

# SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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August 24, 2015

Ms. Susan L. Sylvester  
Director, Bureau of Water Quality  
Wisconsin Department of Natural Resources  
101 S. Webster Street – GEF2  
P.O. Box 7921  
Madison, WI 53707-7921

Dear Ms. Sylvester:

Pursuant to the provisions of the cooperative agreement entered into on June 25, 2015, between the Southeastern Wisconsin Regional Planning Commission and the Wisconsin Department of Natural Resources governing the conduct of continuing areawide water quality management planning in southeastern Wisconsin during 2015, we are providing to you herewith a report of work completed under that agreement for the period from January 1, 2015, through June 30, 2015. The work completed is summarized in two tables attached hereto.

Table 1 indicates the work products specified to be provided under each work element of the cooperative agreement, as well as a summary listing of the work products completed during the year. Table 2 provides additional detail as to the specific work products completed, and indicates the status of the delivery of those work products to you. The tabular data are also being submitted electronically to the Department SWIMS database, as is the agreed-upon procedure.

Should you have any questions concerning this matter, please do not hesitate to contact Michael G. Hahn of the Commission staff directly at (262) 953-3243, or [mhahn@sewrpc.org](mailto:mhahn@sewrpc.org).

Sincerely,

A handwritten signature in black ink that reads "Kenneth R. Yunker".

Kenneth R. Yunker P.E.  
Executive Director

KRY/MGH/kmd  
WDNR 2015 1ST HALF WQ PLAN STATUS REPORT (00226973).DOC

Enclosures

cc: Mr. Tim Asplund, Section Chief, WDNR-Madison  
Ms. Lisa Helmuth, Water Resources Management Specialist, WDNR-Madison  
Ms. Johanna Lathrop, Water Resources Management Specialist, WDNR-Madison  
Ms. Sharon L. Gayan, WDNR Deputy Water Leader (w/Tables 1 & 2)



**Table 1**

**2015 CONTINUING WATER QUALITY PLANNING PROGRAM PROJECT OUTPUT SUMMARY  
January 1, 2015 through June 30, 2015**

| Work Project and Project Output Anticipated from January 1, through June 30, 2015 per 2015 Agreement   | Project Outputs Completed during January 1, through June 30, 2015 (see Table 2 for details)   |
|--|---|
| Project 300-1000: Water Quality Management Plan Coordination and Extension of Implementation Activities  |   |
| 1. One letter report or memorandum   | 1. Three letter reports   |
| 2. Assistance and Data Provision to WDNR, County Land and Water Conservation Committees, and Other Designated Management Agencies for Watershed and other Water Quality-Related WDNR Advisory Committees, Including Statewide Activities | 2. <ul style="list-style-type: none"> <li>• Attendance and material review for four meetings of MMSD Technical Advisory Team (TAT)</li> <li>• Served on the following MMSD project committees:               <ul style="list-style-type: none"> <li>○ Burnham Canal technical stakeholder committee</li> <li>○ Phase 1 Menomonee River fish passage restoration project</li> <li>○ Removal of low head fish passage barriers on Menomonee River near Hoyt Park</li> <li>○ Kinnickinnic River (Reach 2, Phase 1) stream rehabilitation and flood mitigation project</li> </ul> </li> <li>• Continued to serve as a technical advisor on the WDNR Milwaukee Estuary Area of Concern Fish and Wildlife Technical Team</li> <li>• Served on an NRCS technical standards committee developing new agricultural filter strip standards</li> <li>• Participated as technical advisory committee member of the Wisconsin Wetlands Association's (WWA) Land Use and Wetlands Advisory Group for development of a statewide <i>Conservation Wetland Ordinance</i></li> <li>• Participation as member of the Root-Pike Watershed Initiative Network (WIN)</li> <li>• Participation as a technical advisor to the Southeastern Wisconsin Fox River Commission</li> <li>• Participation in the Southeastern Wisconsin Watersheds Trust, Inc. (Kinnickinnic, Menomonee, and Root River watersheds; Oak Creek watershed; Lake Michigan direct drainage area; Milwaukee Harbor estuary; and nearshore Lake Michigan area). Commission staff serves on the Board of Directors; Science, Policy, and Strategic Planning Committees</li> <li>• Participated as a project partner in the Oconomowoc River Watershed Protection Program (OWPP) and Regional Conservation Partnership Program (RCPP) sponsored by the City of Oconomowoc</li> </ul> |
| 3. Assistance to 17 Lake Organizations and Participation with WDNR and Others in Statewide Lake Planning   | 3. <ul style="list-style-type: none"> <li>• Provision of assistance to 18 lake and river-related organizations and two counties</li> <li>• Participation with WDNR Southeast Region staff and State, national, and international lakes organizations to coordinate lakes planning, including attendance at meetings</li> </ul>  |

