chapter is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Wis. Stats. § 281.16, for regional stormwater management measures and have been approved by the common council, it is the intent of this chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

(Code 2001, § 28-3; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-4. Applicability and jurisdiction.

- (a) *Applicability.*
- (1) Where not otherwise limited by law, this chapter applies to all post-construction sites, unless the site is otherwise exempt under subsection (a)(2) of this section.
 - (2) A post-construction site that meets any of the criteria in this paragraph is exempt from the requirements of this chapter.
 - a. One- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one acre of disturbance.
 - b. Nonpoint discharges from agricultural activity areas.
 - c. Nonpoint discharges from silviculture activities.
 - d. Mill and crush operations.

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- (3) Notwithstanding the applicability requirements in subsection (a)(1) of this section, this chapter applies to post-construction sites of any size that, in the opinion of the director of public works, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (b) *Jurisdiction.* This chapter applies to post-construction sites within the boundaries and jurisdiction of the city, as well as the extraterritorial division of land subject to any ordinance enacted pursuant to Wis. Stats. § 236.45(2) and (3).
- (c) *Exclusions.* This chapter is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33(2).

(Code 2001, § 28-4; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-5. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate sod or self-sustaining vegetative cover means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. The term "self-sustaining vegetative cover" includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

Administering authority means the director of public works, empowered under Wis. Stats. § 62.234, that is designated by the common council to administer this chapter.

Agricultural activity area means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

Agricultural production area means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

Atlas 14 means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

Average annual rainfall means a typical calendar year of precipitation as determined by the state department of natural resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality. For the purposes of this chapter, average annual rainfall means measured precipitation in Green Bay, Wisconsin between March 29 and November 25, 1969.

Best management practices or *BMPs* means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

Business day means a day the office of the director of public works is routinely and customarily open for business.

Cease and desist order means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the director of public works.

Combined sewer system means a system for conveying both sanitary sewage and stormwater runoff.

Common plan of development or sale means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

Connected imperviousness means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. The Atlas 14 MSE4, 24-hour design storms for the city are:

- (1) One-year: 2.2 inches;
- (2) Two-year: 2.5 inches;
- (3) Five-year: 3.3 inches;
- (4) Ten-year: 3.8 inches;
- (5) 25-year: 4.4 inches; and
- (6) 100-year: 5.3 inches.

Development means residential, commercial, industrial, institutional, or other land uses and associated roads.

Direct conduits to groundwater means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

Division of land means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five-year period.

Effective infiltration area means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

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

Exceptional resource waters means waters listed in Wis. Admin. Code § NR 102.11.

Extraterritorial means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within 1½ miles of a fourth class city or village.

Filtering layer means soil that has at least a three-foot deep layer with at least 20 percent fines; or at least a five-foot deep layer with at least ten percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial, vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

Financial guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the director of public works by the responsible party to assure that requirements of this chapter are carried out in compliance with the stormwater management plan.

Governing body means the common council.

Highway has the meaning given in Wis. Stats. § 340.01(22).

Highway reconditioning has the meaning given in Wis. Stats. § 84.013(1)(b).

Highway reconstruction has the meaning given in Wis. Stats. § 84.013(1)(c).

Highway resurfacing has the meaning given in Wis. Stats. § 84.013(1)(d).

Impervious surface means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.

In-fill area means a new development area less than five acres in size that is located within existing urban sewer service areas, surrounded by already existing development or existing development and natural or manmade features where development cannot occur.

Infiltration means the entry of precipitation or runoff into or through the 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 roadside channels designed for conveyance and pollutant removal only.

Land disturbing construction activity (or disturbance) means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, which may result in runoff and lead to an increase in 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, and soil stockpiling.

Landowner means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater BMPs on the property.

Maintenance agreement means a legal document that provides for long-term maintenance of stormwater management and best management practices.

MEP or maximum extent practicable means the highest level of performance that is achievable but is not equivalent to a performance standard identified within this chapter. Maximum extent practicable applies when the permit applicant demonstrates to the director of public works' satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the permit applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Minor reconstruction of a highway means reconstruction of a highway that is limited to one and one-half miles in continuous or aggregate total length of realignment and that does not exceed 100 feet in width of roadbed widening.

New development means that portion of a post-construction site where impervious surfaces are being created or expanded. Any disturbance where the amount of impervious area for the post-development condition is

greater than the pre-development condition is classified as new development. For the purposes of this chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

NRCS MSE3 or MSE4 distribution means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

Off-site means located outside the property boundary described in the permit application.

On-site means located within the property boundary described in the permit application.

Ordinary high-water mark has the meaning given in Wis. Admin. Code § NR 115.03(6).

Outstanding resource waters means waters listed in Wis. Admin. Code § NR 102.10.

Percent fines means the percentage of a given sample of soil, which passes through a No. 200 sieve.

Performance standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the director of public works to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Permit administration fee means a sum of money paid to the director of public works by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

Pervious surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

Pollutant has the meaning given in Wis. Stats. § 283.01(13).

Pollution has the meaning given in Wis. Stats. § 281.01(10).

Post-construction site means a construction site following the completion of land disturbing construction activity and final site stabilization.

Post-development means the extent and distribution of land cover types present after the completion of land disturbing construction activity and final site stabilization.

Pre-development condition means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

Preventive action limit has the meaning given in Wis. Admin. Code § NR 140.05(17).

Protective area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

Redevelopment means that portion of a post-construction site where impervious surfaces are being reconstructed, replaced, or reconfigured. Any disturbance where the amount of impervious area for the post-development condition is equal to or less than the pre-development condition is classified as redevelopment. For the purposes of this chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

Responsible party means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.

Routine maintenance means that portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets,

driveways, and sidewalks are examples of routine maintenance, provided the lower one-half of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower one-half of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed. For the purposes of this chapter, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Separate storm sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catchbasins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not draining to a stormwater treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.

Silviculture activity means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

Stop work order means an order issued by the director of public works which requires that all construction activity on the site be stopped.

Stormwater management plan means a comprehensive plan designed to reduce the discharge of pollutants from stormwater, after the site has undergone final stabilization, following completion of the construction activity.

Stormwater management system plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Stormwater reference guide means the Stormwater Reference Guide, current edition, which is available for inspection from the city engineer and available on the city website.

Technical standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Top of the channel means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

Total maximum daily load (TMDL) means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP means total phosphorous.

TP-40 means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

TR-55 means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

Transportation facility means a public street, a public road, a public highway, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under Wis. Stats. § 85.095(1)(b).

TSS means total suspended solids.

Type II distribution means a rainfall type curve as established in the United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973. The Type II curve is applicable to all of the state and represents the most intense storm pattern.

Waters of the state has the meaning given in Wis. Stats. § 283.01(20).

(Code 2001, § 28-5; Ord. No. 16-22, § 1, 10-4-2016)

Secs. 28-6—28-15. Reserved.

ARTICLE II. STANDARDS, SPECIFICATIONS AND PROCEDURE

Sec. 28-16. Technical standards.

The following methods shall be used in designing and maintaining the water quality, peak discharge, infiltration, protective area, and fueling/vehicle maintenance components of stormwater practices needed to meet the water quality standards of this chapter:

- (1) Technical standards identified, developed or disseminated by the state department of natural resources under Wis. Admin. Code ch. NR 151, subch. V (Wis. Admin. Code § NR 151.30 et seq.).
- (2) Technical standards and guidance identified within the Stormwater Reference Guide.
- (3) Where technical standards have not been identified or developed by the state department of natural resources, other technical standards may be used, provided that the methods have been approved by the director of public works.
- (4) In this chapter, the following year and location has been selected as average annual rainfall: Green Bay, 1969 (March 29 through November 25).

(Code 2001, § 28-6; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-17. Performance standards.

