



**LAND CONSERVATION COMMITTEE**  
**Wednesday December 2, 2020, 7:15 P.M.**  
**CALL: 1-312-626-6799**  
**MEETING ID: 819 8238 3281**

Join Zoom Meeting

<https://us02web.zoom.us/j/81982383281?pwd=MG1hMk5jWWpuekVJYUI2UFEzWUN5UT09>

Meeting ID: 819 8238 3281

Passcode: 130862

One tap mobile

+13126266799,,85648247741#,,,,,0#,,130862# US (Chicago)

+19292056099,,85648247741#,,,,,0#,,130862# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

Join by Skype for Business

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**If you are interested in providing public comments on items on this agenda, you must submit your comments by noon on Tuesday, December 1, 2020. To submit a public comment use the following email: [andrew.baker@co.rock.wi.us](mailto:andrew.baker@co.rock.wi.us)**

**Join from a telephone:**

- On your phone, dial the phone number provided above
- Enter the meeting ID number when prompted, using your dial-pad.
- Please note that long-distance charges may apply. This is not a toll-free number.
- Supervisors: Please identify yourself by name
- **Please mute your phone when you are not speaking to minimize background noises**
- We are new at holding meetings this way, so please be patient

Instructions for the hearing impaired –

<https://support.zoom.us/hc/en-us/articles/207279736-Getting-started-with-closed-captioning>

**LAND CONSERVATION COMMITTEE**  
**Wednesday December 2, 2020, 7:15 P.M.**  
**VIA ZOOM**

**AGENDA**

1. Call Meeting to Order
2. Approval of Agenda
3. Approval of Minutes – November 2, 2020 Meeting
4. Citizen Participation, Communications, and Announcements
5. Review Bills Paid
6. **Action Item.** Land and Water Resource Management Program:  
Approval of Cost Share Agreements
  - A. Hullah - Nutrient Management (Approx. 500 acres)
7. **Action Item.** Six month extension request for Rock County Permit EC-2019-24, Rock County Rifle and Pistol Club – Milton Township (Additional time to review and approval establishment of seeding)
8. **Action Item: Resolution.** Creation of the Rock County Illicit Discharge Ordinance
9. **Action Item:** Approval of Intergovernmental Agreement Between Rock County and the City of Beloit Regarding Technical Services for Water Quality Trading
10. **Action Item.** Purchase of Agricultural Conservation Easements: Review recommendations from PACE Council regarding 2020 applications and selection of applications to be sent to USDA-NRCS for consideration.

<b>Landowner Name</b>	<b>Parcel #</b>	<b>Primary Target Acquisition Area</b>	<b>LESA</b>	<b>ACRES</b>	<b>Town/Sec</b>
Greg Vanthournout*	6-20-107.2	Yes	6.9	39.5	Union 13
Greg Vanthournout*	6-20-109	Yes	6.6	38	Union 13
Craig Myre*	6-16-8	No	5.5	79	Porter 2
Curt Watson	6-16-17	No	6.26	34.7	Porter 2
Curt Watson	6-16-17.1	Yes	8.15	38.5	Porter 2
Evan Sayre	6-16-110	Yes	7.3	82	Porter 13
Evan Sayre	6-16-114	Secondary	6.8	73	Porter 13
Evan Sayre	6-16-205	Secondary	6.6	80	Porter 4
Pat Beggs	6-4-90.01	No	6.2	68	Center 13
Eric Conway	6-10-117A	Yes	8	167	La Prairie 16

\*Renewed Application from prior year

11. Adjourn



## MINUTES

### ROCK COUNTY LAND CONSERVATION COMMITTEE MONDAY NOVEMBER 2, 2020, 7:15 P.M. Virtual Meeting - Zoom

1. **Call to Order:** Chair Bostwick called the meeting to order at 7:15 pm.  
  
**Committee Members Present:** Stephanie Aegerter, Rich Bostwick, Wes Davis, Kaelyb Lokrantz, Mike Mulligan, James Quade and Alan Sweeney  
  
**Committee Members Excused:** None  
  
**Others Present:** Andrew Baker and Duane Collins, Staff
2. **Approval of Agenda:** Andrew noted that Action would not be taken on Item 9 (proposed Illicit Discharge Ordinance) since the Resolution was not completed with proper notes, but we could still discuss it since it is on the agenda. Supervisor Mulligan moved to approve the agenda as written, seconded by Supervisor Lokrantz. **Motion carried unanimously.**
3. **Approval of Minutes –October 7, 2020 LCC meeting.** Supervisor Davis moved the approval of the minutes with the addition of the work “extension” in the motion for Item 9, so it reads...”Motion to approve six month extension...,” seconded by Supervisor Mulligan. **Motion carried unanimously.**
4. **Citizen Participation, Communications, and Announcements:** None
5. **Review Bills Paid:** The Committee reviewed the bills to be paid. Supervisor Davis asked about the fees paid to the DNR. Andrew explained that when annual fees are collected from Reclamation Permit holders, a portion thereof is collected on behalf of the DNR for their role in program overview. This portion of the fee is set by Administrative Code. The County’s portion of the fee is based on annual budget, but Statutes specifically state that fees collected cannot exceed expenditures. Therefore, little change to the fee structure has been made over the years. Fees are based on the number of active mine acres.
6. **Approval of Farmland Preservation Notice of Noncompliance Documents.** Roy and Mary Williams Rev. Trust. Andrew explained that this is a voluntary request to be excluded from the program because the owners sold most of their land and no longer meet the eligibility requirements. Motion to approve by Supervisor Aegerter, seconded by Supervisor Lotrantz. **Motion carried unanimously.**
7. **Land and Water Resource Management Program - Approval of Cost Share Agreements:**  
Andrew reviewed the Cost Share agreement to be considered for approval;  
A. Bryce O’Leary (various land owners)- Nutrient Management (approximately 917 acres)  
B. Thostenson (various land owners) – Nutrient Management (approximately 421 acres)  
C. John Pounder (Pulera-Lux farm) – Nutrient Management (approximately 80 acres)  
  
