



## JOINT MEETING NOTICE

### Land Conservation Committee

MEETING NOTICE

**Monday, January 19, 2015 at 3:00 p.m.**

Walworth County Government Center  
County Board Room 114  
100 West Walworth Street  
Elkhorn, WI 53121

*Nancy Russell* – Chair, *Charlene Staples* - Vice Chair, *Dan Kilkenny* – Supervisor  
*William Leedle* – USDA/FSA Representative, *Rosemary Badame* – Citizen Member

### Walworth County Board of Supervisors

#### Public Works Committee

MEETING NOTICE

**Monday, January 19, 2015 at 3:00 p.m.**

Walworth County Government Center  
County Board Room 114  
100 West Walworth Street  
Elkhorn, WI 53121

*Rick Stacey* – Chair, *Nancy Russell* - Vice Chair, *Ken Monroe* – Supervisor  
*Joe Schaefer* – Supervisor, *Paul Yvarra* – Supervisor

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**(Posted in compliance with Sec. 19.84, Wis. Stats.)**

**It is possible that a quorum of the County Board or a Committee of the County Board could be in attendance**

All discussion items are subject to possible action

#### AGENDA

1. Call to Order
2. Roll Call
3. Approval of the Agenda Pg 1.
4. Discussion/Possible action - Stormwater Discharge Permit Notice of Intent-MS4 Permit. Pg. 2 - 22
5. Discussion /Possible Action – Intergovernmental Agreements for Walworth County Stormwater Pollution Program - City of Elkhorn, Village of Genoa City and Village of Bloomfield. Pg 23-24
6. Adjournment

Submitted by: Nancy Russell, Land Conservation Committee Chair  
Rick Stacey, Public Works Committee Chair  
Michael P. Cotter, Director, Land Use and Resource Management Department  
Kevin Brunner, Director of Central Services

100 West Walworth Street  
P.O. Box 1001  
Room 222  
Elkhorn, WI 53121

Planning/Zoning/Sanitation  
Conservation Divisions  
262.741.4972 tel  
262.741.4974 fax

**Posted: January 14, 2015**



# Memo

Date: January 12, 2015

Land Use and Resource  
Management Department

To: Walworth County Land Conservation Committee  
Walworth County Public Works Committee

cc. Michael Cotter, Director  
Walworth County Land Use and Resource Management Department

Kevin Brunner, Director of Central Services  
Walworth County Department of Public Works

From: Fay Amerson  
Walworth County Land Use and Resource Management Department

Re: **Stormwater Discharge Permit- Notice of Intent- MS4  
Intergovernmental Agreements for Walworth County Pollution Prevention Program –  
City of Elkhorn, Village of Genoa City, and Village of Bloomfield**

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## **Stormwater Discharge Permit- Notice of Intent- MS4**

On October 28, 2014, Walworth County was informed by the Wisconsin Department of Natural Resources, (WDNR) that the County would be required to obtain a Municipal Stormwater Discharge Permit, (See Exhibit #1).

Under the Federal Clean Water Act, municipalities, based on their population or location can be designated to obtain Municipal Stormwater Discharge Permit Coverage, (See Exhibit #2 and #3).

Municipalities that have a population of at least 10,000 and municipalities that are located within an “urbanized area” are required to obtain a WDNR Municipal Stormwater Discharge Permit. Based on the 2010 US Census, the City of Elkhorn has a population of at least 10,000 and Walworth County, along with the Village of Genoa City and the Village of Bloomfield, are municipalities that own facilities within the Census-defined “urbanized area,” (See Exhibit #4).

Walworth County along with other designated municipalities will be required to develop and implement the following list of stormwater pollution prevention programs and measures that are expected to result in significant reductions in the discharge of pollutants to County streams, lakes and wetlands:

- Public Education and Outreach
- Public Participation and Involvement

- Illicit Discharge Detection and Elimination
- Construction Site Runoff Control
- Post-Construction Runoff Control (Stormwater Management)
- Pollution Prevention and Pollution Reduction from Municipal Facilities and Operations

Walworth County is required to submit a *Notice of Intent Application* to WDNR for Coverage under a Municipal Separate Storm Sewer System General Permit. A draft copy of the *Notice of Intent Application* for Walworth County is displayed in Exhibit #5.