- (a) *Responsible party.* The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.
- (b) *Stormwater management plan.* A written stormwater management plan in accordance with this section shall be developed and implemented for each post-construction site.
- (c) *Requirements.* The stormwater management plan shall meet the following minimum requirements to the maximum extent practicable:
 - (1) *Total suspended solids.* BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows. The total suspended solids reduction shall be based on the average annual rainfall, as compared to no runoff management controls.
 - a. For post-construction sites with one or more of the following:

1. 20,000 square feet or more of impervious surface disturbance and/or creation.
 2. Post construction sites with one acre or more of land disturbance the following is required:
 - (i) Reduce the total suspended solids load by 80 percent for infill and new development.
 - (ii) Reduce the total suspended solids load by 40 percent for redevelopment.
 - (iii) No total suspended solids load reduction is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed water quality BMP.
 - b. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce the total suspended solids load using BMPs from the city stormwater reference guide. These sites are not required to satisfy a numeric performance standard.
 - c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date February 3, 2009, of this chapter are required to satisfy the performance standards within subsection (c)(1)a.2 of this section.
 - d. The amount of total suspended solids control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- (2) *Off-site drainage.* When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.
- a. Notwithstanding subsections (c)(1)a through d of this section, if the design cannot achieve the applicable total suspended solids reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.
 - b. For redevelopment in the Lower Fox River Subbasin, an incentive is available for additional treatment of total suspended solids and total phosphorous as follows:

Watershed	Redevelopment		Routine Maintenance	
	TSS	TP	TSS	TP
Lower Fox River	80%	30%	80%	30%

For sites that meet both the TSS and TP Additional reductions, the annual stormwater management fee will be reduced by 50 percent. Documentation requirements can be found in the Stormwater Reference Guide.

- (3) *Peak discharge.* BMPs shall be designed, installed and maintained to control peak discharges from the post-construction site as follows:
- a. For post-construction sites with one or more of the following:
 1. 20,000 square feet or more of impervious surface disturbance and/or creation.
 2. Post construction sites with one acre or more of land disturbance the following is required:
 - (i) The peak post-development discharge rate shall not exceed the peak pre-development discharge rate for the one-year, two-year, ten-year, and 100-year, 24-hour design storms. These peak discharge requirements apply to new development and redevelopment areas. No peak discharge control is required

for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed peak flow control facility.

- (ii) TR-55 methodology shall be used for peak discharge calculations, unless the administering authority approves an equivalent methodology. The terms "hydrologic soil group" and "runoff curve number" mean as determined in TR-55. Peak pre-development discharge rates shall be determined using the following meadow runoff curve numbers:

Maximum Pre-Development Runoff Curve Numbers—Meadow

Hydrologic soil group	A	B	C	D
Runoff curve number	30	58	71	78

- b. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce peak post-development discharge rates using BMPs from the city stormwater reference guide. These sites are not required to satisfy a numeric performance standard.
- c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date February 3, 2009, of this chapter are required to satisfy the performance standards within subsections (c)(2)a.2(i) and (ii) of this section.
- d. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- e. An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of non-erosive discharge velocities and reasonable downstream conveyance.
- f. Exemptions. The following transportation facilities are not required to meet the peak discharge requirements of subsection (c)(2) of this section provided the transportation facility is not part of a larger common plan of development or sale:
1. A transportation facility where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving surface water by more than 0.01 of a foot for the two-year, 24-hour storm event.
 2. A highway reconstruction site.
 3. A transportation facility that is part of a redevelopment project.
- (4) *Infiltration.* BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following, except as provided in this section:
- a. For post construction sites with 20,000 square feet or more of impervious surface disturbance and/or one acre or more of land disturbance, one of the following shall be met:
1. Low imperviousness. For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volumes, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
 2. Moderate imperviousness. For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multifamily development, industrial and institutional development, and office parks,

infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent of the post-construction site is required as an effective infiltration area.

3. High imperviousness. For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent of the post-construction site is required as an effective infiltration area.
- b. Predevelopment condition shall assume good hydrologic conditions for appropriate land covers as identified in TR-55 or an equivalent methodology approved by the administering authority. The terms "hydrologic soil group" and "runoff curve number" mean as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the following runoff curve numbers shall be used:

Maximum Pre-Development Runoff Curve Numbers—Cropland

Hydrologic soil group	A	B	C	D
Runoff curve number	55	69	78	83

- c. For residential and nonresidential developments with less than 20,000 square feet of new impervious surfaces, infiltrate runoff volume using BMPs from the stormwater reference guide. These sites are not required to satisfy a numeric performance standard.
 - d. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the effective date of the ordinance from which this chapter is derived are required to satisfy the performance standards within subsections (c)(4)a and b of this section.
 - e. The amount of infiltration previously required for the site shall not be reduced as a result of the proposed development or disturbance.
 - f. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subsection (c)(11) of this section. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
- (5) *Source area prohibitions.* Infiltration of runoff from the following areas are prohibited from meeting the infiltration requirements of subsection (c)(4) of this section:
- a. Areas associated with Tier 1 industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(a) including storage, loading, rooftop and parking.
 - b. Storage and loading areas of Tier 2 industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(b).
 - c. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.

(6) *Prohibitions.*

- a. Areas within 1,000 feet upgradient or within 100 feet downgradient of karst features.
- b. Areas within 400 feet of a community water system well as specified in Wis. Admin. Code § NR 811.16(4) or within 100 feet of a private well as specified in Wis. Admin. Code § NR 812.08(4) for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
- c. Areas where contaminants of concern, as defined in Wis. Admin. Code § NR 720.03(2), are present in the soil through which infiltration will occur.

(7) *Source area exemptions.* Infiltration of runoff from the following areas are not required to meet the infiltration requirements of subsection (c)(4) of this section:

- a. Parking areas and access roads less than 5,000 square feet for commercial development.
- b. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the prohibitions under subsection (c)(6) of this section.
- c. Redevelopment and routine maintenance areas.
- d. In-fill areas less than five acres.
- e. Roads in commercial, industrial and institutional land uses, and arterial residential roads.
- f. Highways, provided the transportation facility is not part of a larger common plan of development or sale.

(8) *Separation distances.*

- a. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with the table below:

Separation Distances and Soil Characteristics

Source Area	Separation Distance	Soil Characteristics
Industrial, commercial, institutional parking lots and roads	5 feet or more	Filtering layer
Residential arterial roads	5 feet or more	Filtering layer
Roofs draining to subsurface infiltrations practices	1 foot or more	Native or engineered soil with particles finer than coarse sand
Roofs draining to surface infiltration practices	Not applicable	Not applicable
All other impervious source areas	3 feet or more	Filtering layer

- b. Notwithstanding subsection (c)(8)a of this section, applicable requirements for injection wells classified under Wis. Admin. Code ch. NR 815 shall be followed.

(9) *Infiltration rate exemption.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:

-
- a. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than six-tenths of one inch per hour using a scientifically credible field test method.
 - b. Where the least permeable soil horizon to five feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
 - c. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this subsection (c)(9)c.
- (10) *Groundwater standards.*
- a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Wis. Admin. Code ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
 - b. Notwithstanding subsection (c)(8)a of this section, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
- (11) *Pretreatment.* Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subsection (c)(4) of this section.
- (12) *Maximum extent practicable.* Where the conditions of subsection (c)(4) of this section limit or restrict the use of infiltration practices, the performance standard of subsection (c)(4)f of this section shall be met to the maximum extent practicable.
- (13) *Protective areas.*
- a. The term "protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this subsection, the term "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
 - 1. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in Wis. Admin. Code § NR 103.04: 75 feet.
 - 2. For perennial and intermittent streams identified on a United States Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current: 50 feet.
 - 3. For lakes: 50 feet.
 - 4. For highly susceptible wetlands: 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins.

