



## BUREAU OF WATERSHED MANAGEMENT PROGRAM GUIDANCE

Runoff Management Program Management Team  
Storm Water Policy Team

Wisconsin Department of Natural Resources  
101 S. Webster Street, P.O. Box 7921  
Madison, WI 53707-7921

### **Developed Urban Areas Performance Standard 20% TSS Reduction Addendum A (Urbanized Area)**

September 13, 2016

EGAD Number: 3800-2016-07

*This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.*

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APPROVED:

Pam Biersach, Director  
Bureau of Watershed Management

9-20-16

Date

## **A. Statement of Problem**

It is necessary to clarify whether an updated “urbanized area” (UA) as defined under s. NR 216.002(38), Wis. Adm. Code, will result in the need for a permitted municipal separate storm sewer system (MS4) to update its developed urban area modeling to show compliance with the 20% total suspended solids (TSS) reduction performance standard of s. NR 151.13(2)(b)1.b., Wis. Adm. Code. The *Developed Urban Areas and the 20% and 40% TSS Reductions* guidance memo, dated November 24, 2010, did not address this issue. The guidance memo is available at: [http://dnr.wi.gov/topic/stormwater/standards/ms4\\_modeling.html](http://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html)

Note: Pursuant to s. 281.16(2)(am)2., Stats., except as provided in s. NR 281.16(2)(am)3., Stats., the Department may not enforce compliance with the 40% TSS reduction in s. NR 151.13(2)(b)2., Wis. Adm. Code.

## **B. Background**

The developed urban area performance standard for TSS reductions specified under s. NR 151.13(2)(b), Wis. Adm. Code, are to be applied to “existing development” as defined under s. NR 151.002(14g), Wis. Adm. Code. However with each new federal decennial census, the UA is updated based on the population density established by the U.S. Bureau of Census and remapped accordingly. After each decennial census, a given area can be added or removed from the remapped UA.

## **C. Discussion**

The developed urban area performance standard is intended to reduce TSS discharges within areas already developed and not subject to the new development performance standards within subch. III of ch. NR 151, Wis. Adm. Code, which first went into effect with construction site Notice of Intent applications received after October 1, 2004. It is expected that in many cases additional area that is brought into a mapped UA is due to new development, redevelopment or in-fill development. The post-construction performance standards of subch. III of ch. NR 151, Wis. Adm. Code, require post-construction runoff from new development, redevelopment and in-fill development to have 40% or greater TSS reduction. Therefore, the post-construction TSS reduction applied to areas of new development, redevelopment or in-fill development is greater than the 20% developed urban area performance standard. Also areas that utilize a rural roadway design with vegetated drainage systems, as opposed to curb and gutter drainage, are commonly getting 20% or greater TSS control from their vegetated drainage system.

## **D. Guidance**

Note: A permitted MS4 may need to conduct two separate computer modeling analyses to show compliance with: (a) developed urban area standard (20% TSS) compliance and (b) Total Maximum Daily Load (TMDL) compliance. This guidance memo does not apply to TMDL modeling. Separate guidance has been developed to address MS4 TMDL implementation modeling and it is available at: [http://dnr.wi.gov/topic/stormwater/standards/ms4\\_modeling.html](http://dnr.wi.gov/topic/stormwater/standards/ms4_modeling.html)

Recommended guidance is as follows:

1. A permitted MS4 that has already conducted a s. NR 151.13 developed urban area analysis based on the 2000 decennial census UA will not be required to revise their

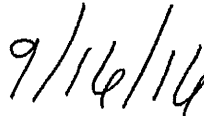
analysis based on a subsequently updated decennial census UA (i.e. 2010, 2020, etc.). However additional modeling may be needed to account for:

- a. Treatment practice added in order to initially achieve the developed urban area standard,
  - b. Treatment practice change that might affect compliance with the developed urban area standard, or
  - c. To address item 2 below.
2. All unincorporated areas mapped in the 2000 decennial census UA that are annexed into an incorporated permitted MS4's jurisdiction will be added to the developed urban area analysis for that incorporated permitted MS4. The permitted MS4 may average the TSS reduction over the entire area it is responsible for but must meet the applicable TSS reduction requirement of s. 281.16(2)(am)2. or 3., Stats.
3. MS4s initially permitted after year 2010 are to conduct the developed urban area analysis based on the most recent decennial census UA. At a minimum, permitted MS4s in this category must meet a 20% TSS reduction as specified in s. NR 151.13(2)(b)1.b., Wis. Adm. Code, for the applicable UA.

CREATED:



Eric S. Rortved, Water Resource Engineer  
Storm Water Policy Team

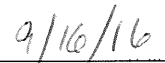


Date

APPROVED:



Mary Anne Lowndes, Chief  
Runoff Management Section



Date

Runoff Management Policy Management Team approved on September 13, 2016.