**Table 1 (continued)**

| Work Project and Project Output Anticipated from January 1, through June 30, 2015 per 2015 Agreement   | Project Outputs Completed during January 1, through June 30, 2015 (see Table 2 for details)   |
|--|---|
| 4. 14 Public Informational Reports or Presentations  | 4. 15 presentations on water quality issues and environmental corridors   |
| 5. WDNR-SEWRPC Program Coordination  | 5. Coordination with WDNR, including contract and work program development, and submittal of work products<br><br>In 2015, included GIS files of year 2010 urban areas served by public sanitary sewers   |
| 6. Attendance at 70 Meetings Related to Water Quality  | 6. Attendance at 77 meetings related to water quality planning  |
| 7. Special subwatershed or County Land and Water Management Plan assistance  | 7. No specific assistance, but many of the activities listed elsewhere in this summary report relate to land and water resource management in the counties of the Region. See specifically 300-1000, Items 2, 3, and 8 and 300-4000, Item 2   |
| 8. Miscellaneous Plan Implementation Activities  | 8. <ul style="list-style-type: none"> <li>• Maintain permit and data files; provision of information on a walk-in or telephone basis (85 meetings/phone calls/e-mails) (see Project 300-2000, Item 3)</li> <li>• Participated in the Menomonee River Watershed-Based Permit Partners Group that is implementing the permit compliance components of the new watershed-based MS4 permit</li> </ul> |
| Project 300-2000: Sanitary Sewer Extension Reviews and Assistance  |   |
| 1. 50 Public and Private Sewer Extension Reviews   | 1. 55 public and private sewer extension reviews and letter reports   |
| 2. 6 Letter Reports Documenting In-Field Delineations of Environmentally Sensitive Lands   | 2. 13 letter reports  |
| 3. 60 Meetings/Phone Calls/E-mails to Review Environmentally Sensitive Areas and Related Matters Concerning Sewer Extensions and Sewer Service Areas | 3. About 85 meetings/phone calls/e-mails with landowners, developers, and local officials   |
| Project 300-3000: Sewer Service Area Plan Refinements  |   |
| 1. One Sewer Service Area Plan   | 1. One 2 <sup>nd</sup> edition sewer service area plan was completed  |
| 2. Revisions to Two Previous Sewer Service Area Plans  | 2. Five amendments to previous sewer service area plans were completed  |
| 3. 6 Special Letter Reports on Environmentally Sensitive Areas   | 3. 15 letter reports  |
| 4. Provision of Data for WDNR Environmental Assessments  | 4. Provision of data for environmental assessments is now routinely provided  |
| 5. Meetings and Miscellaneous Activities   | 5. As needed  |
| 6. Development of Procedures for Environmentally Sensitive Lands Recommendations   | 6. Continued refinement of procedures and provision of additional mapping within each sewer service area  |
| Project 300-4000: Regional Water Quality Management Plan Update  |   |
| 1. Continue to Support Subregional Plan Amendment Activities   | 1. See 300-1000, Item 1 and 300-3000, Items 1 and 2   |

**Table 1 (continued)**

| Work Project and Project Output Anticipated from January 1, through June 30, 2015 per 2015 Agreement        | Project Outputs Completed during January 1, through June 30, 2015 (see Table 2 for details)  |
|---|--|
| 2. Implementation of the regional water quality management plan update for the greater Milwaukee watersheds | 2. Obtained USEPA certification that the plan set forth in SEWRPC Community Assistance Planning Report No. 316, <i>A Restoration Plan for the Root River Watershed</i> , July 2014, is consistent with the nine minimum elements of a watershed-based plan.  |
| Project 300-5000: Regional Water Quality Management Plan Update—Groundwater Management Studies              |  |
| 1. Miscellaneous activities   | <ol style="list-style-type: none"> <li>1. Assisted the Village of Mount Pleasant and coordinated with WDNR in evaluating issues relative to water supply issues in the portion of the Village within the Mississippi River Basin</li> <li>2. Coordinated with the WDNR regarding Waukesha water supply service area issues</li> <li>3. Participated in the Wisconsin Water Conservation Coalition</li> </ol> |