Generally discussion followed regarding the fact that both the operator and landowner (if different) must agree to the contract terms. Supervisor Davis made a motion to approve the cost share agreements presented for approval, seconded by Mr. Quade. **Motion carried unanimously.**
8. **Discuss and possibly provide direction to staff regarding training and assistance for land owners and operators to complete their own Nutrient Management Planning.** Andrew explained that the DATCP staff person that conducted farmer training for Nutrient Management Planning has resigned/retired. Overall, we have consistently had around forty-six plans completed through this training program, totaling over 26,000 acres. This is roughly one quarter

of the totals acres enrolled in the Farmland Preservation Program. This year, there are twenty plans that require updated soils test and therefore an updated plan. This includes around 5,300 acres. Staff is looking for some direction from the Committee considering we have Duane on staff, who has the ability to help landowners, but not entirely the way DATCP staff could, nor be able to help all the landowners. Plus, Duane has to review all plans that come in, so his time is limited. Andrew informed the Committee that he polled other Counties to see how they handled farmer training and answers really varied from technical college partners, partnering with other Counties, entirely DATCP assistance, internal staff assistance and even no assistance to farmers. Clearly the COVID pandemic has made training much more difficult this year. Supervisor Mulligan asked about possibly working with Tech Colleges. Staff can look into that locally. Supervisor Bostwick suggested the idea of technical bulletins or other training materials. Staff will look into that as well to see if DATCP already has something like that available. Supervisor Sweeney offered that he view this short term problem and a long term problem to address. The short term problem is address the landowners that need to do sampling and updates for 2021. Those soils test should be done now before freeze up. In the long term, it is unlikely that DATCP will provide the same level of assistance as was offered in the past. The outgoing staff person was an expert with snap plus and could work with landowners very quickly to get a plan done. The Committee directed staff to send letters to the owners that need soils test done for 2021 a reminder to do so and inform them that training and plan assistance will not be as substantial as in previous years. Staff will also suggest that they should possibly consider a private sector consultant and the LCD may provide some cost-share assistance if they have not received it in the past on the same farm.

9. **Creation of the Rock County Illicit Discharge Ordinance.** Andrew explained that this item would be moved to the December meeting for action because the resolution with final notes is not yet available. Andrew briefly explained the purpose of the proposed Ordinance and the fact that it is required as part of the County WPDES MS4 Storm Water Permit. Andrew will send the Ordinance to the Committee when available. No action taken.
10. **Purchase of Agricultural Conservation Easements - Update.** Andrew informed the Committee that staff is continuing to work on the Barlass Easement acquisitions. One easement is along Hwy A, therefore we are waiting for the new right-of-way to be acquired prior to closing. The other easement is on MM. The Barlass family has been approached by a solar energy developer regarding the possibility of install a solar array on the property and remove the structures after the useful life has been exhausted, approximately 25 years. This is just a portion of a larger proposed development in the area. Renewable energy development is a priority in the State of Wisconsin, therefore the approval process for these types of projects is very limited, even in Farmland Preservation Districts. It is considered a utility and therefore a permitted use. Andrew informed the Committee that the NRCS template deed is somewhat ambiguous on whether or not this would be a permitted use on an Easement and NRCS will not provide a definite answer to the question. The Committee agree that this type of development is most suitable on marginal lands, not prime farmland. Supervisor Sweeney suggested that this topic be address by PACE Council before a final decision is made by the LCC. In the meantime, Andrew will move forward with the interpretation that solar development on an entire parcel is not a suitable permitted use on PACE easements.
11. **Adjourn:** Mr. Quade made motion to adjourn at 8:20 pm, seconded by Supervisor Davis. **Motion carried unanimously.**

Respectfully Submitted,

Andrew Baker  
County Conservationist

**Minutes are not official until adopted by the Land Conservation Committee.**

G: office/lcc/lcc2020/M11022020

ROCK COUNTY

**COMMITTEE REVIEW REPORT  
WITH DESCRIPTION**  
FOR THE MONTH OF NOVEMBER 2020

11/25/2020

<u>Account Number</u>	<u>Account Name</u>	<u>PO#</u>	<u>Check Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Inv/Enc Amt</u>
00-0000-0070-29668	STORM WATER MGMT	P2002033	11/12/2020	BLACKHAWK TECHNICAL COLLEGE	FINANCIAL GUARANTEE REFUND	64,000.00
<b>TRUST FUNDS PROG TOTAL</b>						<b>64,000.00</b>