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5. For less susceptible wetlands: ten percent of the average wetland width, but no less than ten feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass, cultivated hydric soils, and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 6. In subsections (c)(13)a.1, 4 and 5 of this section, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Wis. Admin. Code § NR 103.03.
 7. Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with Wis. Admin. Code § NR 103.08(1m). This subsection (c)(13) does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
 8. For concentrated flow channels with drainage areas greater than 130 acres: ten feet.
 9. Notwithstanding subsections (c)(13)a.1 through 8 of this section, the greatest protective area width shall apply where rivers, streams, lakes, and wetlands are contiguous.
- b. This subsection (c)(13) applies to post-construction sites located within a protective area, except those areas exempted pursuant to subsection (c)(13)e of this section.
 - c. The following requirements shall be met:
 1. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
 2. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

Note to users: It is recommended that seeding of non-invasive vegetative cover be used in the protective areas. Some invasive plants that should not be used are listed in Wis. Admin. Code ch. NR 40. Vegetation that is flood and drought tolerant and can provide long-term bank stability because of an extensive root system is preferable. Vegetative cover can be measured using the line transect method described in the University of Wisconsin Extension publication number A3533, titled "Estimating Residue Using the Line Transect Method."
 3. Best management practices such as filter strips, swales, or wet detention basins, which are designed to control pollutants from non-point sources may be located in the protective area.

Note to users: Other laws, such as Wis. Stats. ch. 30 and Wis. Admin. Code chs. NR 103, 115, 116, and 117 and their associated review and approval processes may apply in the protective area.

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- d. A protective area established or created after the adoption date of this chapter shall not be eliminated or reduced, except as allowed in subsection (c)(13)e of this section.
 - e. Exemptions. The following areas are not required to meet the protective area requirements of this subsection (c)(13):
 - 1. Redevelopment and routine maintenance areas, provided the minimum requirements within in this subsection (c)(13)e are satisfied.
 - 2. Structures that cross or access surface waters such as boat landings, bridges and culverts.
 - 3. Structures constructed in accordance with Wis. Stats. § 59.692(1v).
 - 4. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

Note to users: A vegetated protective area to filter runoff pollutants from post-construction sites described in this subsection (c)(13)e is not necessary since runoff is not entering the surface water at that location. Other practices, necessary to meet the requirements of this section, such as a swale or basin, will need to be designed and implemented to reduce runoff pollutants before the runoff enters a surface water of the state.

- (14) *Fueling and vehicle maintenance areas.* Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

Note to users: A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or nonstructural method of preventing or treating petroleum in runoff.

- (15) *Swale treatment for transportation facilities.* This subsection is not applicable to transportation facilities that are part of a larger common plan of development or sale.
 - a. *Requirement.* Except as provided in subsection (c)(15)b of this section, transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:
 - 1. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

Note to users: It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing runoff pollutant removal.
 - 2. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Slope Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the state department of natural resources technical standard 1005 Vegetated Infiltration Swales, dated May 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of technical standard 1005.

Note to users: Check dams may be included in the swale design to slow runoff flows and improve pollutant removal. Transportation facilities with continuous features such as curb and gutter, sidewalks or parking lanes do not comply with the design requirements of this section. However, a limited amount of structural measures such as curb and gutter may be allowed as necessary to account for other concerns such as human safety or resource protection.

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- b. *Exemptions.* The director of public works may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2,500 and where the initial surface water of the state that the runoff directly enters is any of the following:

1. An outstanding resource water.
2. An exceptional resource water.
3. Waters listed in section 303(d) of the federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
4. Waters where targeted performance standards are developed under Wis. Admin. Code § NR 151.004 to meet water quality standards.

Note to users: The transportation facility authority shall contact the state department of natural resource's regional stormwater staff or the state department of natural resources' liaison to the state department of transportation to determine if additional BMPs beyond a water quality swale are needed under this subsection.

- (16) *Exemptions.* The following areas are not required to meet the performance standards within this section:

- a. Agricultural production areas with less than 100,000 square feet of impervious surface disturbance.
- b. Underground utility construction such as water, sewer, gas, electric, telephone, cable television, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
- c. The following transportation facilities are exempt, provided the transportation facility is not part of a larger common plan of development or sale:
 1. Reconditioning or resurfacing of a highway.
 2. Minor reconstruction of a highway. Notwithstanding this exemption, the protective area requirements within Wis. Admin. Code § NR 151.24(6) apply to minor reconstruction of a highway.
 3. A redevelopment transportation facility with no increase in exposed parking lots or roads.
 4. A transportation facility with less than ten percent connected imperviousness based on complete development of the transportation facility, provided the cumulative area of all parking lots and rooftops is less than one acre.
 5. Routine maintenance for transportation facilities if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 6. Routine maintenance if performed for stormwater conveyance system cleaning.

- (d) *General considerations for on-site and off-site stormwater management measures.* The following considerations shall be observed in managing runoff:

- (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
- (2) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(e) *Location and regional treatment option.*

- (1) The BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system.
- (2) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this chapter. Post-construction BMPs may be located in non-navigable surface waters.
- (3) Except as allowed under subsection (e)(4) of this section, post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
- (4) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this chapter if:
 - a. The BMP was constructed prior to the effective date of this chapter and the BMP either, received a permit issued under Wis. Stats. ch. 30 or the BMP did not require a Wis. Stats. ch. 30 permit; and
 - b. The BMP is designed to provide runoff treatment from future upland development.
- (5) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this section.
 - a. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
 - b. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as Wis. Admin. Code ch. NR 103 and Wis. Stats. ch. 30.
- (6) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

Note to users: This section does not supersede any other applicable federal, state or local regulation such as Wis. Admin. Code ch. NR 103 and Wis. Stats. ch. 30.
- (7) The director of public works may approve off-site management measures, provided that all of the following conditions are met:
 - a. The director of public works determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the department of public works and that contains management requirements consistent with the purpose and intent of this chapter.
 - b. The off-site facility meets all of the following conditions:
 1. The facility is in place.
 2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this chapter.
 3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (8) Where a regional treatment option exists such that the director of public works exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the director of public works. In determining the fee for post-construction runoff, the director of public works shall consider an

equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

- (f) *Alternate requirements.* The director of public works may establish stormwater management requirements more stringent than those set forth in this section if the director of public works determines that an added level of protection is needed to protect sensitive resources. Also, the director of public works may establish stormwater management requirements less stringent than those set forth in this section if the director of public works determines that less protection is needed to protect sensitive resources and provide reasonable flood protection. However, the alternative requirements shall not be less stringent than those requirements promulgated in rules by the state department of natural resources under Wis. Admin. Code ch. NR 151.

(Code 2001, § 28-7; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-18. Permitting requirements, procedures and fees.

- (a) *Permit required.* No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the director of public works prior to commencing the proposed activity.
- (b) *Permit application and fees.* Unless specifically excluded by this chapter, any responsible party desiring a permit shall submit to the director of public works a permit application made on a form provided by the director of public works for that purpose.
- (1) Unless otherwise excepted by this chapter, a permit application must be accompanied by a stormwater management plan, a maintenance agreement and a non-refundable permit administration fee.
 - (2) The stormwater management plan shall be prepared to meet the requirements of sections 28-17 and 28-19, the maintenance agreement shall be prepared to meet the requirements of section 28-20, the financial guarantee shall meet the requirements of section 28-21, and fees shall be those established by the common council as set forth in section 28-32.
- (c) *Review and approval of permit application.* The director of public works shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
- (1) Within 20 business days of the receipt of a complete permit application, including all items as required by subsection (b)(2) of this section, the director of public works shall inform the applicant whether the application, stormwater management plan and maintenance agreement are approved or disapproved based on the requirements of this chapter.
 - (2) If the stormwater permit application, stormwater management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the director of public works shall issue the permit.
 - (3) If the stormwater permit application, stormwater management plan or maintenance agreement is disapproved, the director of public works shall detail in writing the reasons for disapproval.
 - (4) The director of public works may request additional information from the applicant. If additional information is submitted, the director of public works shall have 20 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - (5) Failure by the director of public works to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

