



Washington County
Planning and Parks Department
Land and Water Conservation Division

EROSION CONTROL & STORMWATER MANAGEMENT
PUBLIC INFORMATION MEETING

MINUTES

of 04/29/08

Meeting held on 04/29/08 @ 5:08 PM
Washington County Public Agency Center, Rooms 1113A/B,
333 E. Washington St., West Bend, WI 53095-2003

The meeting was called to order by Charlene Brady, Washington County Board of Supervisor at 5:08 P.M, welcoming everyone who was in attendance. The affidavit was read with note that the meeting notice was provided to the Washington County Clerk and the local newspapers for their information.

Those in attendance included the following:

Public Attendance

- Herbert Tennes Washington Co. Board of Supervisors, Chair
Brian Bausch Washington County Board of Supervisors
Judy Neu West Bend City of West Bend, Engineer
Matt Hahm Town of Kewaskum, Engineer
Ellis Kahn Town of Kewaskum, Chair
Colton Stevenson 1237 Highland View, West Bend
*Max Marechal City of West Bend, Asst., City Engineer
*Jim Bennett Town of Hartford, Chairman

Washington County Representatives

- *Scott Schmidt, P.E., R.L.S. Washington Co., Engineer/Surveyor
*Paul Sebo Washington Co., Senior Technician
*Jill Hapner Washington Co., County Conservationist
*Charlene Brady Washington County Supervisor
Paul Backhaus Washington Co., Project Technician
Fay Fitts Washington Co., Admin. Secretary

State Representative/Others

- *Benjamin Benninghoff DNR, Water Res. Stormwater Specialist

*Represents member of the Erosion Control & Stormwater Committee Workgroup

Introductions were made by all present.

Presentation of Information updates Pertaining to Proposed Language Changes of Washington County Erosion Control & Stormwater Management: Chapter 17 of the Washington County Code – presented by Paul Sebo, Senior Technician

Mr. Sebo provided handouts of the power point presentation and draft ordinance which outlined the major proposed draft changes to the Washington County Code Chapter 17. (see attachments #1, #2). Mr. Sebo began with a brief history of the original ordinance adoption (1997), explaining that most municipalities had adopted the existing ordinance, which has not been updated since adoption. He noted that the first Erosion Control & Stormwater Management (ECSM) Informational Meeting had been conducted on March 16, 2007, and from that meeting derived an Erosion Control & Stormwater Workgroup Committee comprised of various state/co/local municipalities, in addition to a representative of the Milwaukee Metropolitan Builders Association.

As a result of past ECSM Workgroup Committee meetings, discussions validated the need to revise the language in the ordinance bringing the code up to-date with the recently adopted state statutes (NR216 and

NR151); and based upon other findings derived from the staff's 10 years of ordinance implementation and experience, other ordinance language recommendations are being considered.

Mr. Sebo noted that the goal of the workgroup was to create a consistent county wide Erosion Control and Stormwater Ordinance that meets the states construction site performance standards that protects the environment.

Mr. Sebo explained that the proposed ordinance code intent is to regulate construction site erosion and stormwater management under the authority granted in ss. 59.693, Wis. Stats., and is intended to meet the current construction site erosion control and post-construction stormwater management regulatory requirements of Supchapter III of both NR151 and NR216 Wis. Admin. Code. He noted that his presentation highlights the following language revision components; 1) mandated code revisions; and 2) ECSM committee recommendations.

He further explained the mandated code language revisions on the following concepts: applicability, technical exemptions, sediment reduction of suspended solids requirements, peak discharge exemption requirements, infiltration requirements and exemptions and pretreatment requirements and exclusions for protection of groundwater resources, protective area requirements, fueling and maintenance practices, technical standards and specifications, permit requirements, illicit discharge prohibitions. Mr. Sebo then explained the ECSM committee recommendations – technical waivers, specific erosion control requirements and performance standards, infiltration requirements for stormwater plans, site drainage and permit requirements.

Ms. Neu questioned whether “highways” are considered exempt under infiltration language, stating that highway runoff should not be infiltrated because runoff pollutants carry the potential for contamination of groundwater, in addition, she stated that infiltration would cause saturation of the road's subsurface causing road deterioration. Mr. Sebo indicated that the staff would need to research the definition of “roadways” vs “highways” and reference the definition in NR151.

A question was also asked who actually does the inspections and logs the events for the erosion control projects best management practices and where do the inspections then get reported? Mr. Sebo noted that inspections are handled by a qualified representative, which could be the permit applicant, or contractor, who submits reports to the administering authority.

Mr. Sebo noted that Washington County is very fortunate to have a lot of glacier till throughout Washington County, soils that are exceptional for infiltration practices. Based upon facts and findings that increased infiltration may result in less flooding downstream and increased groundwater recharge potential, Washington County has the capability of using greater infiltration rates. The committee's recommendations were to use the higher infiltration rate recommendations (rates greater than NR151 standards). He indicated that based on the Multi-Jurisdictional Comprehensive Plan Map: 2035 (areas favored for development) 70% of that land have soils that have infiltration rates greater than 0.6 inches per hour and 40% of the 70% figure have lands capable of infiltrating at excessively high infiltration rates being greater than 20 inches per hour. He further noted that this is approximately 25% of available land in Washington County deemed favorable for development, having extremely high infiltration soil capabilities.

Ms. Neu interjected by commending the staff and ECSM Workgroup Committee on the draft ordinance language changes proposed, with the exception, she added, proposed language to increase the infiltration requirements. She voiced concerns of the impact of infiltration has on the environment, such as saturation of road base and other infrastructures, (water finding a path of least resistance); and concerns of being able to meet the 1-2% cap language vs. issuing technical waivers.

Mr. Schmidt noted that each site will need to be reviewed and designed differently or site specific to meet the infiltration requirements. Discussion ensued on dry vs. wet detention basins and meeting the 80% suspended solid reduction rate. Mr. Bennett stated that the infiltration topic was debated at length during the ECSM meetings, noting that in the worst case scenario if all measures are exhausted, a technical waiver could be issued as an exception to the rule.

Ms. Neu questioned clarification on language regarding “surrounding land uses” in the technical waiver section – being either existing or proposed land uses. Mr. Schmidt indicated that it was for both.

Mr. Kahn asked when silt fence is removed from the site. It was noted that before the financial guarantee is released, silt fence is removed. It was noted that the Department of Transportation is very lax in removing their silt fence when their projects are complete.

Mr. Benninghoff noted that if the NR151 language is adopted by the municipalities in their code, they will be found in compliance, stating that he researched the word “highways” and believed it was not in the existing language, but is most probably in the upcoming proposed revision language for NR151. He also offered his assistance if anyone has questions regarding the new state statutes requirements.

Mr. Sebo gave Ms. Neu the opportunity to draft her recommendations of language changes for the ECSM Committee’s consideration and review, based upon her concerns that were brought forward at the meeting. Ms. Neu noted that she would work on that, if the committee was willing to consider it.

Mr. Sebo reviewed the timeline and sequence of events for the proposed draft ordinance noting that on May 14th the Land Conservation Committee will be presented with the draft and information meeting will be held along with a public hearing. If it is approved on May 14th, it will then be forwarded to County Board on June 10th for the full Board of Supervisors to consider for adoption.

There being no further questions, comments or concerns.

Meeting adjourned at 6:35 P.M.

Respectfully Submitted,

Fay Fitts, Administrative Secretary