I have reviewed the preceding payments in the total amount of **\$64,000.00**

Date: \_\_\_\_\_  
Dept Head \_\_\_\_\_  
Committee Chair \_\_\_\_\_

**COMMITTEE REVIEW REPORT  
WITH DESCRIPTION  
FOR THE MONTH OF NOVEMBER 2020**

Account Number	Account Name	PO#	Check Date	Vendor Name	Description	Inv/Enc Amt
62-6200-0000-63100	Office&Misc Exp	P2000032	11/19/2020	US BANK	STAPLES/AMAZON OFFICE SUPPLIES	136.16
62-6200-0000-63101	Postage	P2000032	11/19/2020	US BANK	POSTAGE STAMPS	105.00
<b>Land Conservation PROG TOTAL</b>						<b>241.16</b>
62-6280-0000-64928	Cost Sharing	P2002079	11/25/2020	PAUL,BRIAN	LR-014.19 COST SHARE	500.00
<b>LWC Plan Implementation Grant PROG TOTAL</b>						<b>500.00</b>
62-6311-0000-64928	Cost Sharing	P2002058	11/19/2020	DEMROW,GARY	YAHARA WINS 01.20	5,535.00
<b>Yahara WINS PROG TOTAL</b>						<b>5,535.00</b>

I have reviewed the preceding payments in the total amount of **\$6,276.16**

Date: \_\_\_\_\_ Dept Head \_\_\_\_\_  
 Committee Chair \_\_\_\_\_

**ORDINANCE  
ROCK COUNTY BOARD OF SUPERVISORS**

Land Conservation Committee  
INITIATED BY



Andrew Baker, County Conservationist  
DRAFTED BY

Land Conservation Committee  
SUBMITTED BY

October 20, 2020  
DATE DRAFTED

**CREATION OF THE ROCK COUNTY ILLICIT DISCHARGE ORDINANCE  
(CHAPTER 4 PART 13)**

1 The County Board of Supervisors of the County of Rock at its regular meeting this \_\_\_\_\_ day of  
2 \_\_\_\_\_, 2020 does ordain as follows:

3  
4 I. Chapter 4, Part 13, of the Rock County Ordinances shall be created to read as follows:

**Part 13 – Illicit Discharge**

5  
6  
7  
8 **4.1301 TITLE**

9 This ordinance shall be cited as the Rock County Illicit Discharge Ordinance.

10  
11 **4.1302 AUTHORITY**

12 This ordinance is adopted under authority granted by sec. 283 Wis. Stats and NR 216.07(3) Wis. Adm. Code. The  
13 provisions of this ordinance are not intended to limit any other lawful regulatory powers of the County of Rock.

14  
15 **4.1303 RESPONSIBILITY FOR ADMINISTRATION AND APPEALS**

16 The Rock County Board of Supervisors designates the Rock County Land Conservation Department (LCD) to  
17 administer and enforce the provisions of this ordinance. LCD staff will be responsible for the administration and  
18 enforcement of this ordinance. The Land Conservation Committee (LCC), functioning in accord with sec. 92 Wis.  
19 Stats, shall hear and decide appeals where it is alleged that there is an error in any order, decision or determination  
20 made by the LCD upon written request by a person to the Committee chair. A responsible person or landowner  
21 may appeal within 30 calendar days of the date of any order, decision, or determination made by the LCD in  
22 administering this ordinance, relative to sites in which such person has an interest.

23  
24 **4.1304 PURPOSE AND INTENT**

25 The purpose of this ordinance is to provide for the health, safety, and general welfare of citizens through the  
26 regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as  
27 required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants  
28 into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Wisconsin  
29 Pollutant Discharge Elimination System (WPDES) permit process. The intent of this ordinance is:

- 30  
31 (1) To prohibit the discharge, spilling or dumping of non-storm water substances or materials into waters of the  
32 state or the MS4;  
33  
34 (2) To identify non-storm water discharges or flows that are not considered illicit discharges;  
35  
36 (3) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures  
37 necessary to ensure compliance with this ordinance.  
38

39 **4.1305 JURISDICTION**

40 This ordinance shall apply to unincorporated lands within the Permitted Area of the County of Rock’s Municipal  
41 WPDES Permit as amended and revised unless explicitly exempted by this ordinance.  
42

43 **4.1306 SEVERABILITY**

44 If a court of competent jurisdiction judges any section, clause, provision, or portion of this ordinance  
45 unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such  
46 judgment.  
47

48 **4.1307 REMEDIES NOT EXCLUSIVE**

49 The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable  
50 federal, state or local law and it is within the discretion of the LCD to seek cumulative remedies.

51 **4.1308 ULTIMATE RESPONSIBILITY**

52 The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this  
53 ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination,  
54 pollution, nor unauthorized discharge of pollutants.