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- (d) *Permit requirements.* All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this chapter shall be deemed to have accepted these conditions. The director of public works may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the director of public works to suspend or revoke this permit may be appealed in accordance with section 28-34.
- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (2) The responsible party shall design and install all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - (3) The responsible party shall notify the director of public works at least ten business days before commencing any work in conjunction with the stormwater management plan, and within ten business days upon completion of the stormwater management practices. If required as a special condition under subsection (e) of this section, the responsible party shall make additional notification according to a schedule set forth by the director of public works so that practice installations can be inspected during construction.
 - (4) Practice installations required as part of this chapter shall be certified as record drawings by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the director of public works or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The director of public works or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - (5) The responsible party shall notify the director of public works of any significant modifications it intends to make to an approved stormwater management plan. The director of public works may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
 - (6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the common council or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (7) The responsible party authorizes the director of public works to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Wis. Stats. ch. 66, subch. VII (Wis. Stats. § 66.0701 et seq.), or to charging such costs against the financial guarantee posted under section 28-21.
 - (8) If so directed by the director of public works, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainageways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
 - (9) The responsible party shall permit property access to the director of public works or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
 - (10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the director of public works may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

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- (11) The responsible party is subject to the enforcement actions and penalties detailed in section 28-33 if the responsible party fails to comply with the terms of this permit.
 - (12) The permit applicant shall post the certificate of permit coverage in a conspicuous location at the construction site.
 - (e) *Permit conditions.* Permits issued under this subsection may include conditions established by director of public works in addition to the requirements needed to meet the performance standards in section 28-17 or a financial guarantee as provided for in section 28-21.
 - (f) *Permit duration.* Permits issued under this section shall be valid from the date of issuance through the date the director of public works notifies the responsible party that all stormwater management practices have passed the final inspection required under subsection (d)(4) of this section.
 - (g) *Alternate requirements.* The director of public works may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under section 28-17(e) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

(Code 2001, § 28-8; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-19. Stormwater management plan.

- (a) *Plan requirements.* The stormwater management plan required under section 28-18(b) shall comply with the city stormwater reference guide and contain at a minimum the following information:
 - (1) Name, address, and telephone number of the landowner and responsible parties.
 - (2) A legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - (3) Pre-development site map with property lines, disturbed limits, and drainage patterns.
 - (4) Post-development site map with property lines, disturbed limits, and drainage patterns.
 - a. Total area of disturbed impervious surfaces within the site.
 - b. Total area of new impervious surfaces within the site.
 - c. Performance standards applicable to site.
 - d. Proposed best management practices.
 - e. Groundwater, bedrock, and soil limitations.
 - f. Separation distances. Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water.
- (b) *Alternate requirements.* The director of public works may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under section 28-17(c) or for applicants seeking a permit for a postconstruction site with less than 20,000 square feet of impervious surface disturbance.

(Code 2001, § 28-9; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-20. Maintenance agreement.

- (a) *Required.* The maintenance agreement required under section 28-18(b) for stormwater management practices shall be an agreement between the director of public works and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the county register of deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (b) *Agreement provisions.* The maintenance agreement shall contain the following information and provisions and be consistent with the management plan required by section 28-19(a):
 - (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under section 28-18(b).
 - (3) Identification of the responsible party, organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan required under section 28-18(b).
 - (4) Requirement that the responsible parties, organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in subsection (b)(2) of this section.
 - (5) Authorization for the director of public works to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (6) A requirement on the director of public works to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (7) Agreement that the party designated under subsection (b)(3) of this section, as responsible for long term maintenance of the stormwater management practices, shall be notified by the director of public works of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the director of public works.
 - (8) Authorization of the director of public works to perform the corrected actions identified in the inspection report if the responsible party designated under subsection (b)(3) of this section does not make the required corrections in the specified time period. The director of public works shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stats. ch. 66, subch. VII (Wis. Stats. § 66.0701 et seq.).
- (c) *Alternate requirements.* The director of public works may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under section 28-17(c) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

(Code 2001, § 28-10; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-21. Financial guarantee.

- (a) *Establishment of the guarantee.* The director of public works may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the director of public works. The financial

guarantee shall be in an amount determined by the director of public works to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the director of public works the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the director of public works that the requirements of this chapter have not been met.

(b) *Conditions for release.* Conditions for the release of the financial guarantee are as follows:

- (1) The director of public works shall release the portion of the financial guarantee established under this section, less any costs incurred by the director of public works to complete installation of practices, upon submission of record drawings by a licensed professional engineer. The director of public works may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
- (2) The director of public works shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the director of public works, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

(c) *Alternate requirements.* The director of public works may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under section 28-17(c) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

(Code 2001, § 28-11; Ord. No. 16-22, § 1, 10-4-2016)

Secs. 28-22—28-31. Reserved.

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

Sec. 28-32. Fee schedule.

The fees referred to in this chapter shall be established by resolution of the common council. A schedule of the fees so established shall be available for review in the office of the director of public works or city clerk.

(Code 2001, § 28-12; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-33. Enforcement.

- (a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of the ordinance from which this chapter is derived by any person, firm, association, or corporation subject to this chapter's provisions shall be deemed a violation unless conducted in accordance with the requirements of this chapter.
- (b) The director of public works shall notify the responsible party by certified mail of any noncomplying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

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- (c) Upon receipt of written notification from the director of public works under subsection (b) of this section, the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the director of public works in the notice.
 - (d) If the violations to a permit issued pursuant to this chapter are likely to result in damage to properties, public facilities, or waters of the state, the director of public works may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the director of public works, plus interest and legal costs shall be billed to the responsible party.
 - (e) The director of public works is authorized to post a stop work order on all land disturbing construction activity that is in violation of this chapter, or to request the city attorney to obtain a cease and desist order in any court with jurisdiction.
 - (f) The director of public works may revoke a permit issued under this chapter for noncompliance with chapter provisions.
 - (g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the director of public works or by a court with jurisdiction.
 - (h) The director of public works is authorized to refer any violation of this chapter, or of a stop work order or cease and desist order issued pursuant to this chapter, to the city attorney for the commencement of further legal proceedings in any court with jurisdiction.
 - (i) Any person, firm, association, or corporation who does not comply with the provisions of this chapter shall be subject to a forfeiture of not less than \$200.00 or more than \$1,000.00 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
 - (j) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.
 - (k) When the director of public works determines that the holder of a permit issued pursuant to this chapter has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the director of public works or a party designated by the director of public works may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The director of public works shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to section 28-21. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon.

(Code 2001, § 28-13; Ord. No. 16-22, § 1, 10-4-2016)

Sec. 28-34. Appeals.

- (a) *Board of appeals.* The board of appeals created pursuant to section 14.21 of city zoning regulations pursuant to Wis. Stats. § 62.23(7)(e), shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the director of public works in administering this chapter. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this chapter that are not contrary to the public interest, and, where owing to special conditions, a literal enforcement of this chapter will result in unnecessary hardship.

(b) *Who may appeal.* Appeals to the board of appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the city affected by any decision of the director of public works.

