

**COMMISSION FILE NO:** 19-032-3 **DATE INTRODUCED:** March 11, 2019

**INTRODUCED BY:** Executive Director (Signature on File in the Office of the Commission)

**REFERRED BY COMMISSION CHAIRPERSON TO:** Policy, Finance, and Personnel Committee

**RELATING TO:** Repeal and Recreation of MMSD Rules, Chapter 13, Surface Water and Stormwater

**SUMMARY:**

The Commission is requested to repeal and recreate MMSD Rules, Chapter 13, Surface Water and Stormwater, to clarify existing requirements and to require the implementation of green infrastructure (GI) to manage stormwater for new impervious surfaces between 5,000 square feet and one-half acre.

Also, proposed Chapter 13 makes technical adjustments to the descriptions of Wilson Park Creek and Edgerton Channel, which are in the Kinnickinnic River watershed, and Fish Creek, which drains to Lake Michigan.

**ATTACHMENTS:** **BACKGROUND** ☒ **KEY ISSUES** ☐ **RESOLUTION** ☒  
**FISCAL NOTE** ☐ **S/W/MBE** ☐ **OTHER** ☒ (1) Proposed Chapter 13, (2) Response to Comments

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**COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## BACKGROUND

### Repeal and Recreation of MMSD Rules, Chapter 13, Surface Water and Stormwater

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Regarding surface water and stormwater, the District takes two types of actions to reduce flood risks: (1) District watercourse projects and (2) implementation of stormwater runoff management requirements during development or redevelopment of real estate. Reorganization of Chapter 13 will separate the rules related to these two types of actions.

Currently, runoff management requirements apply to development that adds one-half acre or more of impervious surface or redevelopment that disturbs more than two acres. Clarification of these requirements will make them easier to understand and implement.

The District is proposing new requirements applicable to developments that add between 5,000 square feet and one-half acre of new impervious surface. The proposed rules would require these developments to implement GI sufficient to detain the first half-inch of rain from the new impervious surface. In addition to supporting the District's stormwater management efforts, the new GI requirements will support achievement of GI goals in the District's renewed wastewater discharge permit, which are being implemented to reduce the adverse effects of sewer overflows. The new GI requirements will also help the District attain goals in its 2035 Vision. Finally, GI will help municipalities comply with anticipated stormwater permit requirements that implement Total Maximum Daily Loads for local watersheds.

In the development of proposed Chapter 13, stakeholder involvement was extensive. Options for achieving more GI have been discussed since the District's *Regional GI Plan* in June 2013 and the District's Ad Hoc GI Implementation Policy Committee final report in 2014. The District's Technical Advisory Team received a draft of proposed Chapter 13 at its August 2018 meeting. The Intergovernmental Cooperation Council discussed the proposed rules at its meeting on September 10, 2018. The Commission authorized a public hearing at its meeting on September 24, 2018. The District notified municipal clerks of the proposed hearing and comment period on December 7, 2018. The Milwaukee Journal-Sentinel published a public notice for a hearing and comment period on December 9, 2018. A public hearing occurred on January 17, 2019. The period for written comments closed on January 18, 2019.

The proposed rules have changed in response to comments. Attachment 2 summarizes the comments, provides a response, and indicates how the draft rules changed in response to comments.

## BACKGROUND (Cont'd)

### Repeal and Recreation of MMSD Rules, Chapter 13, Surface Water and Stormwater

District Planning, Watercourse, and Geographic Information system staff have reviewed the descriptions of the watercourses where the District may reduce the regional flood. This review identified opportunities to refine the descriptions of these watercourses. The first change relates to Wilson Park Creek and Edgerton Channel, which are in the Kinnickinnic River watershed. Historical research and discussions with the Wisconsin Department of Natural Resources have led to the conclusion that Edgerton Channel is the best name for the upstream reach of what had been included in Wilson Park Creek in the past. Second, in the Lake Michigan Drainage Area, proposed changes make descriptions of Fish Creek, main stem and tributary, more accurate.

### Chapter 13 Appendix 1 Kinnickinnic River and Tributaries

Streams Under District Jurisdiction				
Watercourse	Municipalities in Watershed	Upstream Terminus	Downstream Terminus	Length (miles) -approximate-
* * *				
<u>Edgerton Channel</u>	<u>Cudahy</u>	<u>S. Whitnall Avenue, south of S. Nicholson Avenue</u>	<u>Wilson Park Creek, east of S. Howell Avenue and 450 feet south of E. Layton Avenue</u>	<u>2.5</u>
Wilson Park Creek	Cudahy Greenfield Milwaukee Saint Francis	<del>S. Whitnall Avenue, south of S. Nicholson Avenue</del> <u>East of S. Howell Avenue and 450 feet south of E. Layton Avenue</u>	Kinnickinnic River, near S. 30 <sup>th</sup> Street and W. Manitoba Avenue	<del>3.66</del> <u>4</u>

### Chapter 13 Appendix 2 Lake Michigan Drainage Area

Streams Under District Jurisdiction				
Watercourse	Municipalities in Watershed	Upstream Terminus	Downstream Terminus	Length (miles) -approximate-
Fish Creek, main stem	Bayside Mequon River Hills	W. County Line Road, <del>east of I-43</del> <u>between N. Sequoia Drive and N. Wakefield Court</u>	Lake Michigan, north of the Milwaukee County/Ozaukee County border	<del>2.32</del> <u>2</u>
Fish Creek, tributary	Bayside Mequon River Hills	W. County Line Road, <del>near Columbia Court</del> <u>between N. Columbia Creek Lane and N. Glenview Lane</u>	<del>Fish Creek at I-43 W. County Line Road, Between I-43 and N. Port Washington Road</del>	0.5

## **RESOLUTION**

Repeal and Recreation of MMSD Rules, Chapter 13, Surface Water and Stormwater

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**RESOLVED**, by the Milwaukee Metropolitan Sewerage Commission, that MMSD Rules, Chapter 13, is repealed and recreated, as shown in Attachment 1, and is effective upon publication, as required by Wis. Stat. Sec. 200.45(1)(c).