55

56 **4.1309 DISCHARGE PROHIBITIONS**

57 No person shall discharge or cause to be discharged into the MS4 or waters of the state any materials, including  
58 but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable  
59 water quality standards, other than storm water. This prohibition expressly includes, without limitation, illicit  
60 connections made in the past, regardless of whether the connection was permissible under law or practices  
61 applicable or prevailing at the time of connection.

62

63 The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described  
64 as follows:

65

66 (1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line  
67 flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising  
68 ground water, ground water infiltration, uncontaminated pumped ground water, foundation or footing drains  
69 (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation,  
70 springs, individual residential car washing, natural riparian habitat or wetland flows, swimming pools (if  
71 dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not  
72 containing pollutants.

73

74 (2) Dye testing is an allowable discharge, but requires a verbal notification to the LCD prior to the time of the  
75 test.

76

77 (3) The prohibition shall not apply to any non-storm water discharge permitted under an WPDES permit, waiver,  
78 or waste discharge order issued to the discharger and administered under the authority of the Wisconsin DNR,  
79 provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and  
80 other applicable laws and regulations, and provided that written approval has been granted for any discharge  
81 to the storm drain system.

82

83 **4.1310 NOTIFICATION OF SPILLS**

84 Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or  
85 responsible for emergency response for a facility or operation has information of any known or suspected release  
86 of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the  
87 MS4, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and  
88 cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify  
89 emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-  
90 hazardous materials, said person shall notify the LCD in person or by phone or facsimile immediately.  
91 Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the LCD within  
92 three business days of the phone notice.

93

94 **4.1311 INDUSTRIAL OR CONSTRUCTION SITE DISCHARGES**

95 Any person subject to an industrial or construction site WPDES storm water discharge permit or a Rock County  
96 Construction Site Erosion Control or Storm Water Management Permit shall comply with all provisions of such  
97 permit. Proof of compliance with said permit may be required in a form acceptable to the LCD prior to the allowing  
98 of discharges to the MS4.

99

100 **4.1312 INSPECTIONS**

101 (1) The LCD shall be permitted to enter and inspect any property subject to regulation under this ordinance as  
102 often as may be necessary to determine compliance with this ordinance. If a discharger has security  
103 measures in force that require proper identification and clearance before entry into its premises, the  
104 discharger shall make the necessary arrangements to allow access to representatives of the LCD.

105

106 (2) LCD shall be permitted ready access to all parts of the premises for the purposes of inspection, sampling,  
107 examination and copying of records that must be kept under the conditions of a WPDES permit to discharge  
108 storm water, and the performance of any additional duties as defined by state and federal law

109

110 (3) If the LCD has been refused access to any part of the premises from which storm water is discharged, and  
111 he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or  
112 that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed  
113 to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public  
114 health, safety, and welfare of the community, then the LCD may seek issuance of a search warrant from any  
115 court of competent jurisdiction.

116

117 **4.1313 ENFORCEMENT AND PENALTIES**

118 (1) Any illicit discharge initiated after the effective date of this ordinance by any person, firm, association,  
119 or corporation subject to the provisions of this ordinance shall be deemed a violation unless conducted in  
120 compliance with the requirements of this ordinance.



- 121 (2) Every violation of this ordinance is a public nuisance. Compliance with this ordinance may be enforced by  
 122 injunctive order at the suit of the County pursuant to sec. 59.69 (11), Wis. Stats. It shall not be necessary  
 123 to prosecute for forfeiture before resorting to injunctive proceedings.  
 124
- 125 (3) When the LCD finds that a person has violated a prohibition or failed to meet a requirement of this  
 126 ordinance, the LCD may order compliance by written notice of violation to the responsible person via  
 127 certified mail. Such notice may require without limitation:  
 128 (A) The performance of monitoring, analyses, and reporting;  
 129 (B) The elimination of illicit connections or discharges;  
 130 (C) That violating discharges, practices, or operations shall cease and desist;  
 131 (D) The abatement or remediation of storm water pollution or contamination hazards and the restoration  
 132 of any affected property; and  
 133 (E) The implementation of source control or treatment BMPs.  
 134
- 135 (4) Upon receipt of written notification from the LCD, the responsible person shall correct the activity as  
 136 necessary to meet the specifications and schedule set forth in the notice.  
 137
- 138 (5) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a  
 139 deadline within which such remediation or restoration must be completed. Said notice shall further advise  
 140 that, should the violator fail to remediate or restore within the established deadline, the work will be done by  
 141 the LCD or a contractor and the expense thereof shall be charged to the violator. It shall be unlawful for any  
 142 person, owner, agent or person in possession of any premises to refuse to allow the LCD or designated  
 143 contractor to enter upon the premises for the purposes set forth above.  
 144
- 145 (6) If the responsible person does not comply with the provisions of a notice of violation, the LCD may request  
 146 the Corporation Counsel to obtain a cease and desist order in any court with jurisdiction.  
 147
- 148 (7) Any person, firm, association or corporation violating any of the provisions of this ordinance shall be  
 149 subject to a forfeiture of no less than 500 dollars, nor more than 5,000 dollars, and the costs of prosecution,  
 150 including staff time, per offense. Each day a violation exists shall constitute a separate offense.  
 151
- 152 (8) In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the LCD may  
 153 impose upon a violator alternative compensatory actions, such as attendance at compliance workshops,  
 154 creek cleanup, etc.  
 155