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Table 2

**SUMMARY OF 2014 WORK PROGRAM PROJECT OUTPUTS AND STATUS OF DOCUMENTATION**  
**January 1, 2015 through June 30, 2015**

| Work Products  | Status of Documentation <sup>a</sup> |
|--|--------------------------------------|
| Project 300-1000: Water Quality Management Plan Coordination and Extension and Implementation Activities   |                                      |
| 1. Three Letter Reports <ul style="list-style-type: none"> <li>• City of Lake Geneva: Review of aerobic digester design report 01/19/15</li> <li>• Walworth County: Review of issues related to WDNR determination that the County operates a municipal separate storm sewer system that requires coverage under WPDES General Permit No. WI-S050181-1 (two letter reports) 01/23/15<br/>02/05/15</li> </ul>   | 3<br>3                               |
| 2. Assistance and Data Provision for WDNR and Major Water Quality Management Plan Designated Management Agency Programs <ul style="list-style-type: none"> <li>• Participation as Member of MMSD TAT, Including Meetings and Material Reviews. During the Reporting Period, Attended Four Meetings 2</li> <li>• Served on four MMSD project committees related to stream rehabilitation, fish passage, and wetland restoration 2</li> <li>• Continued to serve as a technical advisor on the WDNR Milwaukee Estuary Area of Concern Fish and Wildlife Technical Team 2</li> <li>• Served on an NRCS technical standards committee developing new agricultural filter strip standards 2</li> <li>• Participated as technical advisory committee member of the Wisconsin Wetlands Association's (WWA) Land Use and Wetlands Advisory Group for development of a statewide <i>Conservation Wetland Ordinance</i> 2</li> <li>• Participation in Root-Pike Watershed Initiative Network 2</li> <li>• Participation as a nonvoting Commissioner and technical advisor to the Southeastern Wisconsin Fox River Commission (SEWFRC) 2</li> <li>• Participation in Southeastern Wisconsin Watersheds Trust, Inc. 2</li> <li>• Project partner in the Oconomowoc River Watershed Protection Program (OWPP) and Regional Conservation Partnership Program (RCPP) 2</li> </ul> |                                      |
| 3. Assistance to Lake Organizations <ul style="list-style-type: none"> <li>• Provision of Assistance to a Total of 18 Lake or River Organizations and two counties (not including actual plan preparation). See Table, Item 3, 300-1000 3</li> <li>• Participation in WDNR and Other Organizational, Regional, Statewide, National, and International Lakes Planning Programs 2</li> </ul>   |                                      |
| 4. Public Information—Education Reports or Presentations <ul style="list-style-type: none"> <li>• Provided Assistance in Coordinating the 2014 Wisconsin Lakes Convention 2</li> <li>• 15 presentations on Water Quality Topics 3 (two examples provided)</li> </ul>   |                                      |
| 5. WDNR Project Coordination and Work Program Development <ul style="list-style-type: none"> <li>• General Coordination with WDNR 2</li> <li>• Preparation of Annual Work Plans 2</li> <li>• Submittal of Work Products (In 2015, included GIS files of year 2010 urban areas served by public sanitary sewers) 2</li> </ul>   |                                      |
| 6. Attendance at 77 Meetings Related to Water Quality Planning 2   |                                      |
| 7. County Land and Water Resource Management Plan Assistance 2   |                                      |
| 8. Miscellaneous Plan Activities <ul style="list-style-type: none"> <li>• Maintenance and Review of Water Quality Related File Data, Including WPDES Permits for Public Sewage Treatment Plants 2</li> <li>• Provision of Available Information on Sewage Systems, Lakes, Environmentally Significant Areas. (Walk-In or by Telephone), About 85 Meetings/Phone Calls/E-mails (also relates to Project 300-2000, Item 3) 2</li> <li>• Participated in the Menomonee River Watershed-Based Permit Partners Group that is implementing the permit compliance components of the new watershed-based MS4 permit 2</li> </ul>   |                                      |

**Table 2 (continued)**

| Work Products  | Status of Documentation <sup>a</sup>   |
|--|--|
| Project 300-2000: Sanitary Sewer Extension Reviews   |  |
| 1. 30 Public and 25 Private Sewer Extension Reviews (see listings)   | 3  |
| 2. 13 Letter Reports on Field Delineation of Environmentally Sensitive Lands for Sewer Extension Projects  | 3 (three examples provided)  |
| 3. About 85 Meetings/Phone Calls/E-mails Related to Environmentally Sensitive Lands Data and Related Matters Concerning Sewer Extensions, Service Areas, and Other Development or Preservation Projects (also relates to Projects 300-1000 and 300-3000)   | 2  |
| Project 300-3000: Sewer Service Area Plan Refinements  |  |
| 1. One Sewer Service Area Plans <ul style="list-style-type: none"> <li>• Village of Mukwonago and Environs</li> </ul>  | 4<br><a href="http://www.sewrpc.org/SEWRPCFiles/Publications/CAPR/capr-191-2nd-ed-ssa-village-of-mukwonago.pdf">http://www.sewrpc.org/SEWRPCFiles/Publications/CAPR/capr-191-2nd-ed-ssa-village-of-mukwonago.pdf</a>   |
| 2. Amendment Documents for Five Previous Sewer Service Area Plans <ul style="list-style-type: none"> <li>• City of Kenosha-Final</li> <br/> <li>• Village of Germantown-Final</li> <br/> <li>• Village of Grafton-Final</li> <br/> <li>• Village of Hartland-Final</li> <br/> <li>• Village of Walworth</li> </ul> | 4<br><a href="http://www.sewrpc.org/SEWRPCFiles/Publications/ssa/2015-06-amendment-greater-kenosha-area.pdf">http://www.sewrpc.org/SEWRPCFiles/Publications/ssa/2015-06-amendment-greater-kenosha-area.pdf</a><br>4<br><a href="http://www.sewrpc.org/SEWRPCFiles/Publications/ssa/2015-06-amendment-germantown-wi.pdf">http://www.sewrpc.org/SEWRPCFiles/Publications/ssa/2015-06-amendment-germantown-wi.pdf</a><br>4<br><a href="http://www.sewrpc.org/SEWRPCFiles/Publications/ssa/2015-03-amendment-Cedarburg.pdf">http://www.sewrpc.org/SEWRPCFiles/Publications/ssa/2015-03-amendment-Cedarburg.pdf</a><br>4<br><a href="http://www.sewrpc.org/SEWRPCFiles/Publications/ssa/2015-03-amendment-hartland.pdf">http://www.sewrpc.org/SEWRPCFiles/Publications/ssa/2015-03-amendment-hartland.pdf</a><br>4<br><a href="http://www.sewrpc.org/SEWRPCFiles/Publications/ssa/2015-03-amendment-walworth.pdf">http://www.sewrpc.org/SEWRPCFiles/Publications/ssa/2015-03-amendment-walworth.pdf</a> |
| 3. 15 Special Letter Reports   | 3 (three examples provided)  |
| 4. Provision of Data for Environmental Assessments is Routinely Provided As Part of Submittal to WDNR  | 2  |
| 5. Meetings and Other Miscellaneous Activities   | 2  |