(Code 2001, § 28-14; Ord. No. 16-22, § 1, 10-4-2016)

APPENDIX G

STORMWATER OPERATION AND MAINTENANCE LISTING

STORMWATER OPERATION & MAINTENANCE LISTING						No. of Problems Noticed (Inspection Checklist)						
Basin	Name or Location	Type	Date of Last Inspection	Inspector	Ownership	Monitor (M)	Work Needed (WN)	Maintenance Deadline	Maintenance Completed	Follow Up Inspection Date	Maintenance Needed	Maintenance Agreement
AC050B	Westwind Ct	Pond			Public							Public
AC051	261 N Lawrence Dr	Pond	8/21/2024	ANH	Public	5	1		Yes		remove silt fence & logs	Public
AC050A	Elm - Ninth St	Swale/Ravine			Public							Public
AC130A	1951 Snowy Owl Ct [Organics Inc]	Pond			Public							Public
ER010A	W. Baraboo Cir.	Swale/Ravine			Public							Public
ER010A	1820-11A Ridgeway Dr (Eau Claire Pl)	Pond			Public							Public
ER020A	Pecatonica Ct drain	Swale/Ravine			Public							Yes
ER030A	1979 Tyler Ln	Pond			Public							No
ER040A	Shelley Ln [POTENTIAL]	FUTURE			Public							Public
AC055A	Exit 163 (Mid-Valley Rd-Hwy 41)	Pond	11/19/2024	ANH & BM	Public	1	1				Phragmites. Some pipes missing on DIME-add to list to shoot.	Public
ER130A	Diversity Dr (Susie C Altmayer Elementary)	Pond	11/13/2024	ANH	Public	1	2		Yes		NW inflow pipe and outlet need to be cleaned of debris.	No
FE030A	1011 Broadway St. (West of Fox River Trail)	Pond			Public							Public
AC060A	NW Lawrence - Grant Dry	Dry Detention	11/4/2024	ANH	Public	0	1		Yes		Clean all 4 endwalls of vegetation. Phragmites	Public
AC060A	SW Lawrence - Grant	Pond	8/22/2024	ANH	Public	11	0				Note: continue to monitor sediment from watermain break discharge	Public
AC090A	Exit 161 Roundabout (Hwy 41 - Scheuring)	Pond	11/4/2024	ANH	Public	1	0				Phragmites	Public
AC090A	Lawrence Dr (Integrays Parking-Preserve Entrance)	Pond	11/4/2024	ANH	Public	2	0				Phragmites, muskrats	Public
AC090A	Scheuring - American Blvd	Pond	9/12/2024	ANH	Public	0	2		Yes		Remove kiddy pool, garbage, dead tree branches. Outlet plugged up from sediment and vegetation	Public
AC100A	Ashwaubenon Creek (Preserve behind Humana-Hwy 41)	Pond	11/19/2024	ANH & BM	Public	6	2		Yes		Major endwall separation at inlet. Vegetation at outlet. (address?)	Public
AC100A	Hemlock Creek (Preserve behind Humana - Hwy 41)	Pond	11/19/2024	ANH & BM	Public	5	2				Major endwall separation at inlet and outlet	Public
AC100A	Humana Swale - Preserve	Swale/Ravine			Public							Public
AC100B	2077B Lawrence Dr (Honeysuckle)	Pond	11/19/2024	ANH	Public	4	2		Yes		Clear outlet of debris (off of Lawrence) Remove trash NW side (big mat)	Public
AC100B	Honeysuckle Swale (Rygar Ct.)	Swale/Ravine	10/10/2024	ANH	Public	0	2		Yes		Inlets by southbridge need to be cleaned from vegetation/debris. Grassclippings.	Public
AC100D	American Blvd - Southbridge Rd	Pond	9/3/2024	ANH	Public	5	3		Yes		Erosion at 6" inflow pipe, dead vegetation, Grass clippings 2218 American	Public

AC100D	American Blvd Central (Samantha St)	Pond	9/3/2024	ANH	Public	4	2		Yes		Major erosion and dead vegetation on west side by apartments	Public
AC100D	American Blvd Central 2 (Burgoyne Ct)	Pond	9/3/2024	ANH	Public	5	0					Public
FE150A	1171 S Atrium Ct	Swale/Ravine			Public							Public
AC100D	Central connecting ditch (American Blvd)	Swale/Ravine	9/3/2014	ANH	Public	1	0					Public
AC100D	Northern connecting ditch (American Blvd)	Swale/Ravine	9/3/2024	ANH	Public	1	0					Public
AC100D	Southern connecting ditch (American Blvd)	Swale/Ravine	9/3/2024	ANH	Public	1	0					Public
AC100E	Adare Ct	Pond	8/28/2024	ANH	Public	0	0					Public
AC100E	American Blvd South (Tullig)	Pond	8/28/2024	ANH	Public	3	0					Public
AC110A	Payton Ct	Pond	9/12/2024	ANH	Public	3	1		Yes		1844 Payton Ct dumping dead brush. Send letter.	Public
AC140A	Cross Creek Cir	Pond	9/4/2024	ANH	Public	6	2				Entire pond covered in algae. Remove sediment. Phragmites.	Public
AC140A	Cross Creek Cir	Swale/Ravine	9/4/2024	ANH	Public	0	0					Public
AC150A	Daytona Speedway (Pocono Ct)	Pond	9/4/2024	ANH	Public	2	0					Public
AC160A	Southbridge - Innovation (Foth)	Pond	11/19/2024	ANH & BM	Public	0	2		Yes		Phragmites. Dead Racoon in inlet.	Public
AC170A	Southwest Park West - Daytona Speedway	Dry Detention	9/4/2024	ANH	Public	2	4		Yes		Dead vegetation. Fence down.	Public
AC180A	Southwest Park South (Diamond)	Pond	9/4/2024	ANH	Public	9	0					Public
ER015A	W Rock River Cir	Swale/Ravine			Public							Public
ER020A	East River Dr - Rock River Ct	Swale/Ravine			Public							Public
ER020A	East River Trail (Black Earth Dr)	Pond	11/20/2024	ANH & BM	Public	3	1		Yes		Potential illicit discharge at inlet.	Yes
ER030A	Brule Rd. - Sullivan Ln.	Swale/Ravine			Public							Public
ER030A	Desplaine Rd. - East River Dr.	Swale/Ravine			Public							Public
ER030A	East River Dr. - Black Earth Dr. (East)	Swale/Ravine			Public							Public
ER030A	Shelley Ln. - Brule Rd.	Swale/Ravine			Public							Public
ER030A	Shelley Ln. (East)	Swale/Ravine			Public							Public
ER030A	Sullivan Ln. - Desplaine Rd.	Swale/Ravine			Public							Public
ER040A	Jim Martin Park	Pond	10/29/2024	ANH	Public	4	1		Yes		Outfall plugged- talked to DP VAC truck staff onsite. 11/11 still clogged.	Public

