RESOLUTION NO. 14-4A 566 AGENDA NO. 12.F.(1)

ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS

LAND CONSERVATION COMMITTEE
INITIATED BY

LAND CONSERVATION COMMITTEE
SUBMITTED BY

ANDREW BAKER
DRAFTED BY

March 26, 2014
DATE DRAFTED

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

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

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

4.805 Jurisdiction, Applicability and Waivers

.....

(2) Applicability

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

.....

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

.....

(B) Exemptions.

1. This ordinance does not apply to the following:

.....

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

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

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

(3) Waivers

.....

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

4.807 Performance Standards

(1) General Considerations

.....

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

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

(C) 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.

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

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

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

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

a. Rainfall Accumulation for 24 hour Rainfall:

i) 1-Year Storm 2.25 Inches

~~i~~ ii) 2-Year Storm 2.9 Inches

~~ii~~ iii) 10-Year Storm 4.1 Inches

~~iii~~ iv) 100-Year Storm 6.0 Inches

.....

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

(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

Table 1

~~(TABLE TO BE DELETED)~~

.....

(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.~~

(C~~E~~) Notwithstanding paragraphs (A) and ~~to~~ (B~~D~~), 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.

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

~~(A) For residential developments one of the following shall be met:~~

~~1. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90% 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 1% of the project site is required as an effective infiltration area.~~

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

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

~~1. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% 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 2% of the project site is required as an effective infiltration area.~~

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

(A) *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 volume, 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.

(B) *Moderate imperviousness*. For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi–family 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 2 percent of the post–construction site is required as an effective infiltration area.

(C) *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 2 percent of the post–construction site is required as an effective infiltration area.

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

(ED) 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 paragraph (I H). Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

(FE) ~~Exclusions~~ Source Area Restrictions

1. Prohibitions. The runoff from the following areas may not be infiltrated and ~~shall~~ may not be credited toward meeting the requirements of sec. 4.807(4) unless demonstrated to meet the conditions of 4.807(4)(I). ~~A determination as to whether these exclusions 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.~~

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

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

c~~3~~. Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the LCD.

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

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

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

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

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

(G) Location of Practices

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

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

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

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

2.Separation Distances. 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 area in accordance with Table 2. Applicable requirements for injection wells classified under NR 815 shall be followed.

(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

Table 2

3. Infiltration rate exemptions. 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 bottom of the proposed infiltration system is less than 0.6 inches/hour using a scientifically credible field test method.

b. Where the least permeable soil horizon to 5 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.

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

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

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

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

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

~~(F) Exemptions. The following are not required to meet the requirements of this paragraph. A determination as to whether these exceptions 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.~~

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

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

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

~~4. In-fill development areas less than 5 acres.~~

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

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

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

(~~I~~H) Infiltration systems designed in accordance with this paragraph 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 NR 140, Wis. Adm. Code. 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.

(~~J~~I) Notwithstanding paragraph (~~I~~H), the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(5) Protective Areas.

(A) "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 paragraph, "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.

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4. For highly susceptible wetlands, ~~50~~ 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds. ~~shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins.~~ Wetland boundary delineations shall be made in accordance with NR 103.08 (1m) Wis. Adm. Code. This paragraph 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.

5. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass, cultivated hydric soils, gravel pits or dredged material or fill material disposal sites that take on the attributes of a wetland.

.....

(D) This paragraph does not apply to:

1. Except as provided under 4.807(1)(B), ~~r~~Redevelopment post-construction sites.

(9) Alternate Requirements.

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(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

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(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:

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(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.

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(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

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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~~.

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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.

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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

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

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

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

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

.....

Maximum Extent Practicable: the highest level of performance that is achievable but is not equivalent to a performance standard in this chapter. Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the LCD'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, an 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. ~~a level of implementing BMPs in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. "Maximum extent practicable" allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.~~

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

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Total maximum daily load or TMDL: 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.

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 Rebout, 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%

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.