156 **4.1314 COST OF LCD ABATEMENT OF THE VIOLATION**

157 In the instance of LCD abatement of the violation due to lack of compliance above, within 15 days after LCD  
 158 abatement of the violation, the owner of the property will be notified of the cost of abatement, including  
 159 administrative costs. The property owner may file a written protest objecting to the amount of the assessment  
 160 within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the LCD or  
 161 by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the  
 162 property and shall constitute a lien on the property for the amount of the assessment.  
 163

164 **4.1315 DEFINITIONS**

165 For the purposes of this ordinance, the following shall mean:  
 166

167 **Best Management Practices (BMPs):** schedules of activities, prohibitions of practices, general good  
 168 housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other  
 169 management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water,  
 170 receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating  
 171 procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw  
 172 materials storage.  
 173

174 **DNR:** Wisconsin Department of Natural Resources  
 175

176 **Hazardous Materials:** Any material, including any substance, waste, or combination thereof, which because of  
 177 its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly  
 178 contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when  
 179 improperly treated, stored, transported, disposed of, or otherwise managed.  
 180

181 **Illicit Discharge:** Any discharge to the MS4 that is not composed entirely of storm water except discharges  
 182 authorized by a WPDES permit or exempted in by this Ordinance  
 183

184 **Illicit Connections:** An illicit connection is defined as either of the following: Any drain or conveyance, whether  
 185 on the surface or subsurface, which allows an illicit discharge to enter the MS4 regardless of whether said drain or  
 186 connection had been previously allowed, permitted, or approved by an LCD or, any drain or conveyance  
 187 connected from a commercial or industrial land use to the MS4 which has not been documented in plans,  
 188 maps, or equivalent records and approved by the LCD.  
 189  
 190

189 **Industrial Activity:** Activities subject to WPDES or NPDES Industrial Permits as defined in 40 CFR,  
190 Section 122.26 (b)(14).  
191

192 **Jurisdiction:** The area where the MS4 permittee (County of Rock) has authority to enforce its  
193 ordinance(s) or otherwise has authority to exercise control over a particular area of concern.  
194

195 **LCC:** Rock County Land Conservation Committee  
196

197 **LCD:** Rock County Land Conservation Department  
198

199 **Municipal Separate Storm Sewer System (MS4):** A conveyance or system of conveyances including  
200 roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels  
201 or storm drains, which meet all of the following criteria:  
202 (1) Owned or operated by a municipality.  
203 (2) Designed or used for collecting or conveying storm water  
204 (3) Which is not a combined sewer conveying both sanitary and storm water  
205

206 **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** means a permit  
207 issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the  
208 discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or  
209 general area-wide basis.  
210

211 **Non-Storm Water Discharge:** Any discharge to the storm drain system that is not composed entirely of storm  
212 water.  
213

214 **Permittee:** The owner or operator of a MS4 authorized to discharge storm water into waters of the state (in this  
215 case the County of Rock).  
216

217 **Permitted Area:** The areas of land under the jurisdiction of the County of Rock that contribute to discharge from  
218 the County's MS4 which are regulated under a Municipal WPDES Permit pursuant to subch. I of NR 216 Wis.  
219 Adm. Code. The Permitted Area is limited to any of the following:  
220 (1) An "urbanized area", adjacent developing areas and areas whose runoff will connect to a  
221 municipal separate storm sewer regulated under subch. I of NR 216 Wis. Adm. Code; or  
222 (2) An area associated with a municipal population of 10,000 or more and a population  
223 density of 1,000 or more per square mile, adjacent developing areas and areas whose runoff will  
224 connect to a MS4 regulated under subch. I of NR 216 Wis. Adm. Code; or  
225 (3) An area that drains to a MS4 that is designated for permit coverage pursuant to s. NR  
226 216.02(2) or 216.025, Wis. Adm. Code.  
227

228 **Person:** means any individual, association, organization, partnership, firm, corporation or other entity recognized  
229 by law and acting as either the owner or as the owner's agent.  
230

231 **Pollutant:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to:  
232 paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard  
233 wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations,  
234 so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous  
235 substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes;  
236 wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any  
237 kind.  
238

239 **Premises:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including  
240 adjacent sidewalks and parking strips.  
241

242 **Storm Water:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural  
243 precipitation, and resulting from such precipitation.  
244

245 **Urbanized Area:** A place and the adjacent densely settled surrounding territory that together have a minimum  
246 population of 50,000 people, as determined by the US Bureau of the Census based on the latest decennial federal  
247 census.  
248

249 **Wastewater:** means any water or other liquid, other than uncontaminated storm water, discharged from a facility.  
250

251 **WPDES Permit:** A Wisconsin Pollutant Discharge Elimination System permit issued pursuant to ch 382 Wis.  
252 Stats by the DNR.  
253

254 II. This ordinance shall be effective upon publication.  
255

Respectfully submitted:

LAND CONSERVATION COMMITTEE

---

Richard Bostwick, Chair

---

Alan Sweeney, Vice Chair

---

Stephanie Aegerter

---

Wes Davis

---

Kaelyb Lokrantz

---

Mike Mulligan

---

Vacant

---

James Quade, USDA-FSA Rep.

