

ENROLLED ORDINANCE 162-121

APPROVE STORM WATER INTERGOVERNMENTAL AGREEMENTS

WHEREAS, revisions to the federal Clean Water Act in 1987 led to U.S. Environmental Protection Agency regulations requiring each state to reduce water pollution from urban storm water discharges through existing state permit programs. These requirements were subsequently promulgated in subsection 283.33 Wisconsin Statutes and Chapter NR 216 Wisconsin Administrative Code, and are administered by the Wisconsin Department of Natural Resources (DNR); and

WHEREAS, Chapter NR 216 requires all communities that meet certain population densities to obtain a Wisconsin Pollutant Discharge Elimination System (WPDES) Permit for Municipal Separate Storm Sewer Systems (MS4), which affects Waukesha County and 30 local communities within Waukesha County (“MS4 Communities”); and

WHEREAS, the Wisconsin Department of Natural Resources (DNR) has issued WPDES Permits for all MS4 Communities in the state in two phases, with the second phase becoming effective for Waukesha County communities in the Fall of 2006; and

WHEREAS, two of the many requirements contained in the WPDES Permits include mandatory enforcement of storm water management and erosion control ordinances, and the implementation of a public information and education program on storm water pollution, both containing a 2008 deadline for compliance; and

WHEREAS, the DNR has determined that Chapter 14, Article VIII of the Waukesha County Code of Ordinances - Storm Water Management and Erosion Control (“County Ordinance”), as adopted by the Waukesha County Board of Supervisors in March 2005 through enrolled ordinance #159-120, satisfies the above noted WPDES ordinance requirements for the County and all towns that execute an intergovernmental agreement with the County for implementation; and

WHEREAS, the DNR has also determined that the Waukesha County Storm Water Education Program, as developed and submitted by the Waukesha County Department of Parks and Land Use – Land Resources Division (LRD), meets the WPDES Permit requirements for all MS4 Communities in the county that execute an intergovernmental agreement with the county for implementation; and

WHEREAS, the above noted County Ordinance and the County budgets for 2006, 2007 and 2008 all included references to the execution of Storm Water Intergovernmental Agreements between the LRD and MS4 Communities for the administration of the County Ordinance and/or the implementation of a storm water education program; and

WHEREAS, Storm Water Intergovernmental Agreements have been executed with 8 Phase I MS4 Communities and Waukesha County and similar intergovernmental agreements are currently being negotiated with numerous Phase II MS4 Communities. All such agreements are currently on file in the LRD; and

WHEREAS subsection 59.693(9)(a) Wisconsin Statutes requires all intergovernmental agreements relating to storm water management and erosion control to be effected by ordinance.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that, under the authority of subsection 66.0301 Wisconsin Statutes for intergovernmental cooperation, Storm Water Intergovernmental Agreements between Waukesha County and the following Phase I communities shall hereby be approved:

Cities of Pewaukee and Waukesha  
Villages of Pewaukee and Sussex  
Towns of Brookfield, Delafield, Lisbon and Waukesha.

BE IT FURTHER ORDAINED that the Waukesha County Department of Parks and Land Use – Land Resources Division is hereby authorized to execute Storm Water Intergovernmental Agreements on behalf of Waukesha County with the following Phase II communities:

Cities of Delafield, Muskego, and Oconomowoc  
Villages of Big Bend, Dousman, Hartland, Lannon, Merton, Mukwonago, Nashotah,  
North Prairie and Wales  
Towns of Genesee, Merton, Oconomowoc, Summit and Vernon.

## Exhibit X

### **Waukesha County Storm Water Education Program For NR 216 Phase 2 Communities 2008-2012**

This exhibit describes a public information and education program that complies with the Municipal Permit conditions noted in section (a) of this Agreement. The program is organized by target audience. For each target audience, programs goals, activities and the general roles of the County and the local Community are described.

