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TO: WDOT, District 1—Wendy Braun
WDNR—Eric Rortvedt, Laura Bub (South Central Region)
University of Wisconsin— Ben Griffiths, Keith Burdick, Jeff Orwin
Dane County Land Conservation—Kevin Connors, Pat Sutter, Jeremy Balousek
Dane County Office of Lakes and Watersheds—Sue Jones, Marcia Hartwig
Dane County Community Analysis and Planning Division—Mike Kakuska
City of Fitchburg—Rick Eilertson, Paul Woodard
City of Madison—Larry Nelson, Mike Dailey, Greg Fries, Genesis Bichanich
City of Middleton—Kevin McNulty, Gary Huth
City of Monona—Rich Vela
City of Stoughton—Rodney Scheel
City of Sun Prairie—Clint Christenson, Daryl Severson
City of Verona—Ron Rieder, Martin Cieslik
Town of Blooming Grove—Mike Wolf, Tony Reigstad
Town of Burke—Louis Ford
Town of Madison—Rick Rose
Town of Middleton—David Shaw
Town of Westport—Tom Wilson
Town of Windsor—Kevin Richardson
Village of Cottage Grove — James Hessling
Village of DeForest—Patrick Vander Sanden
Village of Maple Bluff—Tom Schroeder
Village of McFarland—Allan Coville, Don Peterson
Village of Shorewood Hills—Karl Frantz
Village of Waunakee—Kevin Even
EarthTech, Inc.—Jennifer Hurlebaus (*Verona, Westport, Waunakee*), Kelly Mattfield (*Burke*), Jim Bachhuber
Mead & Hunt, Inc.—Anne Anderson, Tim Astfalk (*Blooming Grove*)
MSA Professional Services—Ann Dansart (*Shorewood Hills*)
Foth Companies—Bill Dunlop (*Windsor*)
Nahn & Associates—Chuck Nahn (*Town of Madison, City of Monona*)
Strand Associates, Inc.—Jon Lindert (*UW-Madison*)
Vierbicher Associates, Inc.—Jon Radloff (*Town of Middleton, DeForest*)

* Underlined names indicate present at the meeting

FROM: Larry D. Nelson, City Engineer
RE: **MINUTES for the Madison Area Municipal Storm Water Partnership Meeting**
DATE: TUESDAY, FEBRUARY 3, 2009
TIME: 1:00 PM
LOCATION: DANE COUNTY FEN OAK RESOURCE CENTER - 1 FEN OAK COURT
Respectfully submitted by Genesis Bichanich, City of Madison Engineering

1. **Watershed map updates are due to Genesis by mid-February, PLEASE**
2. **Information and Education Updates (see also attached I&E update page)**

- a. **Garden Expo Sign Up**

All MAMSWaP members are invited to attend the 2009 Garden Expo for **FREE*** this year, including free parking. The dates are February 13-15. (*In exchange for just 2 hours of tending the booth and answering questions about stormwater, rain gardens, and rain barrels. Contact Marcia Hartwig to sign up)

- b. **Plant Dane! Grants**

This year's rain garden plant grant has no \$ restrictions and it is no longer required to attend the workshop (Feb. 28) to receive plants. Applications are due by May 29, 2009, but plants may also be available on the day of delivery (June 6), though on a first come, first served basis. MAMSWaP Municipalities should be encouraging their residents to apply. <http://www.myfairlakes.com/plantDane.aspx>

- c. **Fall Leaf Campaign**

MAMSWaP received a DNR grant to complete a CBSM (Community Based Social Marketing) program this year, though after much deliberation, we've decided it is too time consuming, complex, and expensive to complete a successful CBSM stormwater campaign. Instead, we will be focusing our education efforts on a fall leaf campaign aimed at keeping leaves out of the street. The campaign will include fall radio ads and other outreach activities. Stay tuned for how your municipality can help with this campaign.

- d. **5-Year Survey**

We are working with UW-Extension staff to create a follow-up survey of MAMSWaP-area residents (from our 2004 survey) to gauge how general knowledge of stormwater issues has changed over the past several years.

- e. **I&E Outreach Plan**

The outreach plan is nearly finished; we are currently checking it against the I&E section in the group permit to make sure everything is covered. Some edits are still being made within the I&E committee; the final draft will be sent out electronically once these have been addressed.

- f. **I&E Agreement**

Marcia sent out proposed changes to the I&E Agreement on Monday, Feb. 2. Some small additional changes have been made since then and will be incorporated into the final draft. If municipalities are OK with the final draft, they need to send them around for approval to the necessary committees and get signatures. The deadline is March 31, 2009.

3. **Proposed Changes to Group Permit (see also attached handout from Eric)**

Eric has sent the proposed changes to a small group of MAMSWaP representatives; once any proposed edits are incorporate, he will send out to everyone. Proposed changes are as follows:

- a. I&E Agreement will be stand alone document

- b. No monitoring will be required

- c. MAMSWaP members may work with other groups to achieve compliance with NR151 (or on any other condition of the permit), but each municipality is responsible for their own compliance. For example, if you've hired a street sweeping contractor who fails to meet the conditions of your contract, you cannot blame them for failing to achieve compliance with NR151.