FISCAL NOTE:

Undetermined fiscal impact.

*/s/ Sherry Oja*

Sherry Oja  
Finance Director

LEGAL NOTE:

Rock County maintains a WPDES MS4 general permit to operate a municipal storm sewer system (the "MS4"). As a condition of that permit, the County is required to "implement and enforce a program to detect and remove illicit connections and discharges to the MS4." This ordinance attempts to comply with those permit conditions.

*/s/ Richard Greenlee*

Richard Greenlee  
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

*/s/ Josh Smith*

Josh Smith  
County Administrator

# **CREATION OF THE ROCK COUNTY ILLICIT DISCHARGE ORDINANCE**

## **Executive Summary**

The County of Rock was authorized by the Department of Natural Resources on November 13, 2006 to discharge storm water from the County owned Municipal Separate Storm Sewer Systems (MS4, i.e. road ditches and curb and gutter systems) in the Urbanized Area in Rock County under a Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit. The most recent permit update occurred in May 2019 and is referenced as Permit No. WI-S050075-3. The original permitted Urbanized Area was determined by population density based on the 2000 census. The permitted area was revised based on the 2010 census population density. The County's WPDES MS4 general permit outlines certain minimum programs and documentation that must be developed to maintain compliance with the permit conditions of approval. One element is policies and procedures to detected and eliminate sources of illicit discharges. An Illicit Discharge is defined in the Ordinance as “any discharge to the MS4 that is not composed entirely of storm water except discharges authorized by a WPDES permit or exempted in by this Ordinance.” Exemptions are included in the Ordinance on page 2 starting at line 14. It is the intention that approval of this Ordinance, along with an internal policy to be finalized at a later date, will meet this requirement of the Permit.

The Ordinance will be implemented in the County’s Permitted Area, which, as noted above, is comprised of certain census blocks that are served by County Highways surrounding the Cities of Janesville and Beloit. The Ordinance will not be administered county-wide nor within any city or village.

The Land Conservation Department will take the lead on the administration of this Ordinance, though it is likely that the Public Works Department and Health Department will be asked to assist if an enforcement action is necessary. It is not foreseen that this Ordinance will take substantial staff time or other resources to administer.

**INTERGOVERNMENTAL AGREEMENT BETWEEN ROCK COUNTY AND  
THE CITY OF БЕЛОIT REGARDING TECHNICAL SERVICES FOR WATER QUALITY TRADING**

This Agreement is made and entered into as of the \_\_\_ day of \_\_\_\_\_, 2020, by and between the County of Rock, Wisconsin, (the County) and the City of Beloit, Wisconsin, (the City), to establish terms and conditions related to technical services assistance for water quality trading.

**RECITALS**

WHEREAS, The City has committed to Water Quality Trading to fulfill its phosphorus compliance obligations under its Wisconsin Pollution Discharge Elimination System ("WPDES") permit and the Rock River Total Maximum Daily Load ("TMDL"); and

WHEREAS, The County provides planning and technical assistance to municipalities such as the City, agricultural landowners and producers for the implementation of conservation practices that reduce sediment and nutrients (including phosphorous) from entering waterways as well as distributing financial payments to agricultural landowners for the implementation of conservation practices; and

WHEREAS, The City desires to obtain assistance from the County to implement Water Quality Trading projects.

**AGREEMENT**

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, the City and the County (hereinafter referred to collectively as "Parties") do hereby covenant and agree as follows:

1. **Authority.** This Agreement is entered into pursuant to § 66.0301, Wis. Stats., regarding intergovernmental cooperation and, therefore, should be liberally construed to accomplish its intended purposes. In addition, the undersigned representatives of the City and the County represent that they have been duly authorized by their respective governing bodies to execute this Agreement.
2. **Definitions.**
  - A. "HUC 12" shall mean the 12 digit Hydrologic Unit Code subbasin.
  - B. "Project Sites" shall mean locations where conservation practices or engineered solutions can be implemented to achieve phosphorus reductions within the DNR approved TMDL HUC 12 watershed.
  - C. "Projects" shall mean conservation practices or engineered solutions that are implemented at Project Sites to achieve phosphorus reductions within the DNR approved TMDL HUC 12 watershed.

- D. “Trading Plans” shall mean plans approved by the Wisconsin Department of Natural Resources (“DNR”) that explain how a Project will be implemented and verified by landowners to reduce phosphorus at the identified Project Site.

**3. Phosphorus Reduction Goal.** The goal of the Agreement is to identify and install Projects in the Rock River Total Maximum Daily Load Reaches within Rock County that result in a phosphorus reduction of 2,300 pounds per year, as calculated using SNAP Plus or other models agreed to by the City and the County. The City reserves the right to raise the annual goal amount to ensure compliance with phosphorus discharge limits in the City’s WPDES permit.

