

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY



ANDREW BAKER
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY

March 26, 2014
DATE DRAFTED

AMENDING VARIOUS SECTIONS OF THE ROCK COUNTY STORM WATER MANAGEMENT
ORDINANCE (CHAPTER 4 PART 8)

1 The County Board of Supervisors of the County of Rock does ordain as follows:
2

3 I. Chapter 4, Part 8, of the Rock County Ordinances shall be amended to read as follows (new
4 language underscored, ~~deleted language crossed out~~):
5

6 **4.805 Jurisdiction, Applicability and Waivers**
7

8 (2) Applicability

9 (A) This ordinance applies to the following land disturbing activities:
10

11 (3) Land disturbing activities, on a site of any size, that have been observed to cause,
12 or have been determined likely to result in, runoff in excess of the safe capacity of the
13 existing drainage facilities or receiving body of water, undue channel erosion, increased
14 water pollution by scouring or the transportation of particulate matter, or endangerment
15 of property or public safety. The ~~LCD~~ LCC shall make this determination after review
16 by the ~~Technical Review Committee~~ LCD.
17

18 (B) Exemptions.

19 1. This ordinance does not apply to the following:
20

21 ~~e. Redevelopment post construction sites with no increase in exposed~~
22 ~~parking lots or roads~~

23 ~~f. Post-construction sites with less than 10 percent connected~~
24 ~~imperviousness, based on complete development of the post-construction~~
25 ~~site, provided the cumulative area of all parking lots and rooftops~~
26 ~~impervious surfaces is less than one acre;~~
27

28 ~~g. f. Underground utility construction such as water, sewer, and fiber optic~~
29 ~~lines. This exemption does not apply to the construction of any above~~
30 ~~ground structures associated with utility construction;~~
31

32 (3) Waivers
33

34
35 (B) The ~~Technical Review Committee~~ LCD shall be responsible for making
36 recommendations to the LCC concerning all waiver applications.
37

38 **4.807 Performance Standards**
39

40 (1) General Considerations
41

42 (B) Maintenance of Effort. For redevelopment sites where the redevelopment will be
43 replacing older development that was subject to post-construction performance standards of
44 this ordinance in effect on or after March 2004, the storm water management plan must
45 meet the TSS reduction, peak flow control, infiltration, and protective area standards

14-4A-566

46 applicable to the older development or meet the redevelopment standards of the revised
 47 ordinance, whichever is more stringent.

48
 49 (C) Off-Site Drainage. When designing BMPs, runoff draining to the BMP from off-site
 50 shall be taken into account in determining the treatment efficiency of the practice. Any
 51 impact on the efficiency shall be compensated for by increasing the size of the BMP
 52 accordingly.

53
 54 (2) Storm Water Runoff Peak Discharge Rate and Volume. Unless otherwise provided for in
 55 this ordinance, all land development activities subject to this ordinance shall establish
 56 onsite management practices to control the peak flow rates of storm water discharged
 57 from the site as described in this ordinance. Infiltration of storm water runoff from
 58 driveways, rooftops, parking lots, and landscaped areas shall be incorporated to the
 59 maximum extent practical to provide volume control in addition to control of peak flows
 60

61 (A) The proposed land development shall, by design, not increase peak flow rates of storm
 62 water runoff from that which would have resulted from the same storm occurring over the
 63 site with the land in its pre-developed conditions for the one (1), two (2), ten (10), and one-
 64 hundred (100) year, twenty-four (24) hour storms.

65
 66 (B) All runoff and flow calculations required for peak flow design shall use a hydrograph-
 67 producing method such as described in the most recent version of TR-55. The LCD retains
 68 approval of the methods used to determine runoff volume. Calculations for determining
 69 peak runoffs and volumes must incorporate the following assumptions.

70
 71 1. The design rainfall storm accumulation for different storm intensities in Rock
 72 County shall be based on the following data.