**Table 2 (continued)**

| Work Products   | Status of Documentation <sup>a</sup>   |
|---|--|
| 6. Procedures for Adding Detail to Sewer Service Area Plans Regarding Environmentally Sensitive Lands Changes Are Incorporated into New Reports and Routine Submittal of Supplementary Data with Report Submittal. Will Continue to Refine Procedure  | 2  |
| Project 300-4000: Regional Water Quality Management Plan Updating and Extension   |  |
| 1. Continue to Support Subregional Plan Amendment Activities  | See 300-1000, Item 1 and 300-3000, Items 1 and 2   |
| 2. Continue implementing the regional water quality management plan update for the greater Milwaukee watersheds: Obtained USEPA certification that the plan set forth in SEWRPC Community Assistance Planning Report No. 316, <i>A Restoration Plan for the Root River Watershed</i> , July 2014, and supplemented by SEWRPC Memorandum Report No. 220, <i>Supplemental Information Developed for the Root River Watershed Restoration Plan</i> , April 2015, is consistent with the nine minimum elements of a watershed-based plan. | 4<br><a href="http://www.sewrpc.org/SEWRPCFiles/Publications/mr/mr-220-supplemental-info-for-root-river-wshed-plan.pdf">http://www.sewrpc.org/SEWRPCFiles/Publications/mr/mr-220-supplemental-info-for-root-river-wshed-plan.pdf</a> |
| Project 300-5000: Regional Water Quality Management Plan Update—Groundwater Management Studies  |  |
| 1. Miscellaneous Activities Related to Water Conservation and the Regional Water Supply Plan  |  |
| • Assisted the Village of Mount Pleasant and coordinated with WDNR in evaluating issues relative to water supply issues in the portion of the Village within the Mississippi River Basin  | 2  |
| • Coordinated with the WDNR staff regarding Waukesha water supply service area issues   | 2  |
| • Participated in the Wisconsin Water Conservation Coalition  | 2  |

<sup>a</sup>Status of documentation Categories:

1—Previously provided to Wisconsin Department of Natural Resources with project output reports.

2—No specific documentation required.

3—Provided to Wisconsin Department of Natural Resources with this report.

4—See SEWRPC website.

**300-1000**  
**ITEM 1**

COPY

# SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607 •

TELEPHONE (262) 547-6721  
FAX (262) 547-1103

January 19, 2015

Serving the Counties of:

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WALWORTH  
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Mr. Nathan Cassity, P.E.  
Donohue & Associates  
3311 Weeden Creek Road  
Sheboygan, WI 53081

Dear Mr. Cassity:

We are writing in response to your letter of December 22, 2014, requesting that the Commission staff review and comment on the document entitled *Lake Geneva Aerobic Digester Design Report*, which was originally issued on December 22, 2014, and was revised on January 8, 2015. That document, which was prepared by your firm for the City of Lake Geneva, sets forth recommendations relative to expanding the aerobic digester capacity at the Lake Geneva Wastewater Treatment Facility to provide increased volatile solids reduction and improved quality of the stored biosolids.