**4. Roles and Responsibilities of the County.** The County will provide the following services:

- A. Identify Project Sites that will enable achievement of the Phosphorus Reduction Goal and provide a list of such Project Sites to the City for evaluation for water quality trading for WPDES permit compliance.
- B. Work with landowners to develop Trading Plans and submit such Trading Plans to the DNR for review and approval.
- C. Draft agreements between the City and landowners for the Projects approved by the City to be installed. These agreements shall state the phosphorus reductions generated by each Project and the number of credits available for use by the City to comply with its WPDES permit. The agreements shall be recorded against the property in accordance with Section 4(B) to ensure maintenance of the practices for the duration of the agreement. These agreements, or written documentation of these agreements, shall be submitted to the DNR as part of the Trading Plans.
- D. Provide assistance to the Project Site landowners to install approved Projects.
- E. Calculate modeled phosphorus reductions for Projects based on SNAP Plus or other agreed upon models.
- F. Verify the status of installed Projects by conducting annual visits at Project Sites for the life of the Project and documenting such visits, including through photographic evidence of the Project where practicable.
- G. Provide an annual report to the City by March 31 of each year throughout the term of this Agreement summarizing activities conducted in the previous year, including the locations of installed Projects, the type of practices installed at each Project Site, and other relevant information necessary for Project verification.

**5. Roles and Responsibilities of the City.** The City will:

- A. Review Project Sites identified by the County and determine whether to pursue identified Projects for WPDES permit compliance.
- B. Record trade agreements between the City and landowners as a deed restriction. The agreements will be recorded with the Rock County register of deeds. Each trade agreement shall be for a term of 10 years.
- C. Compensate landowners for the Projects that have approved trade agreements according to the terms of each trade agreement.
- D. Compensate the County for the services identified in Section 4 according to the terms in Section 6 of this agreement.

6. **Compensation for Projects, Staff Support and Related Expenses.** The City shall compensate the County for services performed under this Agreement. Compensation under this Agreement shall be equal to 15% of the total cost of each trade agreement entered into between the City and private landowners that were entered into under the terms of this Agreement. The County shall submit an invoice to the City for the 15% service fee in the year following the installation of each Project. The invoice shall be submitted with the annual report for each Project.

The preliminary fee to be paid to Rock County is estimated to be \$77,079. Actual fee will be determined by final Project costs.

7. **Performance.** Unless otherwise agreed to in writing, the County shall furnish all services, supplies, tools, and equipment to accomplish the services established in Section 4 in a professional manner.
8. **Permits, Laws, Regulations, and Public Ordinances.** The County shall obtain and comply with all federal, state, and local statutes, rules, regulations, and ordinances related to the County's performance of its services under Section 4 of this Agreement. The landowners will be required to obtain any necessary permits for installation, implementation, and maintenance of Projects in accordance with the terms of their trade agreements.
9. **Severability.** The invalidity, illegality or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void, shall in no way affect the validity or enforceability of any other provision of this Agreement. Any void provision shall be deemed severed from this Agreement and the balance of this Agreement shall be construed and enforced as if it did not contain the particular portion or provision deemed to be void. The parties agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of essence to this Agreement be deemed void.

- 10. **Challenge to Agreement.** In the event of cause of action by a third party challenging the validity or enforceability of this Agreement or any of its provisions, the County and the City shall cooperate fully to vigorously defend the Agreement. No settlement of any such action shall be permitted without the written approval of both parties. This Agreement is for the exclusive benefit of the parties and their successors and shall not be deemed to give any legal or equitable right, remedy, or claim to any other person or entity. The enforceability of this Agreement shall not be affected by changes in elected officials.
  
- 11. **Assignment.** No party shall assign any rights or responsibilities under this Agreement to a third party without the prior written consent of the other party.
  
- 12. **Term.** This Agreement shall remain in effect from the date of execution until the last annual inspection has been completed for a trade agreement that was developed under the term of this Agreement.
  
- 13. **Giving Notice.** Whenever any provision of this Agreement requires the giving of written notice, it shall be deemed to have been validly given if delivered in person to or if delivered at or sent by registered or certified mail postage prepaid to:  
  
 For the City: Director of Water Resources, City of Beloit, 2400 Springbrook Court, Beloit, Wisconsin 53711.  
  
 For Rock County: Land Conservation Committee Chair, Rock County, 51 South Main Street, Janesville, WI 53545.
  
- 14. **Complete Agreement and Future Amendments.** This document is a complete and final Agreement and supersedes any oral agreements or other negotiations which may conflict with the terms of this Agreement. Either party may request a modification of this Agreement at any time. Any modification of the terms of this Agreement shall be in writing in the form of an Addendum to this Agreement and approved by both the City and the County.

**IN WITNESS WHEREOF**, the Parties have caused their properly authorized representatives to execute and seal this Agreement on the date as set forth above.