- d. I&E program language has been clarified

- e. The 40% TSS reduction requirement per NR151 has been added to the permit. There was some discussion as to some ongoing dialog between regulators and the regulated regarding whether the 40% is achievable for most municipalities. If any new DNR guidelines come from these discussions, they could be incorporated through a Memorandum of Understanding between the DNR and MAMSWaP, as opposed to

rewriting the group permit. Since the 40% rule still stands currently, it will be incorporated into the permit rewrite.

- f. When the DNR required SLAMM results from municipalities for the 20% TSS requirements in 2008, some members showed how they plan to meet the 40% reduction requirement. Eric is asking that all municipalities do this by 3/31/2011, which is 2 years before the 40% reduction needs to be in place. If municipalities know they will not be able to meet the 2013 deadline, they will need to show what they will do and when to meet it and/or how they will continue to move toward that goal. It will not be acceptable for a municipality to declare that they are only able to meet 30% and leave it at that. They will need a plan to at least move in the direction of complying with the 40% reduction, even if it is not practically achievable.
- g. Outstanding & Exceptional Resource Waters (ORW & ERW) requirements will be written into the new permit. The DNR's Surface Water Data Viewer include layers that show which streams are considered ORW and ERW as well as those that are impaired.

<http://dnrmaps.wisconsin.gov/imf/imf.jsp?site=SurfaceWaterViewer>

Current proposed language is taken from the MS4 general permit. Municipalities may want to review the language (**attached**) with their attorneys. There will be a period for public comment prior to it being incorporated into the permit. In the case of an ERW, the proposed language states that if there is an existing discharge from a municipality, any new discharge would need to meet surface water quality standards. If there is no existing discharge or the water body is an ORW, stormwater pollutant levels may not exceed background levels of the water body. Links to the pertinent Wisconsin Admin Codes (NR 102, 104, 105, 106, 207, 217) can be found at the bottom-left of the following DNR website:

<http://www.dnr.state.wi.us/org/water/wm/wqs/>

- h. Impaired water requirements will also be written into the new permit. Municipalities will be expected to include a written section within their stormwater management program and/or their annual report that discusses what practices will be implemented to address the pollutants of concern for each affected impaired water body. Exact proposed language is **attached**. Atmospheric deposition pollutants do not have to be included in municipalities' plans. Wet weather monitoring is not required at this time.

A list of impaired waters can be found here:

<http://dnr.wi.gov/org/water/wm/wqs/303d/2008/2008Updates.htm>

Other Q & A

- Current Rock River TMDL proposal is to have a draft by Aug/Sept 2009
- Some sampling requirements have been added to the new permit; check language
- Meeting the 40% TSS and future TMDL will have highest priority in the new permit
- Municipalities can offer suggested changes to proposed language during the public comment period.

MAMSWaP I&E Update

Tuesday, February 3, 2009

Respectfully submitted by Marcia Hartwig, Madison Area Municipal Storm Water Partnership (MAMSWaP) Storm Water Education Coordinator, 608-224-3746, hartwig@co.dane.wi.us. Please feel free to contact me with questions.

CONSULTANTS AND MUNICIPAL REPRESENTATIVES: *Please make this report available to your municipalities.*

Intermunicipal Agreement

Final edits are being discussed and incorporated. Final draft is expected to go out this month for signature.

Five-Year Outreach Plan Development

The I&E Committee is in the final stages of developing the next five-year outreach plan. Changes are still being incorporated. The final draft will be distributed electronically after all edits have been addressed.

Five-Year Survey

The I&E Committee is working with UW Extension to develop a survey similar to the one developed in 2003. Results will be used to develop outreach for the fall leaf management campaign as well as to evaluate the overall program.

2009 Radio Campaign

Quotes are being sought from area companies for a fall ad campaign to coincide with other leaf management outreach activities.

Fall Leaf Campaign

The I&E Committee is planning a concerted effort for fall leaf management including radio ads, the yard signs and brochures we've used in the past and more.

2009 Plant Dane! Cost-Share Program

Several changes have been implemented for the 2009 Plant Dane! cost share program. It is no longer a "grant" program, but rather a cost-share program, thereby simplifying the application process. The application is now completely online at www.myfairlakes.com. Restrictions on who may participate have been lifted. The Graham-Martin Foundation will also be awarding a bonus flat of plants to every eighth participant. Participants may order plants until May 29, 2009 for delivery in June 2009. Plants will also be available on pick up day on a first-come, first-served basis. The annual workshop is scheduled for Sat., Feb. 28, 2009. To register for the workshop, interested individuals should complete the online application.

2009 Invoices

2009 invoices will not be sent out until the new agreement is signed by all parties.