**Committee Action Requested: 1) Approval to submit *Notice of Intent* to WDNR, 2) Designation of the *Municipal Contact Person* and; 3) Designation of the *Authorized County Representative*.**

### **Intergovernmental Agreements**

In preparation for these new program requirements, the Walworth County Land Use and Resource Management Department has been assisting the City of Elkhorn, the Village of Bloomfield and the Village of Genoa City. It is advantageous for all municipalities to work together to advance the required stormwater pollution prevention programs and measures. The Walworth County Land Use and Resource Management Department has drafted Intergovernmental Agreement to formally and cooperatively advance a Walworth County Stormwater Pollution Prevention Program. A draft Intergovernmental Agreement is displayed in Exhibit #6.

**Committee Action Requested: Approval of Walworth County to enter into the Intergovernmental Agreements. Designation of the Walworth County Representative.**



October 28, 2014

Mr. David Bretl, Administrator  
Walworth County  
100 W Walworth Street  
Elkhorn, WI 53121

DNR Region: SE County: Walworth

**Subject:** Notification of Request to Apply for Municipal Separate Storm Sewer System General Permit Coverage

Dear Mr. Bretl:

The Department of Natural Resources has made a preliminary determination 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. Under federal law (40 CFR § 122.32(a)(1) and (2)) and state law (sections NR 216.02(3) and (4), Wis. Adm. Code), municipalities with an MS4 within an "urbanized area" or serving a population of 10,000 or more with a population density of 1,000 or more per square mile are required to obtain WPDES MS4 storm water permit coverage. "Urbanized area" means a place and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people, as determined by the U.S. Bureau of the Census based on the latest decennial federal census. Based upon the 2010 decennial federal census, a portion of Walworth County is within a federally defined urbanized.

The enclosed WPDES MS4 General Permit No. WI-S050181-1 is the means by which Walworth County will be required to implement storm water management programs and control measures to improve urban water quality. The enclosed Notice of Intent (NOI) application form (Form 3400-191) is used to apply for coverage under the MS4 general permit.

Walworth County will have 90 days from the date of this letter, January 26, 2015, to complete the NOI application form and submit it to the Department. The Department will hold an informational webinar to explain the MS4 general permit and help guide you through the application process from 1:30 to 3:30 p.m. on Thursday, November 20, 2014. The webinar is free of charge and representatives of municipalities receiving this letter are highly encouraged to participate. To register for the webinar, go to:  
<https://www1.gotomeeting.com/register/519351088>

The MS4 general permit, the NOI application Form 3400-191, a list of the municipalities receiving this letter, and information about the November 13 webinar are also available on the Department's website at <http://dnr.wi.gov/topic/stormwater/municipal/> or by going to the Department's website at [www.dnr.gov](http://www.dnr.gov) and searching for **municipal storm water**. Please be aware that there are website links on the NOI application Form 3400-191 that can be accessed from the PDF of the form posted on the Department's website.

Thank you for your cooperation with the Department's MS4 permit program. If you have any questions about this letter or the MS4 permit program in general, please contact the Department's storm water staff person assigned to your area, Bryan Hartsook, (262) 212-0263, [Bryan.Hartsook@Wisconsin.gov](mailto:Bryan.Hartsook@Wisconsin.gov).



Sincerely,



Mary Anne Lowndes, Chief  
Runoff Management Section  
Bureau of Watershed Management

Enclosures: Notice of Intent application, Form 3400-191  
WPDES MS4 General Permit No. WI-S050181-1

cc (letter only): Fay Amerson, Urban Program Specialist  
Joseph Kroll, County Engineer

*Local government officials, departmental managers, and staff are encouraged to subscribe to the free GovDelivery notification service used to keep Wisconsin citizens informed about important activities of the Department. To sign up for the MS4 topic, go to [dnr.wi.gov](http://dnr.wi.gov) and click on the red envelop icon at the lower right corner of the webpage. Follow the instructions to sign up and check the box for "Municipal Separate Storm Sewer System (MS4)" under the "Water" topic. The Department will use the GovDelivery notification service to send out important notices and updates on the MS4 program including future outreach and training opportunities, webinars, guidance, and technical resources.*