ER040A	Jim Martin Park 1st Easement East	Swale/Ravine	10/29/2024	ANH	Public	0	1		Yes		Water and leaves sitting in both endwalls on Brule.	Public
ER050A	Shetland Pl - Saddlebrook Ln (Rotary Park)	Pond	10/29/2024	ANH	Public	0	3				2 endwall displacements. Stone needed at 1 inflow on fabric.	Public
ER060A	Painthorse Trail	Pond	10/24/2024	ANH	Public	1	2		Yes		Fix cracked storm lateral at 1994 Painthorse? Dead phragmites need to be removed?	Public
ER080A	Ledgeview Swan Rd (Jossart Brothers Co.)	Pond	10/24/2024	ANH	Public	0	1				Sediment in inflow pipe on north side. Even with west storage garage. Animal burrows. LEDGEVIEW	Public
ER080A	Ledgeview Swan Rd Swale	Swale/Ravine	10/24/2024	ANH	Public	0	0					Public
ER100A	Millenium Ct	Swale/Ravine			Public							Public
ER110A	Enterprise Dr (Sit & Stay Pet Resort)	Pond	11/13/2024	ANH	Public	2	0		Yes		Grass clippings send letter. 11/27 they did not remove grass clippings.	Public
ER120A	S. Melcorn Cl	Swale/Ravine			Public							Public
ER120A	Trailside Ln	Pond	10/8/2024	ANH	Public	3	5		Yes		South inlet rip rap needs cleaning. North inlet & outlet need vegetation clearing. Outlet separation	Public
ER120B	Rockland Rd (North of 2100-2120 S. Broadway St.)	Swale/Ravine			Public							Public
FE190A	Optimist Park (17-09)	Pond	11/13/2024	ANH	Public	2	0					Public
FE260A	Greenleaf Rd - North of Belmark	Pond	10/29/2024	ANH	Public	1	0				Phragmites	Public
FE260B	1300 Enterprise Dr (Behind PAi)	Swale/Ravine	10/29/2024	ANH	Public	1	0				Phragmites	Public
FE260B	Greenleaf Rd - Fox River Trail	Pond	10/29/2024	ANH	Public	1	0				Phragmites	Public
FE280A	Oak Water Ct	Swale/Ravine			Public							Public
FE280A	Old Plank Ct	Swale/Ravine			Public							Public
FE280B	Greenleaf-Rockland Rd	Pond	10/24/2024	ANH	Public	1	1				Endwall separation at inflow pipe. Heavy phragmites.	Public
FE290A	Commerce Pond (16-09 Pond and Drainage Construction)	Pond	10/24/2024	ANH	Public	0	2				Parcel D-33-7 is mowing beyond their property and has a dog fence beyond their property	Public
FW010A	Perkofsky Boat Landing/Brown County Fair Grounds	Pond	8/21/2024	ANH	Public	2	0					Public
FW200B	Scheuring Rd - Suburban Dr	Pond	9/12/2024	ANH	Public	0	1				Clean vegetation around outlet pipe	Public
FW200C	Matthew - Suburban Dr	Pond	9/12/2024	ANH	Public	4	2				1 major erosion spot water from parking lot. 1 minor erosion spot starting.	Public
FW200E	Terry Ln - Mobile Home Park	Swale/Ravine			Public							Public
FW280B	500 Fortune Ave (Old Ecofibre)	Swale/Ravine			Public							No
FW280A	Fortune - Venture	Pond	11/20/2024	ANH & BM	Public	2	0				Note: 2 inlet pipes from new site not on DIME.	Public
FW280A	Red Maple - Lost Daupin	Swale/Ravine	9/5/2024	ANH	Public	0	0					Public

FW290A	1414 Builders Ct.	Pond	9/5/2024	ANH	Public	1	0					Public
FW290B	Glen Meadows Cir (Kiwanis Park)	Pond			Public							Public
FW290B	Hopf Ln	Pond	9/5/2024	ANH	Public	2	0					Public
FW290B	Red Maple (River Trail Ct)	Pond	9/5/2024	ANH	Public	0	2		Yes		Clear brush and sediment at outlet.	Public
FW290C	Dog Park	Pond	9/5/2024	ANH	Public	2	0				Phragmites by railroad tracks	Public
FW290C	Dog Park West Swale	Swale/Ravine	9/5/2024	ANH	Public	1	0					Public
FW290C	Richco Ct Swale	Swale/Ravine	9/5/2024	ANH	Public	1	0					Public
FW290C	Richco Ct.	Pond	9/5/2024	ANH	Public	0	0					Public
AC100A	Garrity's Glen	Pond	8/28/2024	ANH	Public	2	1				Major erosion from field draining. Currently working on ditch design.	Public
ER050A	Shetland Pl	Swale/Ravine			Public							Public
AC200A	Mystic Creek	Pond	9/4/2024	ANH	Public	0	0					Public
FW310	Waterview Heights Willie Mays	Pond	9/12/2024	ANH	Public	3	2		Yes		Clean trash & outlet grate. Orange fiber pipe pond? Reshoot outlet elevations to correct DIME	Public
FW290C	Waterview Heights Addison	Pond	9/12/2024	ANH	Public	2	0					Public
AC210	Kingston Preserve	Pond	11/19/2024	ANH	Public	0	1				Swale- east side of road near endwalls. Water from north is making a swale & eroding. Note for future	Public
FE070	Franklin Street	Pond	11/11/2024	ANH	Public	2	1		Yes		Outlet needs to be cleaned of debris. Also clean 3 inlets of debris.	Public

APPENDIX H

MS4 SYSTEM MAPS

MS4 Drainage System

- Private Facilities/Swale
- City Swales
- Minor Outfalls
- Major Outfalls
- Storm Manhole
- Storm End Wall
- Storm Catch Basin
- Collectors

Publicly Owned Land

- De Pere Recreational Areas
- De Pere Municipal Facilities

Natural Resources

- City Pond
- Private Storm Water Facilities
- 303(d) Impaired Waters
- WDNR Wetland Inventory (Less Than 2 Acres)
- WDNR Wetland Inventory (2 Acres or Greater)

WPDES Industrial Permits

- WPDES Industrial Permit I.D.

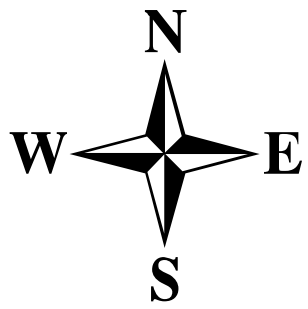
Other Mapped Features

- Municipal Boundary
- Parcel Lines

TMDL Watershed Basins

- Fox East Basins
- East River Basins
- Fox West Basins
- Ashwaubenon Creek Basins