73
 74 a. Rainfall Accumulation for 24 hour Rainfall:

- 75 i) 1-Year Storm 2.25 Inches
- 76 ii) 2-Year Storm 2.9 Inches
- 77 iii) 10-Year Storm 4.1 Inches
- 78 iv) 100-Year Storm 6.0 Inches

79
 80
 81
 82 4. Runoff Curve Numbers for on-site areas shall be based on pre-developed and
 83 proposed developed land use conditions. The maximum pre-development runoff curve
 84 numbers are shown in Table 1. Runoff Curve Number for off-site areas shall be based
 85 on the pre-developed or proposed land use, which ever results in the highest peak
 86 flows. Runoff Curve numbers are described in TR-55.

87
 88 (NEW TABLE)

Maximum Pre-development Runoff Curve Numbers				
Land Cover	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

89
 90
 91
 92 Table 1

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(TABLE TO BE DELETED)

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(E) The storm water runoff peak discharge rate and volume requirements of this section of this ordinance do not apply to any of the following:

1. ~~A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles. A post-construction site where the change in hydrology due to development does not increase the existing downstream surface water elevation of rivers, streams, or lakes by more than 0.01 foot for the 100-year, 24-hour storm.~~
2. Except as provided in 4.807(1)(B), a redevelopment post-construction site.
3. An in-fill development of less than 5 acres.

~~(F) A determination as to whether the exceptions listed in (E) above apply to a particular post-construction site must be made as part of the waiver process described in sec. 4.808(3) of this ordinance.~~

(3) Storm Water Runoff Discharge Quality – Total Suspended Solids. BMPs shall be designed, installed or applied, and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

(A) For new development and in-fill development, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this section.

(B) For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load generated on parking areas and roads by 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this section.

~~(C) For in-fill development under 5 acres that occurs within 10 years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this section.~~

~~(D) For in-fill development that occurs 10 or more years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this section.~~

~~(E)~~ Notwithstanding paragraphs (A) and to (B), if the design cannot achieve the applicable total suspended solids reduction specified, the storm water 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.

155 (4) Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff to the
 156 maximum extent practicable in accordance with the following, except as provided in paragraphs
 157 (F) through (H).

158
 159 (A) — For residential developments one of the following shall be met:

160
 161 1. Infiltrate sufficient runoff volume so that the post-development infiltration
 162 volume shall be at least 90% of the pre-development infiltration volume, based
 163 on an average annual rainfall. However, when designing appropriate infiltration
 164 systems to meet this requirement, no more than 1% of the project site is required
 165 as an effective infiltration area.

166
 167 2. Infiltrate 25% of the post-development runoff from the 2-year, 24-hour
 168 design storm with a type II distribution. Separate curve numbers for pervious and
 169 impervious surfaces shall be used to calculate runoff volumes and not composite
 170 curve numbers as defined in TR-55. However, when designing appropriate
 171 infiltration systems to meet this requirement, no more than 1% of the project site
 172 is required as an effective infiltration area.

173
 174 (B) — For non-residential development, including commercial, industrial and
 175 institutional development, one of the following shall be met:

176
 177 1. Infiltrate sufficient runoff volume so that the post-development infiltration
 178 volume shall be at least 60% of the pre-development infiltration volume, based
 179 on an average annual rainfall. However, when designing appropriate infiltration
 180 systems to meet this requirement, no more than 2% of the project site is required
 181 as an effective infiltration area.

182
 183 2. Infiltrate 10% of the runoff from the 2-year, 24-hour design storm with a
 184 type II distribution. Separate curve numbers for pervious and impervious
 185 surfaces shall be used to calculate runoff volumes, and not composite curve
 186 numbers as defined in TR-55. However, when designing appropriate infiltration
 187 systems to meet this requirement, no more than 2% of the project site is required
 188 as an effective infiltration area.

189
 190 (A) Low imperviousness. For development up to 40 percent connected imperviousness,
 191 such as parks, cemeteries, and low density residential development, infiltrate sufficient
 192 runoff volume so that the post-development infiltration volume shall be at least 90
 193 percent of the pre-development infiltration volume, based on an average annual rainfall.
 194 However, when designing appropriate infiltration systems to meet this requirement, no
 195 more than one percent of the post-construction site is required as an effective
 196 infiltration area.