Garden Expo

Garden Expo is February 13-15, 2009 at the Alliant Energy Center. As in years past, we will have a booth and we are looking for volunteers to help staff the booth. We will be focusing on rain gardens and the Plant Dane! Cost-Share Program this year.

I&E Committee Members Needed

Currently we only have two city representatives (none from a town or village) on the I&E Committee and are looking for representation from villages and towns. All other representatives are either DNR or Dane County. Please contact me if you are able to serve on this important committee. The I&E Committee generally meets a couple of weeks in advance of the large quarterly meetings.

DATE: February 3, 2009

TO: MAMSWaP Representatives

FROM: Eric Rortvedt – WDNR

SUBJECT: Proposed Changes for the Madison Area Group MS4 Permit (WI-S058416-3)

The proposed draft of this permit is currently being reviewed by DNR and also a small group of MAMSWaP representatives. After incorporating changes, it will be sent to the all MAMSWaP representatives for their review. Below are the primary changes proposed to the MAMSWaP permit:

1. Information and Education Agreement will be stand alone document from the permit. However, it is still a necessary agreement to administer the I&E program to comply with the permit.
2. Monitoring project requirement such as the rain garden study is removed.
3. Co-permittee may, by written agreement, implement any condition of the permit with another co-permittee or other entity.
4. A few items were added and/or clarified in I&E program consistent with the revised subch. I of ch. NR 216.
5. Developed Urban Area Standard to reduce TSS discharge by 40% as compared to no control by March 10, 2013 was added.
6. Assessment of Compliance to meet the 40% Developed Urban Area Standard is to be submitted to the Department by March 31, 2011.
7. Outstanding and Exceptional Resource Water (ORW & ERW) Requirements (see attached language from MS4 general permit).
8. Impaired Waters Requirements (see attached language from MS4 general permit).

1.4 Outstanding and Exceptional Resource Waters

1.4.1 The permittee shall determine whether any part of its MS4 discharges to an outstanding resource water (ORW) or exceptional resource water (ERW). ORWs and ERWs are listed in ss. NR 102.10 and 102.11, Wis. Adm. Code. An unofficial list of ORWs and ERWs may be found on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/>.

1.4.2 The permittee may not establish a new MS4 discharge of pollutants to an outstanding resource water (ORW) or an exceptional resource water (ERW) unless the storm water management programs required under this permit are designed to ensure that any new MS4 discharge of pollutants to an ORW or ERW will not exceed background levels within the ORW or ERW.

1.4.2.1 "New MS4 discharge of pollutants" means an MS4 discharge that would first occur after the permittee's start date of coverage under this permit to a surface water to which the MS4 did not previously discharge storm water, and does not include an increase in an MS4's discharge to a surface water to which the MS4 discharged on or before coverage under this permit.

1.4.3 If the permittee has an existing MS4 discharge to an ERW, it may increase the discharge of pollutants if the increased discharge would not result in a violation of water quality standards.

1.4.4 If the permittee has an existing MS4 discharge to an ORW, it may increase the discharge of pollutants provided all of the following are met:

1.4.4.1 The pollutant concentration within the receiving water and under the influence of the existing discharge would not increase as compared to the level that existed prior to coverage under this permit.

1.4.4.2 The increased discharge would not result in a violation of water quality standards.

1.5 Impaired Water Bodies and Total Maximum Daily Load Requirements

1.5.1 The permittee shall determine whether any part of its MS4 discharges to an impaired water body listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC §1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR §130.7(c)(1). Impaired waters are those that are not meeting applicable water quality standards. A list of Wisconsin impaired water bodies may be found on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/303d/303d.html>.

1.5.2 If the permittee's MS4 discharges to an impaired water body, the permittee shall include a written section in its storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of pollutant(s) of concern that contribute to the impairment of the water body. This section of the permittee's program shall specifically identify control measures and practices that will collectively be used to try to eliminate the MS4's discharge of pollutant(s) of concern that contribute to the impairment of the water body and explain why these control measures and practices were chosen as opposed to other alternatives. Pollutant(s) of concern means a pollutant that is causing impairment of a water body.

1.5.3 After the permittee's start date of coverage under this permit, the permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharge causes the receiving water to meet applicable water quality standards, or the Department has approved a total maximum daily load (TMDL) for the impaired water body.

1.5.4 The permittee shall determine whether its MS4 discharges to an impaired water body for which the Department has approved a TMDL. If so, the permittee shall assess whether the TMDL wasteload allocation for the MS4 is being met through the existing storm water management controls or whether additional control measures are necessary. The permittee's assessment of whether the TMDL wasteload allocation is being met shall focus on the adequacy of the permittee's storm water controls (implementation and maintenance). Approved TMDLs are listed on the Department Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/303d/index.html>.

1.5.5 The storm water management program developed under section 2 of this permit shall be revised as necessary to achieve and maintain compliance with any Department approved-TMDL wasteload allocation for an impaired water to which the MS4 discharges. The redesigned storm water management programs shall be implemented as soon as possible.