Pursuant to your request, the Commission staff has reviewed the report and offers the following comments for your consideration:

1. The forecast in the Commission-adopted regional land use plan indicates that the population of the Lake Geneva planned sanitary sewer service area would approximate 14,440 persons in 2035 under recommended plan conditions, which are based upon an intermediate growth scenario. That population was appropriately applied to estimate wastewater flows and loads to the plant under planned year 2035 conditions.
2. The planned sewer service area identified in the subject facility plan is shown on Figure 5 of the report. This figure was revised on January 8, 2015, to match the adopted area identified in the December 2004 SEWRPC *Amendment to the Regional Water Quality Management Plan – City of Lake Geneva and Environs*.
3. The estimated year 2035 average day and maximum monthly wastewater flows are 1.80 million gallons per day (mgd) and 2.56 mgd, respectively. The facility average daily design flow is 2.5 mgd. Based upon review of the methodology to develop flow rates, both the year 2035 flow rates and the facilities plan conclusion that plant capacity upgrades are not required are considered reasonable.
4. The report presents two alternatives for expanding aerobic digestion at the facility, installing either two 34 foot diameter circular steel digesters or two rectangular concrete digesters (each 30feet wide by 33feet long). Capital and annual operation and maintenance costs were developed for the two alternatives and used in the 20-year present worth analysis.

Based on the foregoing, the Commission staff finds that the recommendations of the December 22, 2014, *Lake Geneva Aerobic Digester Design Report*, as revised on January 8, 2015, are in conformance with, and would serve to implement the adopted regional water quality management plan. It is recommended that the design report be approved by the Wisconsin Department of Natural Resources.

Mr. Nathan Cassity  
January 19, 2015  
Page 2

We trust the foregoing comments and recommendations will be helpful to you. If we may be of further assistance to you in this matter, please do not hesitate to contact Ms. Laura L. Kletti, of the Commission staff, at (262) 953-3224, or [lkletti@sewrpc.org](mailto:lkletti@sewrpc.org).

Sincerely,

Kenneth R. Yunker, P.E.  
Executive Director

KRY/MGH/LLK/pk  
00223030.DOC

cc: Mr. Daniel S. Winkler, City of Lake Geneva  
Ms. Sharon L. Gayan, WDNR-Milwaukee  
Ms. Amy M. Garbe, WDNR-Fitchburg  
Mr. Gerald Novotny, WDNR-Madison

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WAUKESHA



January 23, 2015

Mr. David A. Bretl  
Administrator  
Walworth County  
P.O. Box 1001  
100 W. Walworth  
Elkhorn, WI 53121

Dear Mr. Bretl:

We are writing in response to Walworth County's request for assistance in evaluating options relative to the preliminary determination by the Wisconsin Department of Natural Resources (WDNR) "that Walworth County owns or operates a municipal separate storm sewer system (MS4) that requires coverage under Wisconsin Pollutant Discharge Elimination System (WPDES) MS4 General Permit No. WI-S050181-1." The County was notified of that preliminary determination in an October 28, 2014, letter to you from Mary Anne Lowndes, Chief of the WDNR Runoff Management Section. The County's request for our assistance was made through action at a joint meeting of the County Land Conservation and Public Works Committees whereby the Committees unanimously voted "to approve submission of the Stormwater Discharge Permit Notice of Intent (MS4) based upon recommendation from SEWRPC to do so: if SEWRPC recommends applying for exemption from the permit, staff is directed to do so."

In the course of reviewing and evaluating the County's options in this matter, the SEWRPC staff spoke with you; Fay Amerson, Urban Program Specialist in the Walworth County Land Conservation Division; Bryan Hartsook, Water Resources Engineer in the WDNR Water Division; and Maureen McBroom, WDNR Wastewater Specialist. The SEWRPC staff's conclusions are based on those discussions, and associated e-mail correspondence, and our review of Chapter NR 216, "Storm Water Discharge Permits," of the *Wisconsin Administrative Code* and of parts of WPDES MS4 General Permit No. WI-S050181-1. (Chapter NR 216 can be accessed at: [http://docs.legis.wisconsin.gov/code/admin\\_code/nr/200/216.pdf](http://docs.legis.wisconsin.gov/code/admin_code/nr/200/216.pdf).)

The Villages of Bloomfield and Genoa City in the southeastern corner of the County are located within the Round Lake Beach-McHenry-Grayslake, IL-WI urbanized area as defined under the 2010 United States census. The October 28, 2014, letter from WDNR to the County establishes that the inclusion of those villages in the Round Lake Beach urbanized area is the basis for the preliminary determination that the County requires coverage under the MS4 General Permit.

Section IV, "Potential Permit Exemption," of the notice of intent (NOI) to apply for coverage under the MS4 General Permit states that "Section NR 216.023, Wis. Adm. Code allows certain MS4s that have less than 1000 people residing in an urbanized area to be waived from municipal storm water permit coverage." Section NR 216.023, "Urbanized area exemption," states that WDNR "may waive the requirement to obtain permit coverage" for an MS4 within an urbanized area if all of the following criteria are met:

"(1) The owner or operator of the system is not otherwise required to obtain permit coverage pursuant to s. NR 216.02 (2).

(2) The system serves a population less than 1,000.

(3) The system is not contributing substantially to the pollutant loadings of a physically interconnected municipal separate storm sewer system that is regulated under this subchapter.

(4) If the system discharges a pollutant that has been identified as a cause of impairment of any water body to which it discharges, storm water controls must not be needed based on wasteload allocations that are part of a U.S. EPA approved or established TMDL that addresses any pollutant of concern."