Details of each activity are not provided in this document. These will be further developed through an annual work planning process with an Education Advisory Committee. The Committee will be chaired and coordinated by the County, with representation from participating communities. Each fall, through the annual work planning process, more specifics will be added for project goals, timelines, event locations, community role, staff assignments and coordination between the County, DNR, UWEX and participating communities. The Committee will meet at least 2 times per year to review the status of activities, evaluate their success and make work plan revisions, as needed. Subcommittees may be formed to plan or carry out certain activities, as needed. Some activities will be phased into the program, as noted below.

To comply with the Municipal Permit, all communities are required to carry out minimum assigned tasks, as described below. However, staff in the larger communities (category 2-4 in Exhibit Y) are expected to participate more in program planning and implementation, which will be further described in the annual work plan. To encourage public participation in the development and implementation of the work plan, the County will post the plan on their web page for comment and contact local environmental, civic and other interested groups or individuals and encourage their involvement. Each community must provide the County with contact information for applicable local groups or interested individuals.

#### **Target Audience: Contractors, Builders, Developers, Consultants & Municipal Staff**

**Goal:** *Increase understanding of and compliance with local ordinance requirements for construction site erosion control and post-construction storm water management. Provide technical training for plan development and Best Management Practice (BMP) design, installation and maintenance. Promote environmentally sensitive land development methods.*

1. **Workshops** – The County will conduct at least one workshop each year. Specific workshop location, timing, topics, speakers, etc. will be determined during the annual work planning process, or in response to industry requests. The County will lead program development, implementation, advertising and post-workshop evaluation efforts, as needed.
  - *Community role: Assist the County in program planning, promotion and implementation, including providing e-mail lists for local target audiences, distributing advertising materials locally, and finding presenters and local examples of target BMPs. Communities may also be asked to serve on a planning committee.*

2. BMP Demonstrations/Tours – The County will offer periodic demonstrations and tours of local sites to showcase storm water BMPs and discuss lessons learned during their design, implementation and maintenance. This activity may be conducted as a bus tour, indoor workshop and/or self-guided or on-line tour. It is anticipated that this activity will be phased in the last two years of this program as more BMP demonstration sites become available.
  - *Community role: Find sites within their community that could be used for BMP tours and demonstrations. Help the County obtain the necessary BMP design and installation data, photographs, etc. Assist with implementation duties per the work plan.*
3. Newsletters – The County will write periodic newsletter articles for the Metropolitan Builders Association (or similar groups), focusing on local nonpoint pollution control problems, solutions, on-going program efforts and success stories that affect their industry. Also use these articles to advertise local workshops, tours and demonstrations.
  - *Community role: Provide the County with ideas for related articles on local activities, events or success stories.*

### **Target Audience: General Public**

***Goal: Increase public understanding of the processes and negative impacts that urban storm water runoff and illicit discharges have on the local water resources and what each person can do to address the problem. Promote changes in behavior and the adoption of practices such as native landscaping, rain barrels, rain gardens, green roofs, environmentally sensitive lawn, pet and car care, riparian land management, yard waste composting, water quality monitoring, hazardous waste management and other related practices.***

1. Storm Drain Stenciling – The County will provide stencils, paint and educational door hangers, and coordinate their distribution and use by youth groups and adult organizations to paint the message “Dump No Waste – Drains to River/Lake” on local storm drain inlets. This activity educates the people doing the stenciling and residents living in the neighborhoods being stenciled.
  - *Community role: Promote the activity locally, provide the County with contacts for local youth and civic groups, and facilitate local approvals as needed.*
2. News Releases/Newsletters/Recognition – The County will prepare seasonal news releases and articles for local newspapers and Community newsletters announcing water quality related activities, programs and services, and recognizing local citizens and businesses who adopt “water friendly” practices.
  - *Community role: Provide the County with contacts for local media, people or businesses that deserve recognition, and other ideas for news releases and articles. Assist with writing local articles or local versions of County articles. Disseminate articles locally through Community newsletters, civic groups, etc.*
3. Presentations – The County will provide a speaker, accompanied by a Power Point presentation or video for local civic groups and other organizations with the above noted messages.
  - *Community role: Promote the service locally and forward presentation requests to the County. Identify local opportunities, coordinate with local events, and assist with implementation duties per the work plan.*