1 inch = 500 feet



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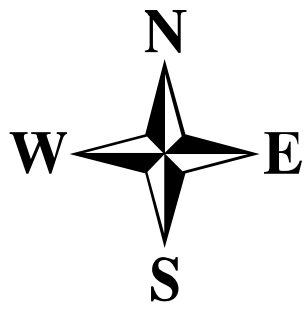
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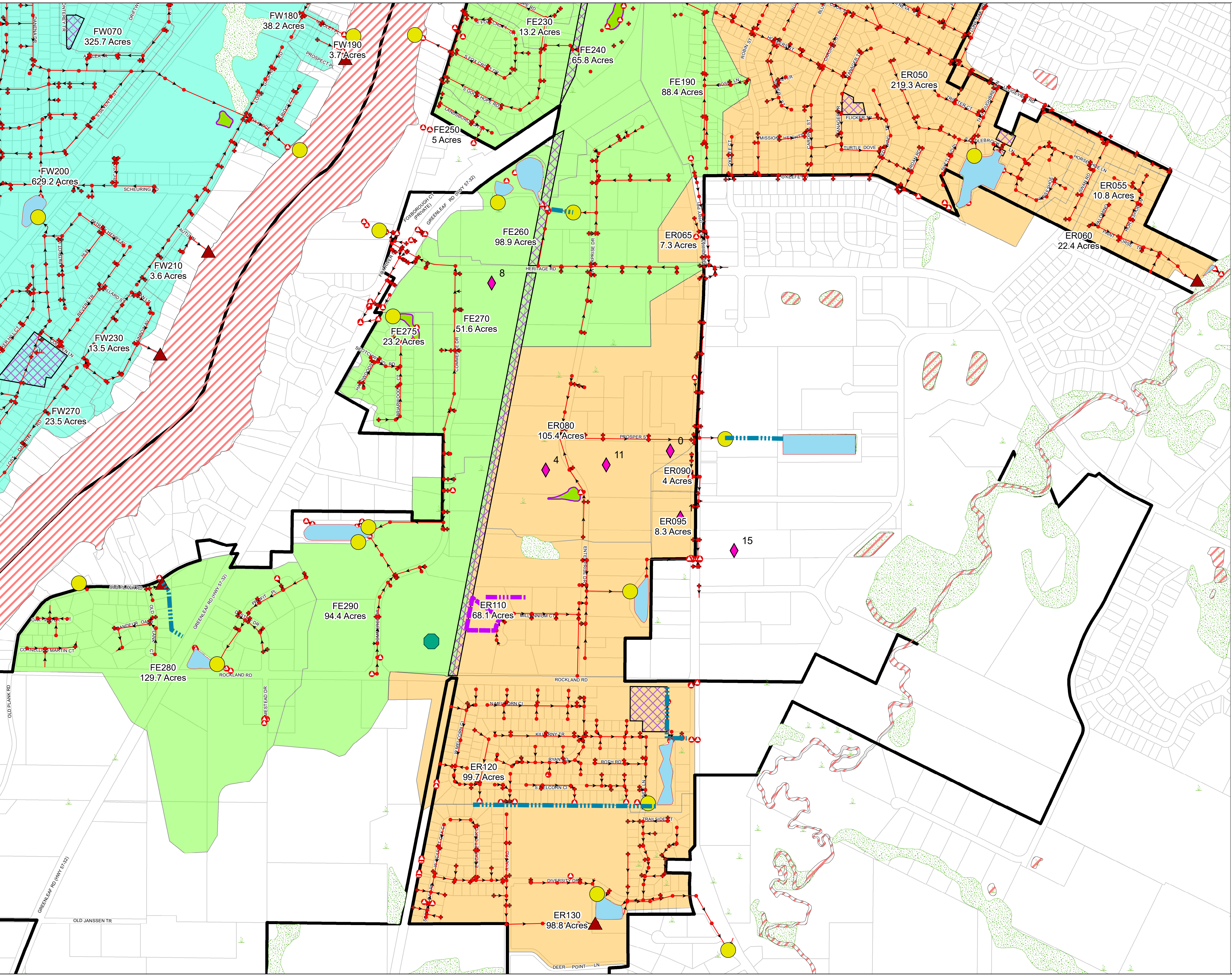
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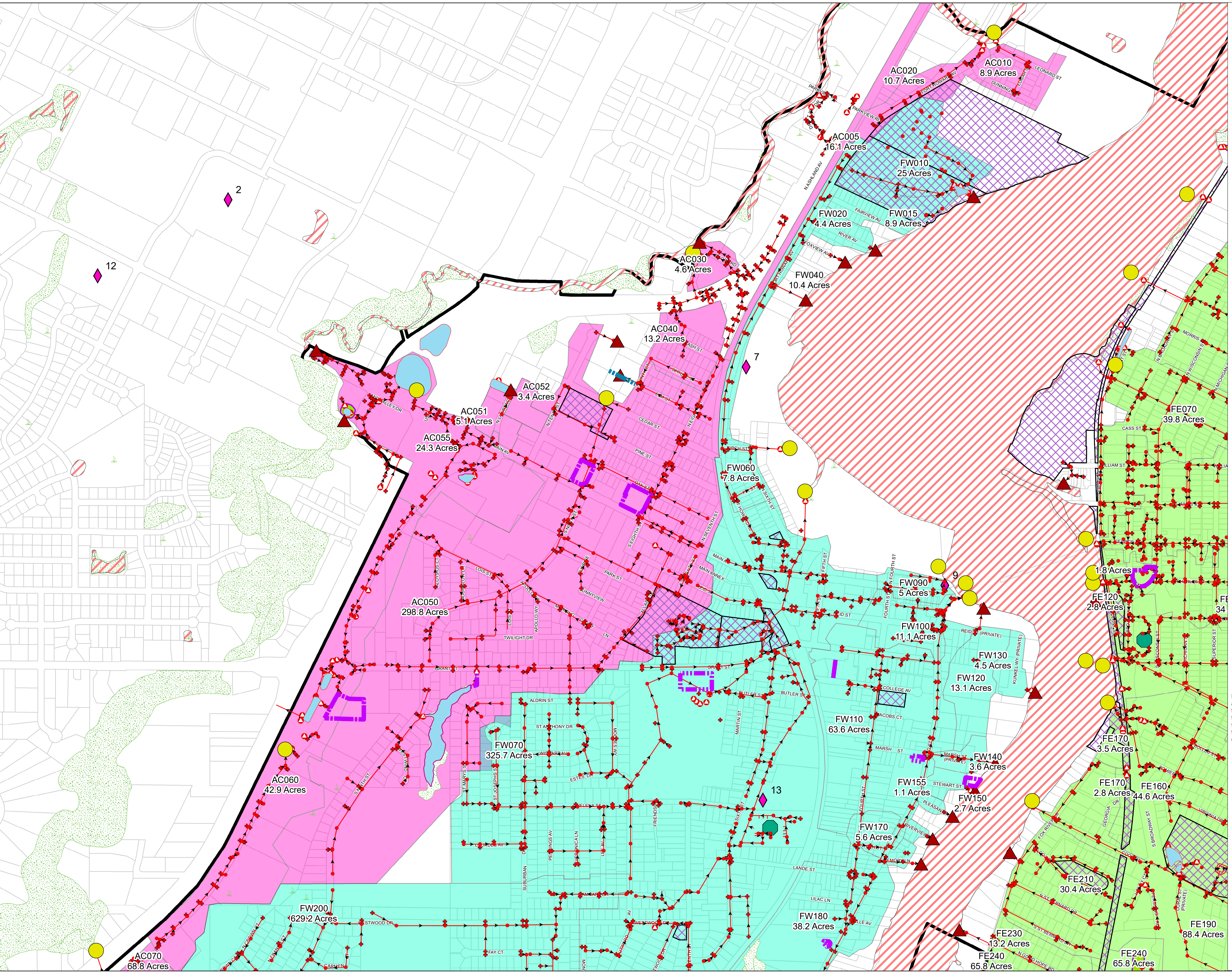
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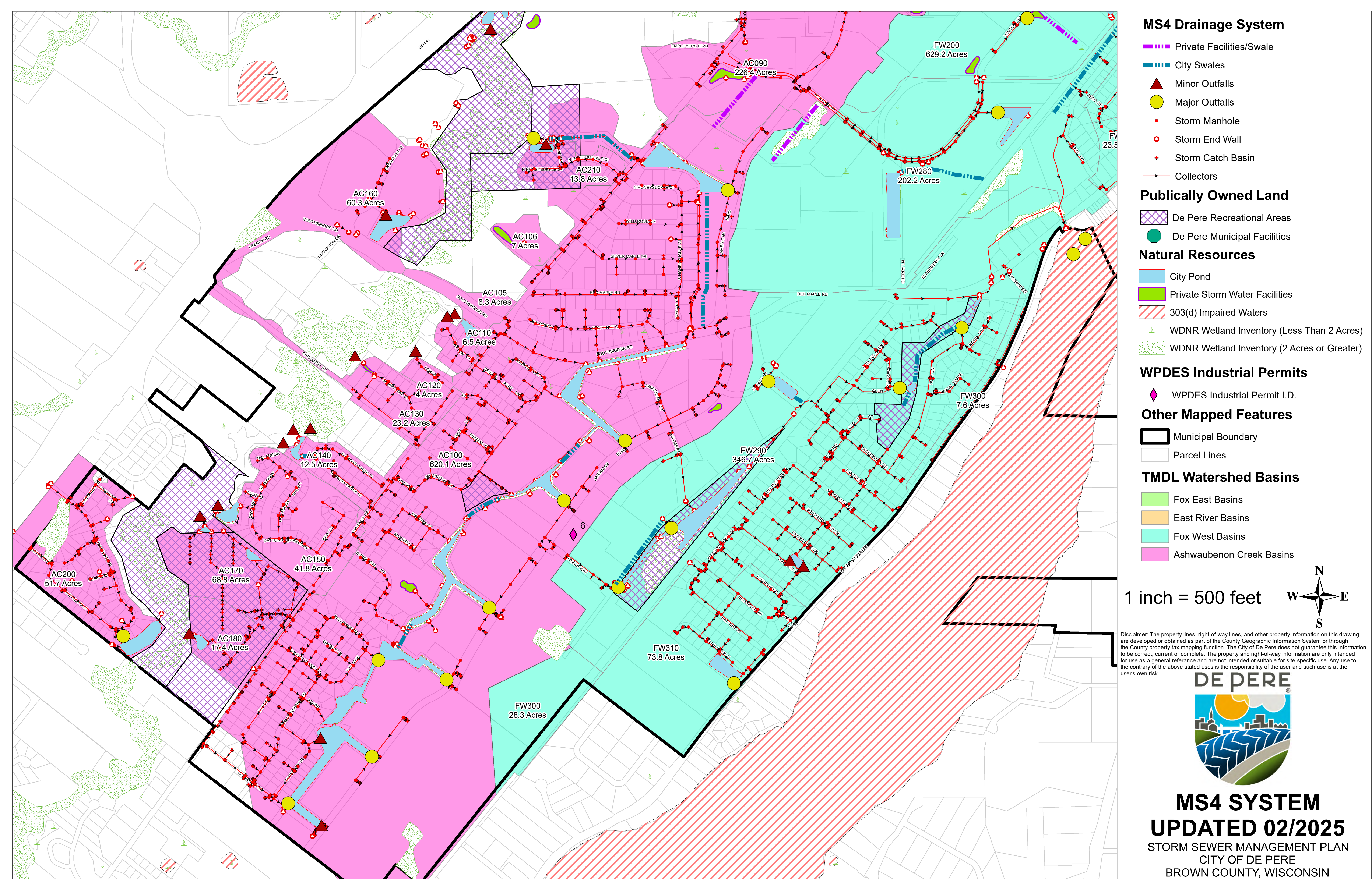