Potential compliance with each of these criteria relative to County lands within the Round Lake Beach urbanized area is evaluated below:

**Criterion 1, Section NR 216.023(1):** Section NR 216.02(2) refers to an MS4 owner or operator being notified in writing by WDNR prior to August 1, 2004, of the need to obtain a WPDES MS4 permit. The County did not receive such notification; therefore, this criterion is met.

**Criterion 2, Section NR 216.023(2):** Preliminary estimates by WDNR staff indicate that the population served by the County MS4 is less than 1,000 persons; therefore, on that basis, this criterion is met.

**Criterion 3, Section NR 216.023(3):** Determination of whether this criterion is met depends on whether the County system contributes substantial pollution loads to the MS4s of the Villages of Bloomfield and Genoa City. The decision on what constitutes a "substantial" contribution rests with WDNR.

Estimates of pollution loads from the County stormwater management system alone relative to the loads from the Villages systems would be helpful in making such a determination. The SEWRPC staff could use year 2010 land use information for the urbanized area, information provided by the County on the extent of county-owned lands within the urbanized area, and generalized unit area loads for total suspended solids to estimate the relative pollution load contributions from the County-owned land and from each Village.

Mr. David A. Bretl  
Page 3  
January 23, 2015

**Criterion 4, Section NR 216.023(4):** United States Environmental Protection Agency (USEPA)-approved or established total maximum daily loads (TMDLs) for any pollutants have not been established for the streams in the urbanized area within Wisconsin. Based on information on the Illinois Environmental Protection Agency web site (<http://www.epa.state.il.us/water/tmdl/statewide-basemap.pdf> and <http://www.epa.illinois.gov/topics/water-quality/watershed-management/tmdls/reports/index>), TMDLs have also not been established for the North Branch of Nippersink Creek or Nippersink Creek in Illinois. Therefore, this criterion is met.

In the course of our discussions with WDNR staff, they noted that, even if the exemption criteria set forth in Section NR 216.023 are met, the WDNR staff would likely still consider whether the County may be required to obtain permit coverage under Section NR 216.025. That section of the code provides three conditions under which the WDNR could still require permit coverage for any MS4 even if the criteria of Section NR 216.023 were met. The conditions relate to 1) the amount of commercial land, industrial land, institutional land, and/or residential land with more than four houses per acre served by the MS4 in question, 2) site specific information that WDNR may have relative to whether stormwater from the MS4 could threaten or impair designated uses of waters of the State, or 3) whether controls on pollution from an MS4 are needed based on a USEPA-approved or established TMDL or equivalent analysis. As you are aware, TMDLs have been developed by WDNR and USEPA for the Rock River Basin, within which much of the western part of the County is located.

If an exemption were granted by WDNR, the County would not be covered by the general permit. If an exemption were not granted by WDNR, it would be expected that the County would be required to implement the six minimum control measures set forth in Section NR 216.06, map its stormwater management system, model pollutant loads to its system, and address State requirements regarding control of total suspended solids from areas of existing development in the urbanized area (Villages of Genoa City and Bloomfield) and in the other permitted municipalities in the County. The same requirements would apply if WDNR determined that the County met the exemption requirements of NR 216.023, but required the County to obtain permit coverage based on application of NR 216.025.

**In summary, we conclude that the County has a basis for applying for an exemption from coverage under the MS4 General Permit, but there is no guarantee that such an exemption would be granted by WDNR, and that, even in the event that the County were found to satisfy all criteria for an exemption as set forth in Section NR 216.023, WDNR could still require that the County obtain a permit based on application of Section NR 216.025.**

The SEWRPC staff can prepare total suspended solids load estimates as described above relative to Section NR 216.023(1), and we can work with County staff to provide additional information deemed pertinent to a County request for an exemption. We estimate that development of the supporting information require about three weeks, and could be completed by February 16, 2015.

Mr. David A. Bretl  
Page 4  
January 23, 2015

We trust that the foregoing information is helpful to the County. If you have any questions or comments, please contact Michael G. Hahn, SEWRPC Deputy Director, at (262) 953-3243, or [mhahn@sewrpc.org](mailto:mhahn@sewrpc.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth R. Yunker". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth R. Yunker, P.E.  
Executive Director

KRY/MGH/dd  
#00223315.DOC

cc: Ms. Faye Amerson, Walworth County  
Mr. Michael Cotter, Walworth County  
Mr. Kevin Brunner, Walworth County  
Mr. Bryan Hartsook, WDNR-Waukesha  
Ms. Maureen McBroom, WDNR-Waukesha  
Mr. Benjamin Benninghoff, WDNR-Milwaukee  
Ms. Mary Anne Lowndes, WDNR-Madison  
Mr. James Bertolacini, WDNR-Madison

bcc: Ms. Laura Kletti

COPY

# SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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February 5, 2015

Mr. David A. Bretl  
Administrator  
Walworth County  
100 W. Walworth Street  
P.O. Box 1001  
Elkhorn, WI 53121

Dear Mr. Bretl:

We are writing as a follow-up to our January 23, 2015, letter regarding Walworth County's request for a waiver from the coverage under Wisconsin Pollution Discharge Elimination System (WPDES) Municipal Separate Storm Sewer System (MS4) General Permit No. WI-S050181-1. The County included the request for a waiver in the Notice of Intent to Apply for Coverage under the WPDES General Permit submitted to the Wisconsin Department of Natural Resources (WDNR) on January 26, 2015.