197
 198 (B) Moderate imperviousness. For development with more than 40 percent and up to 80
 199 percent connected imperviousness, such as medium and high density residential,
 200 multi-family development, industrial and institutional development, and office parks,
 201 infiltrate sufficient runoff volume so that the post-development infiltration volume
 202 shall be at least 75 percent of the pre-development infiltration volume, based on an
 203 average annual rainfall. However, when designing appropriate infiltration systems to
 204 meet this requirement, no more than 2 percent of the post-construction site is required
 205 as an effective infiltration area.

206
 207 (C) High imperviousness. For development with more than 80 percent connected
 208 imperviousness, such as commercial strip malls, shopping centers, and commercial
 209 downtowns, infiltrate sufficient runoff volume so that the post-development infiltration
 210 volume shall be at least 60 percent of the pre-development infiltration volume, based
 211 on an average annual rainfall. However, when designing appropriate infiltration systems
 212 to meet this requirement, no more than 2 percent of the post-construction site is
 213 required as an effective infiltration area.

214 (DC) Pre-development conditions shall be the same as in paragraph (2).
 215
 216

217 (ED) Before infiltrating runoff, pretreatment shall be required for parking lot runoff and
 218 for runoff from new road construction in commercial, industrial and institutional areas that
 219 will enter an infiltration system. The pretreatment shall be designed to protect the
 220 infiltration system from clogging prior to scheduled maintenance and to protect
 221 groundwater quality in accordance with paragraph (IH). Pretreatment options may
 222 include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration,
 223 swales or filter strips.
 224

225 (FE) Exclusions Source Area Restrictions
 226

227 1. Prohibitions. The runoff from the following areas may not be infiltrated and
 228 shall may not be credited toward meeting the requirements of sec. 4.807(4)
 229 unless demonstrated to meet the conditions of 4.807(4)(I). A determination as to
 230 whether these exclusions apply to a particular post-construction site must be
 231 made as part of the waiver process described in sec. 4.808(3) of this ordinance.
 232

233 a1. Areas associated with tier 1 industrial facilities identified in NR 216.21 (2)
 234 (a), Wis. Adm. Code, including storage, loading, rooftop and parking.
 235

236 b2. Storage and loading areas of tier 2 industrial facilities identified in NR
 237 216.21 (2) (b), Wis. Adm. Code.
 238

239 c3. Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle
 240 maintenance areas may be infiltrated with the concurrence of the LCD.
 241

242 2. Exemptions. The runoff from the following areas may be credited toward
 243 meeting the requirement when infiltrated, but the decision to infiltrate runoff
 244 from these source areas is optional:
 245

246 a. Parking areas and access roads less than 5,000 square feet for commercial and
 247 industrial development not subject to the prohibitions in par 1.
 248

249 b. Except as provided under 4.807(1)(B), redevelopment post-construction sites.
 250

251 c. In-fill development areas less than 5 acres.
 252

253 d. Stand alone roads in commercial, industrial and institutional land uses, and
 254 arterial residential roads. Roads that are part of a common plan of development
 255 are subject to the standard in this section.
 256

257 (G) Location of Practices
 258

259 1. Prohibitions. Infiltration practices may not be located in the following areas:
 260

261 ~~4~~ a. Areas within 1000 feet up gradient or within 100 feet down gradient of direct
 262 conduits to groundwater karst features.
 263

264 b. Areas within 400 feet of a community water system well as specified in NR
 265 811.16 (4) Wis. Adm. Code, or within the separation distances as specified in
 266 NR 812.08, Wis. Adm. Code, for any private well or non-community well for
 267 runoff infiltrated from commercial, including multi-family residential, industrial
 268 and institutional land uses or regional devices for one- and two- family
 269 residential development.
 270

271 c. Areas where contaminants of concern, as defined in NR 720.03 (2), Wis. Adm.
 272 Code are present in the soil through which infiltration will occur.
 273

274 2. Separation Distances. Infiltration practices shall be located so that the
 275 characteristics of the soil and the separation distance between the bottom of the
 276 infiltration system and the elevation of seasonal high groundwater or the top of

277 bedrock area in accordance with Table 2. Applicable requirements for injection
 278 wells classified under NR 815 shall be followed.