4. Displays/Handouts – The County will provide fully developed displays and handout materials for local special events or building lobbies and entryways. The County will also coordinate the transportation of the display and train local staff in setup. Displays will promote the practices noted above, but be tailored to address seasonally specific issues, such as lawn care, fall leaf collection, etc.
  - *Community role: Schedule local display opportunities with the County. Coordinate local setup, maintenance and take down with the County.*
5. Web Page – The County will create and maintain web pages that provide information on the above noted practices, promotes their use, and direct citizens to related local services, events and demonstration sites. Related fact sheets and informational flyers will also be made available for download.
  - *Community role: Direct local citizens to the County web pages and incorporate links into Community web pages to promote related County service and events.*
6. Workshops – The County will conduct periodic workshops to promote runoff and waste reduction from individual homes and businesses, using practices such as rain gardens, natural landscaping, yard waste composting, etc.
  - *Community role: Promote and host workshops locally. Provide contact information to the County for interested citizens and targeted businesses. Assist with implementation duties per the work plan.*
7. Tours/Demonstrations – The County will conduct periodic on-site tours and demonstrations to promote homeowner practices such as rain gardens, natural landscaping and yard waste composting, possibly in combination with the above noted workshops. This activity will be phased in as sites become available.
  - *Community role: Promote the tours and demonstrations locally and provide contact information to the County for interested citizens and targeted businesses. Assist with implementation duties per the work plan.*
8. Rain Garden Grants/Technical Assistance – The County will pursue grants to offset the costs to local landowners for installing rain gardens. The County will advertise and administer available grant funds and provide technical assistance to landowners in accordance with adopted policies, (*per separate agreements between the County and the grant recipient*). Successful rain garden sites may be used for future news articles, tours and demonstrations.
  - *Community role: Promote the grant program locally and direct interested landowners to the County. Assist with implementation duties per the work plan.*
9. Hazardous Waste/Used Oil Collection – To prevent improper disposal and water pollution, the County will continue to promote and support three permanent household and agricultural hazardous waste collection sites in Waukesha, Muskego and Menomonee Falls, and periodically host temporary collection sites in other Communities, as funding allows (*per separate agreements between the County and the Community*). Used motor oil will also continue to be collected at Community recycling drop off sites.
  - *Community role: Promote the collection sites locally and direct citizens to the County web site for more information.*
10. Yard Waste Composting – To reduce water pollution from improperly disposed leaves and grass clippings, the County will promote home composting of yard wastes and continue to offer a County-owned drop-off site for Community yard waste collection programs at no cost to the Community for processing (*per separate agreements*

between the County and the Community). At the drop-off site, yard wastes are composted and used for mine reclamation purposes.

- *Community role: Collect yard waste from citizens and transport to the County composting facility in the Town of Genesee.*

11. Citizen Stream Monitoring – The County will offer interested citizens the opportunity to monitor a local stream site once a month from April to September. The County will train and equip participants to collect temperature, turbidity, biotic index, flow and dissolved oxygen data. This activity educates participants while collecting useful water quality data for monitoring program progress.

- *Community role: Promote service locally and direct interested citizens to the County.*

### **Target Audience: School Teachers & Students**

**Goal:** *Have teachers learn the processes and negative impacts that urban storm water runoff and illicit discharges have on the local water resources, and what they and their students can do to address the problem. Incorporate into related indoor and outdoor classroom activities and implement runoff pollution control practices on school property.*