Municipalities notified to apply for coverage under MS4 General Permit No. WI-S050181-1 (33 total)  
 October 27, 2014

DNR REGION	COUNTY	MUNICIPALITY NAME	DNR CONTACT
NE	Calumet	Sherwood, Village	Larson
NE	Fond du Lac	Eden, Village	Fischer
NE	Fond du Lac	Empire, Town	Fischer
NE	Winnebago	Clayton, Town	Larson
NE	Winnebago	Nekimi, Town	Larson
NO	Douglas	Douglas County	Moore
SC	Columbia	Portage, City	Martin
SC	Dane	Cross Plains, Village	Rortvedt
SC	Grant	Platteville, City	McCutcheon
SC	Jefferson	Ixonia, Town	Bekta
SE	Kenosha	Randall, Town	Wood
SE	Racine	Burlington, City	Wood
SE	Racine	Norway, Town	Wood
SE	Racine	Waterford, Town	Wood
SE	Walworth	Elkhorn, City	McBroom ✕
SE	Walworth	Bloomfield, Village	Hartsook ✓
SE	Walworth	Genoa City, Village	Hartsook ✓
SE	Walworth	Walworth County	Hartsook ✓
SE	Washington	Jackson, Village	Yanke
SE	Washington	Kewaskum, Village	Yanke
SE	Washington	Richfield, Village	McBroom
SE	Washington	Hartford, Town	McBroom
SE	Washington	Slinger, Village	McBroom
SE	Washington	Washington County	McBroom
SE	Washington	West Bend, Town	Yanke
WC	Chippewa	Anson, Town	Jacobson
WC	Eau Claire	Union, Town	Jacobson
WC	La Crosse	Medary, Town	Walls
WC	La Crosse	West Salem, Village	Walls
WC	Marathon	Stettin, Town	Johnson
WC	St. Croix	Hudson, City	Jacobson
WC	St. Croix	St. Croix County	Jacobson
WC	St. Croix	St. Joseph, Town	Jacobson

FACT SHEET  
WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
PROPOSED ISSUANCE OF GENERAL PERMIT FOR  
MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)  
WPDES General Permit No. WI-S050181-1  
February 2014

Purpose

The Wisconsin Department of Natural Resources (Department) is proposing to issue Wisconsin Pollutant Discharge Elimination System (WPDES) general permit No. WI-S050181-1 for existing and new storm water discharges to waters of the state from municipal separate storm sewer systems (MS4s) that are regulated under subch. I of NR 216, Wis. Adm. Code. This proposed general permit is intended to cover MS4s that the Department determines require coverage under an MS4 general permit pursuant to subch. I of NR 216, Wis. Adm. Code, but that are not currently covered under an MS4 storm water permit. The proposed general permit requires an MS4 permittee to develop, implement, and maintain storm water management programs to reduce the discharge of pollutants from the MS4 to waters of the state.

Background

Under the Federal Clean Water Act (CWA), the United States Environmental Protection Agency (USEPA) issued final regulations in December 1999 that required National Pollutant Discharge Elimination System (NPDES) permits for storm water discharges associated with small MS4s under 40 CFR Part 122.

The Department is the delegated authority to issue state permits comparable to NPDES permits in Wisconsin. These permits are issued under the WPDES permit program as authorized by ch. 283, Wis. Stats. The Department has promulgated ch. NR 216, Wis. Adm. Code, *Storm Water Discharge Permits*, which under subchapter I specifies the applicability and permit requirements for MS4 permittees. Also, the Department has promulgated ch. NR 151, Wis. Adm. Code, *Runoff Management*, which contains the applicable performance standards for storm water permittees, including MS4s.

Under ch. 283, Wis. Stats., the Department may issue two types of WPDES permits: 1) individual permits and 2) general permits. Individual permits are tailored to include site-specific requirements that are applicable to an individual discharger. A general permit is written to cover a broad class of similar dischargers where environmental protection can be achieved through a set of general provisions that apply to all dischargers in a particular category. The proposed permit is a general permit.

In addition to issuing WPDES General Permit No. WI-S050181-1, the Department is also in the process of reissuing WPDES General Permit No. WI-S050075-2, which was first issued in 2006 and covers 142 MS4s. However, new MS4s not currently permitted that the Department determines require coverage under an MS4 general permit will be covered under WPDES general permit No. WI-S050181-1.