279
 280 (NEW TABLE)

Separation Distances and Soil Characteristics		
Source Area	Separation Distances	Soil Characteristic
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 Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer

281
 282 Table 2

283
 284 3. Infiltration rate exemptions. Infiltration practices located in the following areas
 285 may be credited toward meeting the requirements under the following conditions,
 286 but the decision to infiltrate under these conditions is optional:

- 287
 288 a. Where the infiltration rate of the soil measured at the bottom of the
 289 proposed infiltration system is less than 0.6 inches/hour using a
 290 scientifically credible field test method.
 291
 292 b. Where the least permeable soil horizon to 5 feet below the proposed
 293 bottom of the infiltration system using the U.S. Department of Agriculture
 294 method of soils analysis is one of the following: sandy clay loam, clay
 295 loam, silty clay loam, sandy clay, silty clay, or clay.

296
 297 5. ~~Areas with less than 3 feet separation distance from the bottom of the~~
 298 ~~infiltration system to the elevation of seasonal high groundwater or the top of~~
 299 ~~bedrock, except this paragraph does not apply to infiltration of roof runoff.~~

300
 301 6. ~~Areas with runoff from industrial, commercial and institutional parking~~
 302 ~~lots and roads and residential arterial roads with less than 5 feet separation distance~~
 303 ~~from the bottom of the infiltration system to the elevation of seasonal high~~
 304 ~~groundwater or the top of bedrock.~~

305
 306 7. ~~Areas within 400 feet of a community water system well as specified in~~
 307 ~~NR 811.16 (4) (d) 3., Wis. Adm. Code, or within 100 feet of a private well as~~
 308 ~~specified in NR 812.08 (4), Wis. Adm. Code, for runoff infiltrated from~~
 309 ~~commercial, industrial and institutional land uses or regional devices for~~
 310 ~~residential development.~~

311
 312 8. ~~Areas where contaminants of concern, as defined in NR 720.03 (2), Wis.~~
 313 ~~Adm. Code are present in the soil through which infiltration will occur.~~

314
 315 9. ~~Any area where the soil does not exhibit one of the following soil~~
 316 ~~characteristics between the bottom of the infiltration system and the seasonal high~~
 317 ~~groundwater and top of bedrock: at least a 3-foot soil layer with 20% fines or~~
 318 ~~greater; or at least a 5-foot soil layer with 10 percent fines or greater. This does not~~
 319 ~~apply where the soil medium within the infiltration system provides an equivalent~~
 320 ~~level of protection. This paragraph does not apply to infiltration of roof runoff.~~
 321

322 (F) ~~Exemptions. The following are not required to meet the requirements of~~
 323 ~~this paragraph. A determination as to whether these exceptions apply to a~~
 324 ~~particular post-construction site must be made as part of the waiver process~~
 325 ~~described in sec. 4.808(3) of this ordinance.~~

326
 327 1. ~~Areas where the infiltration rate of the soil is less than 0.6 inches/hour~~
 328 ~~measured at the bottom of the infiltration system.~~

329
 330 2. ~~Parking areas and access roads less than 5,000 square feet for~~
 331 ~~commercial and industrial development.~~

332
 333 3. ~~Redevelopment post-construction sites.~~

334
 335 4. ~~In fill development areas less than 5 acres.~~

336
 337 5. ~~Infiltration areas during periods when the soil on the site is frozen.~~

338
 339 6. ~~Roads in commercial, industrial and institutional land uses, and arterial~~
 340 ~~residential roads.~~

341
 342 (HG) Where alternate uses of runoff are employed, such as for toilet flushing, laundry or
 343 irrigation or storage on green roofs where an equivalent portion of the runoff is captured
 344 permanently by rooftop vegetation, such alternate use shall be given equal credit toward
 345 the infiltration volume required by this paragraph.

346
 347 (IH) Infiltration systems designed in accordance with this paragraph shall, to the extent
 348 technically and economically feasible, minimize the level of pollutants infiltrating to
 349 groundwater and shall maintain compliance with the preventive action limit at a point of
 350 standards application in accordance with NR 140, Wis. Adm. Code. However, if site-
 351 specific information indicates that compliance with a preventive action limit is not
 352 achievable, the infiltration BMP may not be installed or shall be modified to prevent
 353 infiltration to the maximum extent practicable.

