



Washington County

Planning and Parks Department

Land and Water Conservation Division

EROSION CONTROL & STORMWATER MANAGEMENT INFORMATIONAL MEETING

MINUTES

of 03/16/07

*Meeting held on 03/16/07@ 1:00 PM
Washington County Public Agency Center, Room 1113A,
333 E. Washington St., West Bend, WI 53095-2003*

The meeting was brought to order by Dan Wilson, University of Wisconsin-Extension Community Resource Educator and meeting Facilitator @ 1:04 P.M. A public notice was provided to all Washington County Municipalities, Washington County Clerk and the local newspaper for their information (see Exhibit #1). The meeting was specifically designed to inform and educate the public officials and/or their representatives regarding new state mandates from the Department of Natural Resources (DNR) Chapters NR 151 & NR 216 and how it pertains to Washington County and the Washington County Erosion Control and Stormwater Management – Chapter 17 ordinance and local municipal ordinances, revision needs and the forming of an Erosion Control & Stormwater Management Workgroup, being under the jurisdiction and direction of the Washington County Land Conservation Committee (LCC).

Those in attendance included the following:

City/Town/Village Representatives		Washington County Representatives	
<i>William Ripp, P.E.</i>	<i>City of Hartford, Engineer</i>	<i>Scott Schmidt, P.E., R.L.S.</i>	<i>Washington County Engineer/Surveyor</i>
<i>Jim Reinke</i>	<i>City of West Bend, Com. Dev., Asst. Planner</i>	<i>Paul Sebo</i>	<i>LWCD, Senior Technician</i>
<i>Max Marechal</i>	<i>City of West Bend, Asst., City Engineer</i>	<i>Stephanie Hofmann</i>	<i>LWCD, Technician</i>
<i>Steve Wendelborn</i>	<i>Town of Barton, Zoning Administrator</i>	<i>Paul Backhaus</i>	<i>LWCD, Technician</i>
<i>Gary Schreiber</i>	<i>Town of Farmington, Chairman</i>	<i>Fay Fitts</i>	<i>LWCD, Administrative Secretary</i>
<i>Ike Roell</i>	<i>Town of Farmington, Supervisor</i>	<i>Phil Gaudet</i>	<i>PPD, Land Resource Manager</i>
<i>Jim Bennett</i>	<i>Town of Hartford, Chairman</i>	<i>Charlene S. Brady</i>	<i>Washington Co. Board of Supervisor</i>
<i>Frank Mayer</i>	<i>Town of Trenton, Zoning Administrator</i>		
		State Representatives	
<i>Leander Herriges</i>	<i>Town of Wayne, Chairman</i>	<i>Dan Wilson</i>	<i>UWEX, Community Resource Educator</i>
<i>Ken Voigt</i>	<i>Village of Germantown, Bldg/Plumbing Insp.</i>	<i>Benjamin Benninghoff</i>	<i>DNR, Water Res. Stormwater Specialist</i>
<i>Kirk Radtke</i>	<i>Village of Germantown, Building Inspector</i>	<i>Susan Eichelkraut</i>	<i>DNR, Water Res. Stormwater Specialist</i>
<i>Jim Haggerty, P.E.</i>	<i>Village of Slinger, Engineer</i>		
		<i>*LWCD-Land & Water Conservation Division of the Planning & Parks Dept.</i>	
		<i>** PPD - Planning & Parks Department</i>	

Introductions were made to all present. Mr. Sebo presented the past history of the Washington County’s Erosion Control and Stormwater Ordinance, Chapter 17 (see Exhibit #2).

Mr. Schmidt and Mr. Benninghoff presented information pertaining to the DNR Rules/Regulations Governing Erosion Control & Stormwater Ordinance Revisions explaining NR 216 & NR 151, rules and how they now affect Washington County and the municipalities. Noting which construction sites must meet the construction site and post-construction site performance standards listed in NR 151.11 and NR 151.12. Mr. Ripp stated that it does not matter where you are doing a construction project, whether it is in a rural setting or an urban setting the same rules apply for both areas.

Mr. Benninghoff stated that permitted governmental units or Municipal Separate Storm Sewer System (MS4) permits are required to meet the developed urban area performance standards listed in NR 151.

Further explaining the Environmental Protection Agency (EPA) Phase I & II regulations, Mr. Schmidt stated that Phase I regulations (populations of greater than 100,000) now recognize the affected municipality within Washington County to be the Village of Germantown; the recognized Phase II (populations of greater than 10,000) affected municipalities are: City of Hartford/West Bend and part of the Town of Richfield. He noted that it's a very real possibility in the somewhat near future that Washington County could be tagged as being a Phase II status, which would affect local municipalities. The Milwaukee River Basin area drainage pattern was mentioned, which could potentially affect the east half of Washington County.

