

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Ross Buetow, Deputy Director/City Engineer
Sue Olson, Staff Engineer

DATE: March 18, 2020

RE: Approve updates to Municipal Code Chapter 20, Article VI, Stormwater Management Standards and Planning

The Department of Public Works requests approval of updates to Municipal Code Chapter 20, Article VI, Stormwater Management Standards and Planning. Strike and bold language of the proposed updates are shown on the attached document. The proposed changes are required per WPDES Permit No. WI-S050075-3, which was issued May 1, 2019.

The permit requires that the ordinance be updated per specific sections of NR 151 and NR 216. The previous update to the ordinance was completed in 2016 per the WDNR model ordinance, which included most of the NR 151 requirements. Additional NR 151 items are related to transportation facilities. The NR 216 sections that were required to be added are for additional groundwater protection.

The primary updates include:

- Definition changes
- Replacing the term “Best Management Practice” with “Stormwater Management Practice”
- Ensuring the ordinance applies to transportation facilities
- Additional groundwater protection language – such as separation distances between stormwater ponds and drinking water wells
- New language requiring owners of private stormwater practices to hire a professional engineer to certify that the practices are currently functioning per their approved plan and have a recorded Operation and Maintenance Agreement (20-314 (d))

The first four changes will not impact staff efforts to administer the ordinance. The most significant change is the addition of section 20-314 (d). This section was added to help the City comply with Permit Section 2.5.4, which requires inspection of private stormwater management practices at least once every permit term (5 years). Up to now, staff has been inspecting 4-6 private stormwater practices each year. The new permit language will require approximately 40 inspections per year. Most inspections to date have required non-compliance orders and multiple follow up visits. Due to

current workload and the anticipated effort to perform this work with City staff, other programs were evaluated.

The City of Madison has had a program for many years that requires annual reports for all private stormwater practices. The Madison ordinance was used as a starting point for the proposed language. The ordinance language is the first step to setting up this new required component of the Post-Construction Program. Details of the program, including forms, mailing lists, and scheduling still need to be established. The complete Post-Construction Program update will be brought to the Utilities Committee at a future date.