354
 355 (JI) Notwithstanding paragraph (IH), the discharge from BMPs shall remain below the
 356 enforcement standard at the point of standards application.

357
 358 (5) Protective Areas.

359
 360 (A) "Protective area" means an area of land that commences at the top of the channel of
 361 lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the
 362 greatest of the following widths, as measured horizontally from the top of the channel
 363 or delineated wetland boundary to the closest impervious surface. However, in this
 364 paragraph, "protective area" does not include any area of land adjacent to any stream
 365 enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this
 366 location.

367
 368 4. For highly susceptible wetlands, ~~50~~ 75 feet. Highly susceptible wetlands include
 369 the following types: calcareous fens, sedge meadows, open and coniferous bogs, low
 370 prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
 371 ~~shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep~~
 372 ~~marshes and seasonally flooded basins.~~ Wetland boundary delineations shall be made
 373 in accordance with NR 103.08 (1m) Wis. Adm. Code. This paragraph does not apply
 374 to wetlands that have been completely filled in accordance with all applicable state
 375 and federal regulations. The protective area for wetlands that have been partially
 376 filled in accordance with all applicable state and federal regulations shall be
 377 measured from the wetland boundary delineation after fill has been placed.

378
 379 5. For less susceptible wetlands, 10 percent of the average wetland width, but no
 380 less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded
 381 wetlands dominated by invasive species such as reed canary grass, cultivated hydric
 382 soils, gravel pits or dredged material or fill material disposal sites that take on the
 383 attributes of a wetland.
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(D) This paragraph does not apply to:

- 1. Except as provided under 4.807(1)(B), rRedevelopment post-construction sites.

(9) Alternate Requirements.

.....

(B) ~~The Technical Review Committee~~ LCD shall make recommendations to the LCC LCD concerning any storm water requirements more stringent than those set forth in this section. The LCC shall approve or deny alternative requirements.

4.808 Permits and Waivers

.....

(6) Evaluation and Approval of Applications. Within 10 working days of receipt, the LCD shall review applications to insure they are complete. Any application found to be incomplete shall be returned to the applicant for completion. Upon receiving a complete application, the LCD shall use the following approval/disapproval procedure:

.....

(B) Completed applications will be evaluated for compliance with the requirements of this ordinance. Other governmental departments ~~or the Technical Review Committee~~ may be consulted during application evaluation.

.....

(E) Within 20 working days from the receipt of a complete waiver application, or 10 working days from the receipt of additional information requested in accordance with paragraph C, whichever is later, the applicant shall be informed whether the application has been approved or disapproved. The LCD shall base the decision in consideration of the recommendations of ~~the Technical Review Committee~~ other governmental departments and the requirements of this ordinance.

.....

(J) If the application is disapproved, or if the applicant does not agree with the permit conditions, the applicant may request a review by the ~~Technical Review Committee~~ LCC. This request must be made in writing within 30 calendar days from the date of the applicant was notified of the LCD decision. The schedule and procedure for a waiver described in paragraph (E) above will be followed for this review.

4.813 Definitions

.....

Average Annual Rainfall: a typical calendar year of precipitation as determined by the DNR for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a DNR publication for the location closest to the municipality -a calendar year of precipitation, excluding snow, which is considered typical.

.....

Connected Imperviousness: an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path or minimally pervious flow path.

.....

Direct conduits to groundwater: 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.

.....

Existing development: development in existence on March 1, 2004, or development for which a storm water management permit application was submitted to the LCD by March 1, 2004

.....

Filtering layer: soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an

448 equivalent level of protection as determined by the regulatory authority for the site.

449

450 **Impaired water:** a waterbody impaired in whole or in part and listed by the department
 451 pursuant to 33 USC 1313 (d) (1) (A) and 40 CFR 130.7, for not meeting a water quality
 452 standard, including a water quality standard for a specific substance or the waterbody's
 453 designated use.

454

455 **Impervious Surface:** an area that releases as runoff all or a large portion of the precipitation
 456 that falls on it, except for frozen soil. Rooftops, sidewalks, gravel or paved driveways, gravel or
 457 paved parking lots, and gravel or paved streets are examples of surfaces that typically are
 458 impervious.