Specifically, this letter addresses the third exemption criteria under Section NR 216.023(3) of the *Wisconsin Administrative Code* which states that the department may waive permit coverage if "the system is not contributing substantially to the pollutant loadings of a physically interconnected municipal separate storm sewer system that is regulated under this subchapter." Determination of whether this criterion is met depends on whether the County system contributes substantial pollution loads to the MS4s of the Villages of Bloomfield and Genoa City. The decision on what constitutes a "substantial" contribution rests with WDNR.

Estimates of total suspended solid (TSS) loads from the County stormwater management system alone relative to the loads from the Villages' systems were developed by SEWRPC staff using year 2010 land use information for the area within the corporate limits of the two Villages, information provided by the County on the extent of county-owned lands within the Villages, and generalized unit area loads for TSS for estimating the relative pollution load contributions from the County-owned land and from each Village. The SEWRPC staff also evaluated CTH B, H, and U adjacent to the Villages of Bloomfield and Genoa City and based on available topography included roadway sections contributing TSS loads to the Villages' MS4 in the load estimates.

Based on the above information, SEWRPC staff estimated that 93 acres of land owned by Walworth County contribute pollution loads to the Villages' MS4s, and that the annual TSS load from those areas would be 10.7 tons. The urban land uses within the Villages (2,333 acres) are contributing 199.1 tons per year of TSS. Therefore, Walworth County is contributing 5% of the total suspended sediment load to the Villages of Bloomfield and Genoa City on an annual basis.

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We trust that the foregoing information is helpful to the County. If you have any questions or comments, please contact Michael G. Hahn, SEWRPC Deputy Director, at (262) 953-3243, or [mhahn@sewrpc.org](mailto:mhahn@sewrpc.org).

Sincerely,

Kenneth R. Yunker, P.E.  
Executive Director

KRY/MGH/LLK/pk  
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cc: Ms. Faye U. Amerson, Walworth County  
Mr. Kevin M. Brunner, Walworth County  
Mr. Michael P. Cotter, Walworth County

bcc: Laura Kletti



**300-1000**  
**ITEM 3**

**2015 LAKE AND RIVER WATER QUALITY MANAGEMENT ACTIVITIES (300-1000-ITEM 3)  
January 1, 2015 through June 30, 2015**

| Lake or River                               | Activity   |
|---|--|
| Rock Lake                                   | <p>SEWRPC staff provided advisory services to the Rock Lake Restoration Association and WDNR on aquatic plant harvesting techniques and permitting issues</p> <p>SEWRPC staff completed the final version of Community Assistance Planning Report No. 319 entitled, <i>A Lake Protection Plan for Rock Lake, Kenosha County, Wisconsin</i>, published in June 2015</p> <p>SEWRPC hosted a community meeting to communicate planning efforts as well as to collect issues of concerns to Lake residents</p> |
| Pike Lake                                   | SEWRPC staff continued planning efforts which will contribute to the ongoing Pike Lake Protection Plan.  |
| Little Muskego Lake                         | <p>SEWRPC staff provided advisory services to the Little Muskego Lake Association on aquatic plant chemical treatment and permitting issues, including issues related to a new invasive species found in the Lake (Starry Stonewort)</p> <p>SEWRPC Staff continued planning efforts which will contribute to the ongoing Pike Lake Protection Plan.</p>  |
| Nagawicka Lake                              | SEWRPC staff began work on a new Lake Protection Planning Project for the City of Delafield Lake Welfare Committee.  |
| Hooker Lake                                 | SEWRPC staff continued planning efforts which will contribute to the ongoing Hooker Lake Water Quality Assessment and Aquatic Plant Management Plan.   |
| Gilbert Lake and Big Cedar                  | <p>SEWRPC staff completed the draft of Staff Memorandum entitled, <i>Groundwater investigation for Gilbert Lake in Washington County</i>.</p> <p>SEWRPC staff attended Commissioner meeting to discuss report edits.</p>   |
| Pleasant Lake                               | SEWRPC staff continued planning efforts which will contribute to the ongoing Pleasant Lake Protection and Aquatic Plant Management Plan  |
| Lake Denoon                                 | SEWRPC staff continued planning efforts which will contribute to the ongoing Denoon Lake Management Plan   |
| Bark Lake                                   | SEWRPC staff presented the finalized Lake Protection Plan at a Bark Lake Association annual meeting.   |
| Silver Lake (Washington County)             | SEWRPC staff began work on a new Lake Protection Planning Project for the Silver Lake Protection and Rehabilitation District, which has included the partial completion of an aquatic plant management survey.   |
| Pewaukee Lake                               | SEWRPC staff continued planning efforts which will contribute to the ongoing Pewaukee Lake Protection Plan   |
| Waterford Impoundment                       | SEWRPC staff completed an amendment to the 2012 SEWRPC Staff Memorandum <i>An Aquatic Plant Management Plan Update for Waterford Impoundment, Racine County, Wisconsin</i> which incorporated a new aquatic plant management technique   |
| Whitewater and Rice Lakes (Walworth County) | SEWRPC staff continued planning efforts which will contribute to the ongoing Whitewater and Rice Lakes Protection and Aquatic Plant Management Plan.   |
| Kenosha County Lakes and Streams            | <p>SEWRPC staff continued planning efforts focused on the preparation of updated ordinance recommendations consistent with the requirements of Chapter NR 115, "Wisconsin's Shoreland Protection Program," of the <i>Wisconsin Administrative Code</i></p> <p>SEWRPC staff completed impervious surface and setback calculations for 19 subwatersheds within Kenosha County</p>  |
| Walworth County Lakes and Streams           | SEWRPC staff presented planning efforts and provided advisory services at the Walworth County Lakes Association annual meeting   |