1. Teacher Training – The County will provide Project WET (Water Education for Teachers) training and curriculum guides for teachers. Project WET is supplemental water education that can be used in science, math, art, physical education and other areas. All activities are hands-on and water related.
  - *Community role: Promote training locally and direct interested teachers to the County.*
2. Presentations – The County will provide a speaker and Power Point presentation for classrooms to discuss local water quality issues, including actions that students and their families can take to reduce nonpoint pollution.
  - *Community role: Promote presentations locally and direct interested teachers to the County. Assist with implementation duties per the work plan.*
3. Green Schools – The County will help participating schools work through the DNR's "Green & Healthy Schools" program. Assist school teams with completing the "water" and "school grounds" inventories, making recommendations for controlling runoff and reducing water usage. The County may also provide some grant dollars to help implement the recommendations and move toward state certification. *(Note: Separate agreement required between the school and the County.)*
  - *Community role: Promote program locally and direct interested schools to the County. Assist with implementation duties per the work plan.*
4. Stream Monitoring – Offer local teachers the opportunity to expose students to a one-time field trip for stream monitoring. Students would collect temperature, turbidity, biotic index, flow and dissolved oxygen. This type of monitoring is primarily designed to educate students on water quality issues and the techniques used to measure the impacts of land use on water quality.
  - *Community role: Promote program locally and direct interested teachers to the County.*

Exhibit Y

**MS4 Community Fees<sup>1</sup> to Participate in the  
Waukesha County Storm Water Education Program  
Under NR 216**

Category	Community Population	2008 Fee <sup>4</sup>		2009 Fee <sup>5</sup>
		Phase 1 <sup>2</sup>	Phase 2 <sup>3</sup>	Phase 1 & 2
1	0 – 5,000	\$1,050	\$525	\$1,102
2	5,000 – 20,000	\$2,100	\$1,050	\$2,205
3	20,000 – 50,000	\$3,150	\$1,575	\$3,307
4	>50,000	\$4,200	\$2,100	\$4,410

Notes:

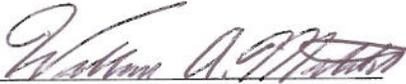
1. Community fees are designed to partially offset County costs for staff salaries and benefits, overhead, materials and program support (see intergovernmental agreements for details). Note that the fees may be odd amounts due to percentage increases from previous program years.
2. Phase 1 communities in Waukesha County include:
  - a. Cities of Brookfield, New Berlin, Pewaukee\* and Waukesha\*
  - b. Villages of Butler, Elm Grove, Menomonee Falls, Pewaukee\* and Sussex\*
  - c. Towns of Brookfield\*, Delafield\*, Lisbon\* and Waukesha\*

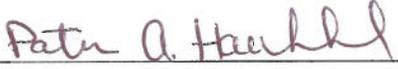
\* Communities with this symbol are currently participating in the Waukesha County Storm Water Education Program through intergovernmental agreements.
3. Phase 2 communities in Waukesha County include:
  - a. Waukesha County
  - b. Cities of Delafield, Muskego, and Oconomowoc
  - c. Villages of Big Bend, Dousman, Hartland, Lannon, Merton, Mukwonago, Nashotah, North Prairie and Wales
  - d. Towns of Genesee, Merton, Oconomowoc, Summit and Vernon
4. The 2008 fees for Phase 2 communities are ½ of normal fee schedule because their MS4 Permit requirement for storm water education does not take effect until fall of 2008. This fee amount is intended to cover county costs for preparing and obtaining DNR approval of a storm water education plan, meeting with communities, executing intergovernmental agreements, buying I/E materials, preparing a 2009 work plan and other related activities.
5. The 2009 fee amounts represent the full 2008 fee plus 5%, which is the maximum increase allowed under the terms of the intergovernmental agreement. Please note that the actual 2009 fee amount will be based on staff cost increases over the 2008 program, as stated in the intergovernmental agreement.