459

460 **In-fill Area:** an undeveloped area of land located within existing development. "In-fill area"
 461 does not include any undeveloped area that was part of a larger new development plan for
 462 which a storm water permit has previously been approved by the LCD

463

464 **Maximum Extent Practicable:** the highest level of performance that is achievable but is not
 465 equivalent to a performance standard in this chapter. Maximum extent practicable applies
 466 when a person who is subject to a performance standard of this ordinance demonstrates to the
 467 LCD's satisfaction that a performance standard is not achievable and that a lower level of
 468 performance is appropriate. In making the assertion that a performance standard is not
 469 achievable and that a level of performance different from the performance standard is the
 470 maximum extent practicable, an applicant shall take into account the best available technology,
 471 cost effectiveness, geographic features, and other competing interests such as protection of
 472 public safety and welfare, protection of endangered and threatened resources, and preservation
 473 of historic properties. a level of implementing BMPs in order to achieve a performance standard
 474 specified in this chapter which takes into account the best available technology, cost
 475 effectiveness and other competing issues such as human safety and welfare, endangered and
 476 threatened resources, historic properties and geographic features. "Maximum extent
 477 practicable" allows flexibility in the way to meet the performance standards and may vary based
 478 on the performance standard and site conditions.

479

480 **Technical Review Committee:** a committee comprised of the Director of the Land
 481 Conservation Department, a representative of the Planning and Development Agency, a
 482 representative of the Land Conservation Department, and a representative of the Public Works,
 483 Highway and Parks Department, and a representative of the town where the site of a permit or
 484 waiver application is located. If the application site is located within the extraterritorial area of
 485 a city or village a representative of that city or village will be invited to participate as a member
 486 of the committee for that application. If groundwater concerns are among issues the committee
 487 must address, the Public Health Department will be invited to participate as a member of the
 488 committee for that application.

489

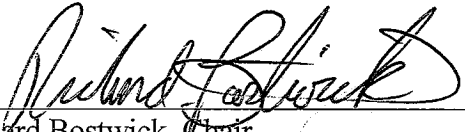
490 **Total maximum daily load or TMDL:** the amount of pollutants specified as a function of one
 491 or more water quality parameters, that can be discharged per day into a water quality limited
 492 segment and still ensure attainment of the applicable water quality standard.

493

494 II. This ordinance shall be effective upon publication.

Respectfully submitted:

LAND CONSERVATION COMMITTEE

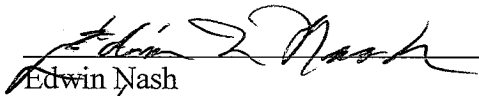


Richard Bostwick, Chair

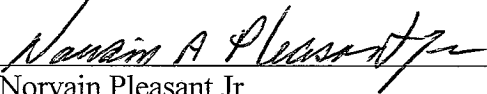


Larry Wiedenfeld, Vice-Chair

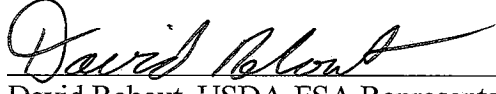
Eva Arnold



Edwin Nash

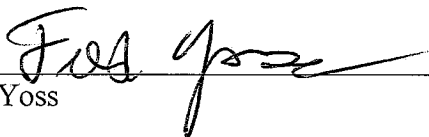


Norvain Pleasant Jr.



David Rebut, USDA-FSA Representative

Alan Sweeney



Fred Yoss

FISCAL NOTE:

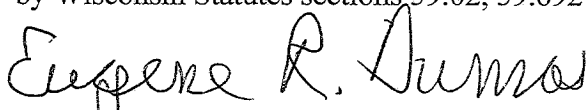
No fiscal impact.



Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes sections 59.02, 59.692 and 59.693.



Eugene R. Dumas
Deputy Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.



Craig Knutson
County Administrator

Executive Summary

Amending Various Sections of the Rock County Storm Water Management Ordinance (4.8)

and

Amending Various Sections of the Rock County Construction Site Erosion Control Ordinance (4.11)

Please note that complete annotated and non-annotated versions of each ordinance, which incorporate each of the proposed amendments, are available at the County Clerk's office.