Discussion ensued regarding the definition of MS4's and how the boundary lines are determined, noting that the U.S. Bureau of the Census redefines the areas based on each decennial census or every 10 years. A map representing the areas was displayed (see Exhibit #3) identifying Milwaukee as being the center of the urbanized areas and its neighboring communities (a link to the map is also on the DNR's webpage). Mr. Schmidt noted that Washington County had recently requested an exemption through the DNR, and it was awarded based on not meeting criteria pursuant to NR 216.

Mr. Schmidt explained current requirements for having to meet a MS4 Permit pertaining to a 40% reduction in total suspended solids by 2012. Mr. Schmidt gave an example of: Total of 80 Acres - 40 Ac. developed and the other 40 Ac. considered installing stormwater ponds environmental areas – this site would equal the 40% reduction requirement. Mr. Schmidt indicated that by being proactive, like Washington County has been over the last 10 years that most communities would be able to meet EPA/DNR requirements.

Mr. Schmidt noted another example being the Washington County Campus already having a stormwater pond meeting the code criteria is set for the future. He noted that by being proactive in handling their stormwater is cheaper than retrofitting later which is considerably more costly. Mr. Schmidt explained that dry basins along with stormwater infiltration methods should be used on sites where soils are conducive for infiltration. He stated that obviously indications of high groundwater and poor soils would not be practical. Noting that as water penetrates vertically through the soils layer it filters downward, recharging the groundwater and lowering the peak discharge rate and volume. He further noted that the new DNR requirements for infiltration as well, noting that a portion of the storm water from the site must be infiltrated (90% pre-development infiltration volume or 25% post-development runoff volume from the 2yr storm) for residential developments. It was mentioned that infiltration criteria will be incorporated into the revised ECSM Ordinance through recommendations provided by the ECSM Workgroup Committee. Mr. Schmidt indicated that sand & gravel areas are prime for stormwater infiltration basins and potentially a number of basins (not just one (1)) should be incorporated into a plan for development. Mr. Sebo indicating that Washington County is working on providing a GIS soils layer to assist in identifying areas suitable for infiltration practices.

Mr. Ripp agreed that more dry ponds should be installed allowing for a draw down time of 72 hours, which can sustain plant life, by avoiding standing water and the potential for the spread of West Nile virus, dry ponds are preferred. Mr. Wilson commented that a new philosophy has emerged, noting that 10 years ago wet ponds were more preferred.

Mr. Schmidt noted that each specific site needs to be assessed such that he would like to see a heavy emphasis (from all levels of government) towards the conceptual stage of development. Stating that all municipalities need to direct the developers early on to their respective engineers (either at the local level or the county level) while the development is still in the conceptual phase, where changes can be made in order to avoid costly and unnecessary modifications to the plan during the later stage of development.

Mr. Benninghof explained who has jurisdiction for stormwater construction permits, noting that as of 10/01/04 all construction sites disturbing of 1 acre or greater need a DNR WPDES construction stormwater general permit, noting exceptions. He also stated that the Department of Transportation (DOT) handles transportation construction projects and has a memorandum of understanding with the DNR. If the project is related to commercial development it may require a DNR and Department of Commerce approval and permit.

It was noted that Village of Germantown being a Phase I community will be required to revise their erosion control and stormwater ordinance by March 10, 2008; the Phase II communities: City of West Bend, City of Hartford, and a portion of the Town of Richfield have until November of 2008.

Mr. Wendelborn asked when modifying their ordinance if more permeable surfaces should be recommended such as porous pavement vs. paved asphalt. Mr. Schmidt replied, yes, but cautioned that regrind asphalt and gravel parking areas are not considered porous, and may actually add to the cost of maintenance of the stormwater system because of the amount of fine particles in each. It was noted that most storm water practice maintenance costs are the responsibility of the homeowner's, which can be a special assessment charge through the taxing authority if not done by the owners. It was also noted that Washington County has developed a database of information on all ponds constructed and administered through the County Ordinance; this program will track inspections of ponds, etc.

Mr. Schmidt stated that by having one countywide ordinance, one set of rules all municipalities, engineers and developers are aware of the guidelines and the processes involved. It was noted that the DNR does not typically perform spot checks on sites and that by working proactively together on projects, before a crisis occurs is often less costly, less time consuming and has less impacts on the environment.

Illicit discharge was discussed. Illicit discharge is defined as any discharge to a municipal separate storm sewer system that is not comprised entirely of storm water with the exception of discharges authorized by a WPDES permit (i.e., failing septic systems, illegal dumping practices). This would allow for local enforcement action, if found in noncompliance, the local authority would be able to issue a violation.