**CITY OF BELOIT**

**COUNTY OF ROCK**

By: \_\_\_\_\_  
 Lori S. Curtis Luther, City Manager

By: \_\_\_\_\_  
 Kara Purviance, Chair

ATTEST:

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_



Lorena R. Stottler, City Clerk

Lisa Tollefson, County Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

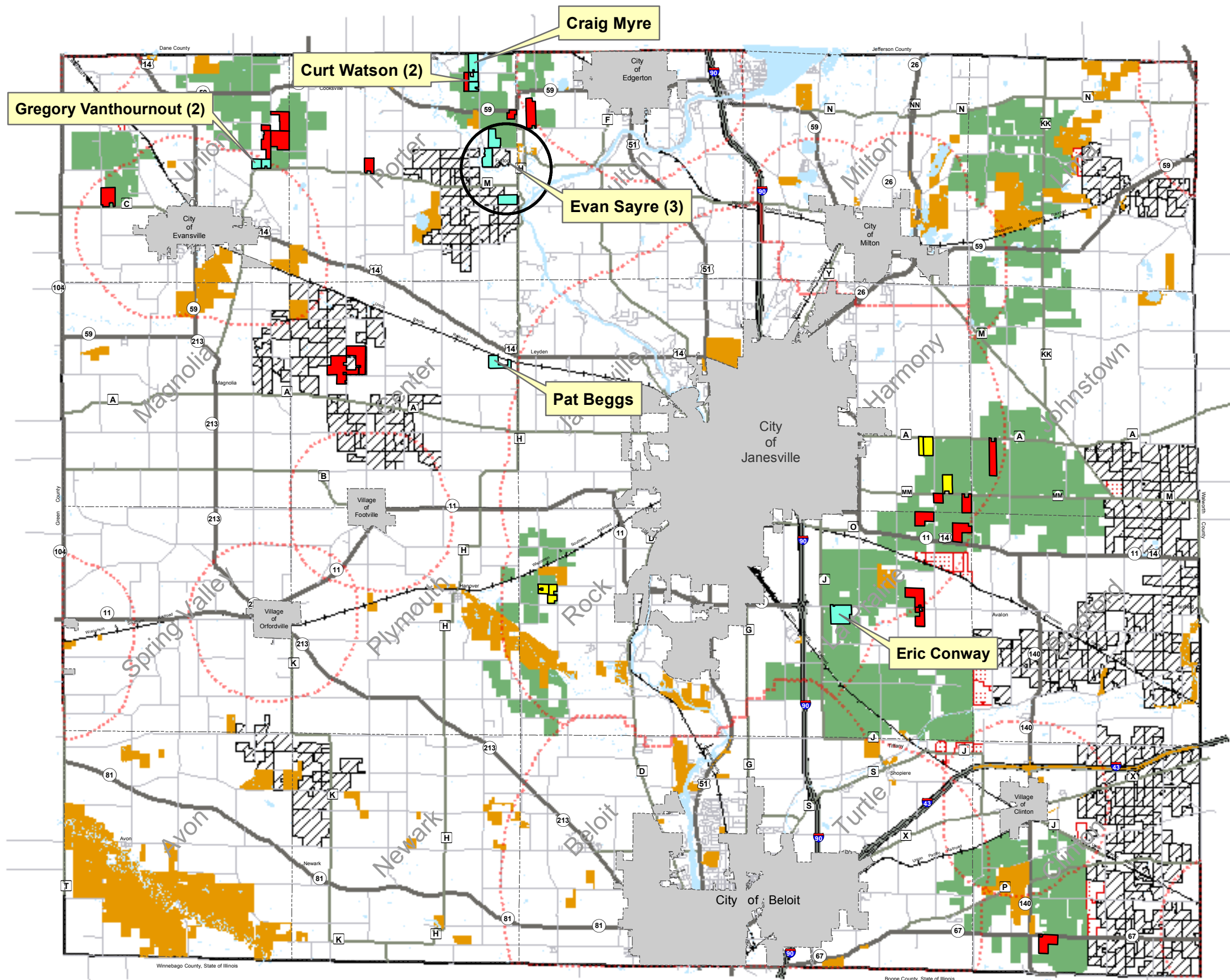
By: \_\_\_\_\_  
Elizabeth A. Krueger, City Attorney

By: \_\_\_\_\_  
Richard Greenlee, Corporation Counsel

I hereby certify that there are sufficient funds available to pay the liability incurred by the City of Beloit pursuant to this agreement.

By: \_\_\_\_\_  
Eric Miller, City Comptroller

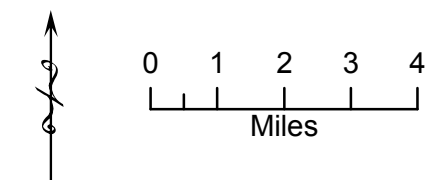
# Rock County PACE Program 2020



## PACE Easements

### Status

- Application
- ACCEPTED
- RECORDED
- Primary Target Acquisition Areas
- Tier I Farmland Adjacent to Target Area
- Secondary Target Acquisition Areas
- Protected Land
- Town Boundary
- City or Village
- Rail



Data Sources: Rock County Planning and Development,  
Rock County Land Conservation Department.  
Map created: November 2020