The County of Rock was authorized by the DNR on November 13, 2006 to discharge stormwater from the County owned Municipal Separate Storm Sewer Systems (MS4) in the Urbanized Area under a general Wisconsin Pollutant Discharge Elimination System (WPDES) MS4 permit. The Urbanized Area is determined by population density based on the most recent census. Under the permit language, MS4 means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria: Owned or operated by a municipality, designed or used for collecting or conveying storm water, and which is not a combined sewer conveying both sanitary and storm water.

The County's WPDES MS4 General Permit outlines certain minimum programs and documentation that must be developed and submitted by dates certain. Among the requirements is to adopt and enforce construction site erosion control and post-construction storm water management regulations, which the County has had in place since March 2004. These ordinances have been approved by the DNR in the past, but changes to State Administrative Code NR 151 in January of 2011 are required to be incorporated into local ordinances. The recommended action for each ordinance approves those required changes (including various definitions) along with less substantive changes which are recommended by the LCD based on administrative experiences.

The substantive changes are summarized below with reference to the ordinance section(s):

Removal of Technical Review Committee (recommended by the LCD for both ordinances): All references to the Technical Review Committee have been deleted from each Ordinance and changed, where necessary, to LCD and/or LCC. Staff has determined that this additional level of review, requiring input from other departments or local unit of government, is a step in the review process that is not necessary to effectively administer the ordinances. Appeals and/or alternative requirements formerly requiring input from the Technical Review Committee will be processed with a LCD recommendation and LCC decision. The LCD recommendation will still be based on consultation with other entities with jurisdiction over the project.

Post-Construction Storm Water Management (4.8)

Changes to required standards for redevelopment projects:

1. **(4.805(2)(B)1.e.)** Redevelopment projects are no longer entirely exempt from storm water ordinance requirements under NR 151. Redevelopment projects must meet total suspended solid (TSS) reduction standards (40% reduction, compared to 80%

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reduction for new development), however exemptions remain for infiltration and peak discharge standards.

2. **(4.807(1)(B)) Maintenance of effort.** This section is added, based on NR 151, to address redevelopment sites that were previously approved under the storm water ordinance requirements for new development. This section prevents a redevelopment project from being required to meet lesser standards than what were required when originally permitted.

Changes to the peak discharge rate and volume standards:

1. (4.807(2)). The one year, twenty-four hour storm event was added to the design requirements in NR 151.
2. (4.807(2)(B)4). The maximum pre-development runoff curve numbers were revised.

Changes to the storm water runoff discharge quality standards (total suspended solids):

1. (4.807(3)). Infill development is no longer exempt from TSS reduction standards under NR 151.

Changes to infiltration standards (4.807(4)):

This section was entirely reorganized based on the changes to NR 151. The level of infiltration that is required is now based on the level of planned impervious surface, rather than land use type. Also, sections formerly titled “Exclusions” and “Exemptions” have been reorganized to clarify the intent of the standards. Generally, the ordinance now includes criteria for Source Area Restrictions (i.e. the area that drains to an infiltration practice(s)) and the Location of Practices.

Changes to certain definitions (4.813): For the most part, the changes to the definitions are directly from NR 151 and are primarily for clarification purposes.

Construction Site Erosion Control (4.11)

Changes to performance standards under NR 151:

1. (4.1107(1)(B)2.): The method used to estimate the sediment discharged from a project and, subsequently, design a plan to reduce it has been revised. The 80% reduction standard was changed to a standard which allows a maximum of 5 tons per acre per year from a construction site. This level of allowed discharge is consistent with agricultural standards for most of the soils in Rock County. In terms of actual tolerable soil loss, 80% reduction and 5 tons per acre per year are very similar thresholds. However, the acceptable software tools to estimate soil loss and plan the practices to reduce erosion and sedimentation are simpler to use and not cost prohibitive.
2. (4.1107(1)(E)): The addition of other sources of pollutants that must be consideration considered when developing a plan.
3. (4.1107(2)): Implementation techniques are specified to avoid any question of what is required. These points were typically included in the permit conditions of approval, but now are added directly to the performance standards section to be consistent with NR 151.