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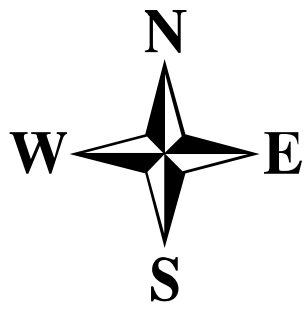
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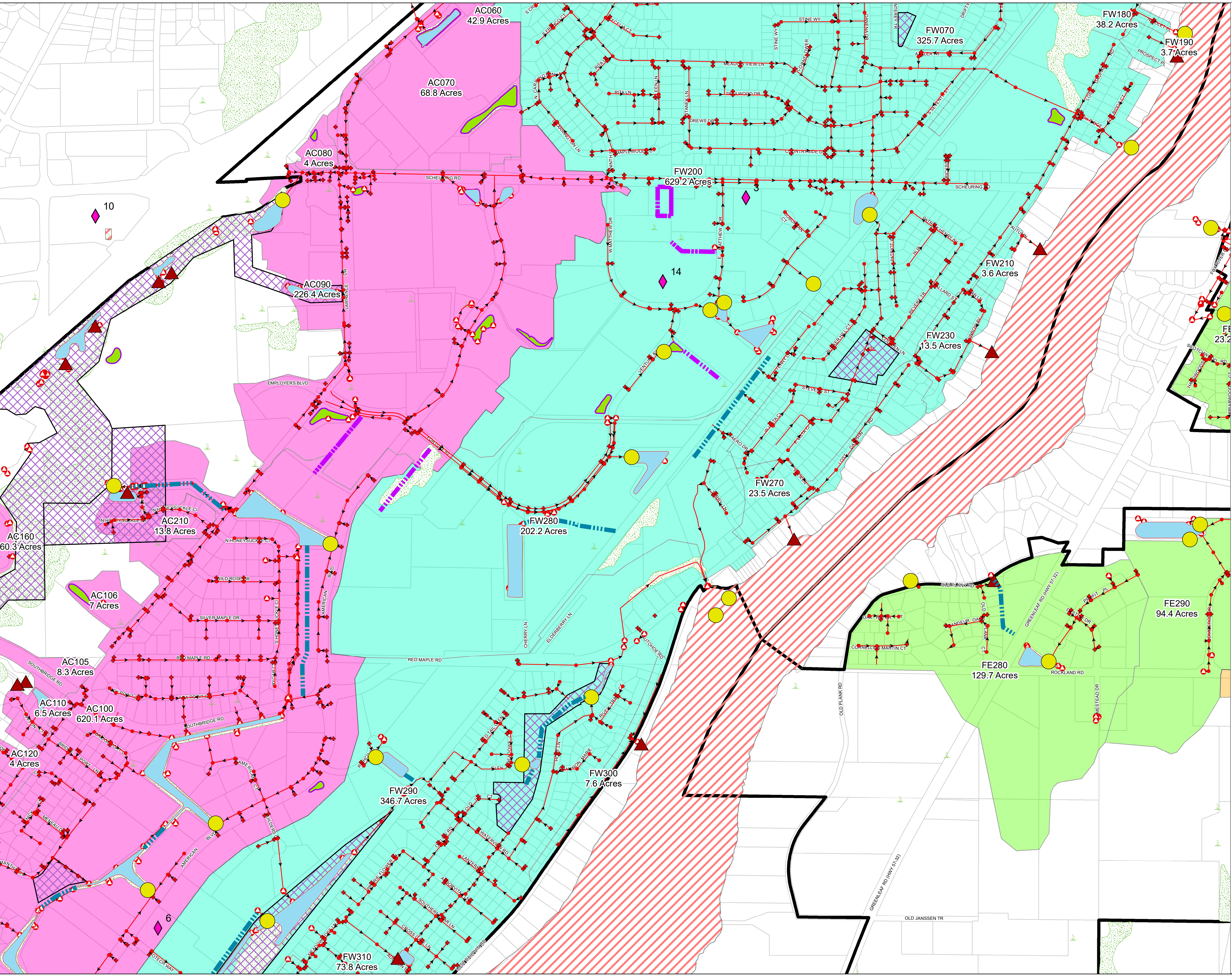
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CITY OF DE PERE
BROWN COUNTY, WISCONSIN



APPENDIX I

MS4 TEAM AGENDA

CITY OF DE PERE

Engineering Division

925 S. Sixth Street, De Pere, WI | 920-339-4061 | www.deperewi.gov/engineering



MS4 TEAM MEETING ANNUAL PERMIT UPDATE REVIEW APRIL 28, 2025 11:00 AM

Attendees: Tony Fietzer, Matt LeClair, Adam Baeten, Tom Blohowiak, Brian Christnovich, Dennis Jensen, Betty Marovich, Alli Hummel, Eric Rakers

1. Permit Review

- a. 2024 Annual Permit Review
- b. MS4 Components
 - 1) Public Education and Outreach (PE&O)
 - Passive and Active
 - Teaching/Education
 - 2) Public Involvement and Participation (PI&I)
 - Presenting the MS4 Annual Report and Storm Water Management Plan
 - Volunteering opportunities
 - 3) Illicit Discharge Detection and Elimination (IDDE)
 - Storm water ponds
 - 4) Construction Site Pollutant Control (CSPC)
 - Erosion inspections
 - 5) Post Storm Water Management (PSWM)
 - Monitoring and maintaining public and private facilities
 - Vegetation management
 - Agreements for private ponds
 - 6) Pollution Prevention (PP)
 - Monitoring and maintaining public and private facilities
 - Street Sweeping/leaf and brush collection/catch basin cleaning
 - Staff training

2. 2025 Audit

- a. Construction Sites
 - 1) Erosion Inspections
 - 2) Confirmation of Follow-up Actions
- b. Pond Inspections
 - 1) Action List

- c. MSC SWPP Review
 - 1) Street Sweepings and CB Debris
 - 2) Lawnmower cleaning
 - 3) Weekly inspections
- d. Southwest Park Treatment Plan
- e. Street Operations
 - 1) Salt calibration
 - 2) Sweeping documentation
 - 3) CB cleaning

3. 2025 Action Items

- a. Front/Franklin Pond
- b. Contractor Actions
 - 1) Pond Repairs
 - 2) Phragmites
 - 3) Rodent Trapping
 - 4) Dredging
- c. Require Private Pond Inspection
- d. Update Outfall Map
- e. Analyze Trailside Pond Swale System
- f. Swale Maintenance Policy
- g. Inspection Department Program
- h. IDDE Reviews
- i. Storm Water Model Update

4. Storm Water Management Plan Updates (PSWM)

- a. Honey Court Pond – 2026 Construction with a Grant