APPROVE STORM WATER INTERGOVERNMENTAL AGREEMENTS

Presented by:  
Land Use, Parks and  
Environment Committee

Approved by:  
Finance Committee

  
William A. Mitchell, Chair

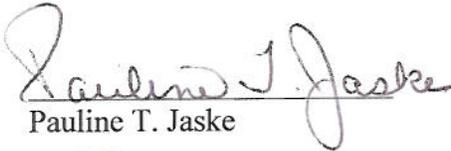
  
Patricia A. Haukohl, Chair

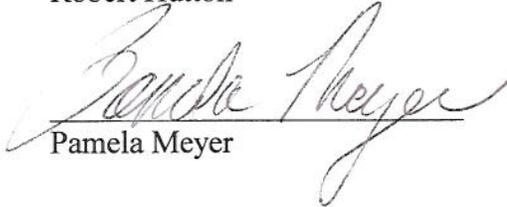
Absent  
Keith Hammitt

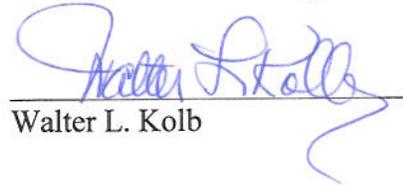
  
James A. Heinrich

Vacant  
Keith Harenda

absent  
Robert Hutton

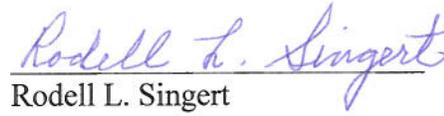
  
Pauline T. Jaske

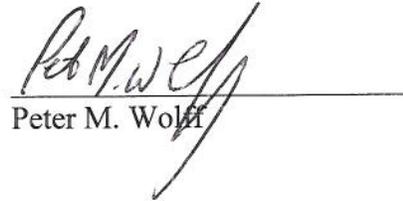
  
Pamela Meyer

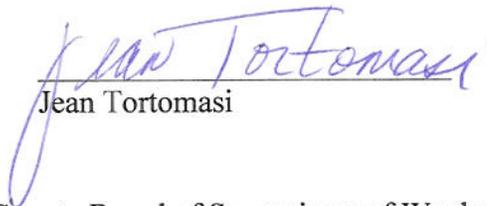
  
Walter L. Kolb

absent  
Ted Rolfs

Vacant  
Vera Stroud

  
Rodell L. Singert

  
Peter M. Wolff

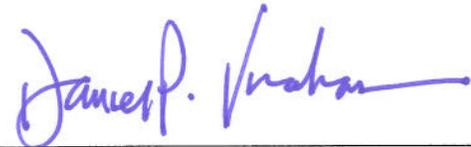
  
Jean Tortomasi

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 4/09/08,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X  
Vetoed: \_\_\_\_\_

Date: 4-9-08,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/08/08

(ORD) NUMBER-1620119

1 K. HERRO.....AYE  
 3 T. ROLFS.....AYE  
 5 J. MARCHESE.....  
 7 J. JESKEWITZ.....AYE  
 9 P. HAUKOHL.....AYE  
 11 VACANT.....  
 13 J. HEINRICH.....AYE  
 15 D. SWAN.....AYE  
 17 J. BEHREND.....AYE  
 19 W. MITCHELL.....AYE  
 21 W. KOLB.....AYE  
 23 J. TORTOMASI.....AYE  
 25 K. CUMMINGS.....AYE  
 27 D. PAULSON.....AYE  
 29 T. BULLERMANN.....  
 31 ~~V. STROUD~~.....  
 33 K. HAMMITT.....AYE  
 35 P. MEYER.....AYE

2 R. THELEN.....AYE  
 4 R. HUTTON.....AYE  
 6 D. FARRELL.....AYE  
 8 J. DWYER.....AYE  
 10 S. WOLFF.....AYE  
 12 T. SCHELLINGER....AYE  
 14 S. WIMMER.....AYE  
 16 R. STEVENS.....AYE  
 18 B. MORRIS.....AYE  
 20 P. WOLFF.....AYE  
 22 G. BRUCE.....AYE  
 24 J. VITALE.....AYE  
 26 F. RUF.....AYE  
 28 P. JASKE.....AYE  
 30 K. NILSON.....  
 32 P. GUNDRUM.....AYE  
 34 R. SINGERT.....AYE

TOTAL AYES-30

TOTAL NAYS-00

CARRIED   X  

DEFEATED       

UNANIMOUS   X  

TOTAL VOTES-30