An ordinance revision process includes review and approval from the DNR. The County's ordinance could be more restrictive but not less than the DNR's. The revised ordinance may be as simple as referencing the DNR standards NR 151 or NR 216; or the revised ordinance could get very specific depending on what the workgroup decides.

Mr. Benninghoff suggested that the municipalities review the model ordinances that already have been created and then proceed forward. Mr. Herriges suggested that another ECSM I&E meeting be held inviting all the Townships and the Towns Association for feed back. Mr. Wilson noted that the

opportunity for public input has been used as a tool in almost every planning process. Mr. Schmidt noted that another informational meeting can be scheduled after the end of the revision process in addition to public hearings before final adoption at the county level.

Mr. Wilson explained that the LWCD is looking for volunteers to sit on the workgroup to revise/develop an Erosion Control & Storm Water Management Ordinance. He also noted that tentatively the workgroup is expected to meet monthly for 6 month duration. Meetings would try to be limited to approximately 2 hours with Washington County staff identified as being responsible for research and draft writers.

Mr. Bennett commented that it is critical to have a balanced workgroup, comprised of various representations and a vast array of knowledge at all levels. It's also important that the information at the meetings gets funneled back to the township level, so the towns can discuss it at their meetings.

Mr. Bennett stated that for the safety and value of Pike Lake he would volunteer as a workgroup member. Others also volunteered on behalf of their respective municipality/agency and/or organization. Mr. Roell noted that he would also like to receive all the agendas/draft information as it becomes available. Mr. Ripp noted that he would like to be on the committee but probably will not be able to make all the meetings.

The next meeting is tentatively scheduled for April 26th @ 2-4 P.M. Minutes and drafts should be mailed out one week in advance. It was further decided that the fourth Thursday of the month from 2-4 P.M. should be set aside for the upcoming meeting dates; the meeting location would be at the Washington County Public Agency Center.

The following is a list of ECSM Workgroup Committee:

City/Town/Village Representatives		Washington County Representatives	
William Ripp, P.E.	City of Hartford, Engineer	Scott Schmidt, PE., RLS	Washington County Engineer/Surveyor
Max Marechal	City of West Bend, Asst., City Engineer	Paul Sebo	*LWCD, Senior Technician
Jim Reinke	City of West Bend, Comm. Dev., Asst. Planner	Charlene S. Brady	Washington County Board of Supervisor
Jim Haggerty, P.E.	Village of Slinger, Engineer	Builders Associations	
Steve Wendelborn	Town of Barton, Zoning Administrator	J. Scott Mathie	Metropolitan Builders Association
Jim Bennett	Town of Hartford, Chairman	State Representatives	
Frank Mayer	Town of Trenton, Zoning Administrator	Benjamin Benninghoff	DNR, Water Resources Stormwater Specialist
Leander Herriges	Town of Wayne, Chairman	<i>*LWCD- Land & Water Conservation Division of the Planning & Parks Department</i>	
Kirk Radtke	Village of Germantown, Bldg. Inspector		
Ken Voigt	Village of Germantown, Bldg./Plumbing Inspector		
Matthew Bednarski, P.E.	Village of Newburg, Engineer		

Mr. Wilson led discussion for other issues or concerns from the group present. The following list was comprised:

Other Issues & Concerns from Municipalities

1. Enforcement & Cost of Enforcement
2. Education (online)
3. Education of Developers (Especially New Developers)

Mr. Ripp noted that Waukesha County has done an exceptional job in educating the public.

Mr. Sebo stated that he would like to see an increase in the infiltration standards, above what is now required in the DNR standards.

Mr. Wilson suggested that at the next meeting in April that a Mission Statement and Ground Rules should be the first agenda items.

Mr. Ripp stated that the DNR may have grants available for this revision process. Mr. Benninghoff commented, that yes, the DNR offers planning grants in the amount of \$85,000.00. Staff will look into the specifics.

Mr. Schmidt thanked everyone, noting that if they had any questions/comments regarding ECSM or on any other topic(s), please contact the County Engineering staff; either himself or Mr. Sebo.

Mr. Schmidt also noted that the Nonmetallic Mining Reclamation Ordinance is in the process of being revised and he will be sending a letter out to all municipalities, informing them of the new revisions. He noted that all municipalities have until June 1, 2007 to revise their own ordinance, which also needs to be submitted to the DNR for their final approval before the deadline.

Mr. Wilson also thanked everyone.

Meeting adjourned @ 2:40 P.M.

Respectfully Submitted,

Fay Fitts
Recording Secretary