**2015 LAKE AND RIVER WATER QUALITY MANAGEMENT ACTIVITIES (300-1000-ITEM 3)**  
**January 1, 2015 through June 30, 2015 (continued)**

| Lake or River   | Activity  |
|---|---|
| Jackson Creek   | SEWRPC staff provided advisory services to the Kettle Moraine Land Trust and conduct inventories and participated in meetings as part of the ongoing watershed protection planning efforts  |
| Mason Creek   | SEWRPC staff provided advisory services to North Lake and Tall Pines Conservancy and conduct inventories and participated in meetings as part of the ongoing watershed protection planning efforts  |
| Pewaukee River  | SEWRPC staff provided advisory services to the Pewaukee River Partnership and completed the watershed protection plan (see <a href="http://www.sewrpc.org/SEWRPCFiles/Publications/CAPR/capr-313-pewaukee-river-wshed-protection-plan.pdf">http://www.sewrpc.org/SEWRPCFiles/Publications/CAPR/capr-313-pewaukee-river-wshed-protection-plan.pdf</a> )  |
| Menomonee River and Kinnickinnic River  | <p>SEWRPC staff provided advisory services to the Southeastern Wisconsin Watersheds Trust, Inc.</p> <p>SEWRPC staff provided technical advisory services to MMSD and WDNR associated with the U.S. Fish and Wildlife Service Fish Passage Project on the Menomonee River involving concrete removal and design and construction of instream habitat to promote fish passage</p> <p>Continued to serve on the Menomonee River Technical Stakeholder Committee as part of the MMSD project for the removal of three low flow barriers to improve fish passage</p> <p>Continued to serve on the Kinnickinnic River (Reach 2, Phase 1) stream rehabilitation and flood mitigation project stakeholder and team member committee providing advice on MMSD efforts to rehabilitate the stream reaches and improve flood management between S. 6th Street and S. 27th Street</p> |
| Milwaukee Estuary Area of Concern   | SEWRPC staff continued to serve on the Milwaukee Estuary Area of Concern (AOC) Fish and Wildlife Technical Advisory Committee, the Habitat Improvement in the Estuary Environment (HIPEE) Technical Advisory Team, and the Burnham Canal Technical Stakeholder Committee for an MMSD and US Army Corps of Engineers project   |
| Little Menomonee River, Bark River, Pike River, Fox River, and Tributaries to the Des Plaines River, Menomonee River, and Oak Creek | SEWRPC staff provided technical advisory services for several project involving stream channel assessment, culvert replacement and fish passage design, potential channel relocation alternatives, and/or stream and wetland restoration recommendations for the Wisconsin Department of Transportation and Wisconsin Department of Natural Resources staff   |
| Other   | <p>Participated in Statewide programs: SEWRPC staff continued to provide assistance as requested to the Wisconsin Lakes Partnership</p> <p>Worked with the Southeastern Wisconsin Fox River Commission, Southeast Fox River Partnership, and the Fox River Ecosystem Partnership to organize and host the 4<sup>th</sup> Annual Fox River Summit to continue to bring together watershed organizations in Wisconsin and Illinois for a one-day discussion of common interests and possible opportunities for future cooperation</p> <p>Gave a presentation on the water quality benefits of buffers at a "Wild Ones" Chapter Meeting and at the Friends of Mukwonago Annual meeting</p>   |
| Other (continued)   | <p>One SEWRPC staff person completed a "Shoreline Restoration" training program, developed by the UW-Extension system.</p> <p>Three SEWRPC staff presented at, and attended, the Wisconsin Lakes Partnership conference to remain aware of developments in Statewide lake management efforts</p>  |