Applicability

Based on the most recent decennial U.S. census, the United State Environmental Protection Agency (USEPA) identifies municipalities nationally that lie within designated urbanized areas and municipalities with a population of 10,000 or more people. These municipalities are listed by the USEPA as potentially requiring coverage under an MS4 permit pursuant to the Clean Water Act. USEPA allows states with their own MS4 permit programs, such as Wisconsin, to determine which of the municipalities identified by USEPA require an MS4 permit. Accordingly, the Department will use subch. I of NR 216, Wis. Adm. Code, to determine which municipalities it will cover under Permit No. WI- S050181-1. Municipalities that may be affected by this proposed general permit are listed in the table on page 4 of this fact sheet. Please note that as of the date of the public notice for this proposed general permit (February 7, 2014), the Department has not made a final determination on those municipalities that the Department will request apply for coverage under WPDES General Permit No. WI- S050181-1.

**Exhibit 2, pg. 1**

This proposed general permit will apply to MS4s owned or operated by cities, villages, counties, and towns

that are located within designated urbanized areas as determined by the 2010 U.S. decennial census; and to cities or villages with a population of 10,000 or more people. Municipalities that own or operate MS4s that the Department believes require coverage under the general permit pursuant to subch. I of NR 216, Wis. Adm. Code, will be notified individually in writing after this proposed general permit is issued. The letter of notification will explain the Department's reasoning for requesting a permit application from the municipality and the application process.

#### Overview of the General Permit

The proposed general permit includes the conditions required by s. NR 216.07, Wis. Adm. Code, which requires a regulated municipality to reduce pollutants that discharge through its MS4 to waters of the state via the development, implementation, and maintenance of programs for public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site pollutant control, post-construction pollutant control, pollution prevention at its municipal operations, and meeting the developed urban area performance standard under NR 151, Wis. Adm. Code. In addition, the general permit requires the development and updating of a storm sewer system map and an annual report to the Department. Furthermore, the proposed general permit specifies the implementation requirements to begin complying with an approved Total Maximum Daily Load (TMDL), if applicable.

This proposed general permit follows federal and state requirements and provides flexibility for a municipality to develop, implement, maintain, and evaluate its MS4 programs to help determine appropriate methods for meeting permit requirements. This proposed general permit allows a permittee to comply with the permit requirements either individually or in collective arrangement with other municipalities. Each permittee is responsible for meeting all the applicable requirements for its own MS4. However, permittees may find that collectively pooling their resources will be more efficient and cost-effective to comply with certain requirements.

This proposed general permit requires that information on proposed programs and measurable goals be submitted to the Department in accordance with a compliance schedule for review. The Department will have up to six months to review proposed programs before the programs are to be implemented. Additionally, the proposed general permit requires the submittal of an annual report summarizing the permittee's efforts at meeting the permit requirements. This proposed general permit also requires compliance with the developed urban area performance standard in s. NR 151.13, Wis. Adm. Code, to meet to the maximum extent practicable a 20% reduction in the mass of total suspended solids discharged to surface waters from the MS4. Credit is given toward any existing TSS control that may already be in place. For the purposes of implementing an approved TMDL if applicable, the proposed general permit specifies the timeframes, and analysis and planning requirements for the permittee to begin implementation efforts to comply with the TMDL.

#### Additional Information

The proposed general permit, fact sheet, and other MS4 related information are available from the Department's website as indicated below. Web links to pertinent state statutes and administrative codes are also provided.

DNR WPDES Permits on Public Notice Website:  
<http://dnr.wi.gov/topic/Wastewater/PublicNotices.html>

DNR Storm Water Runoff Permits Website:  
<http://dnr.wi.gov/topic/stormwater/>

DNR Municipal Storm Water Permits Website:  
<http://dnr.wi.gov/topic/stormwater/municipal/>

DNR Storm Water Technical Standards, Models and BMPs Website:  
<http://dnr.wi.gov/topic/stormwater/standards/>

**Exhibit 2, pg. 2**



# Stormwater Phase II Final Rule

## Who's Covered? Designation and Waivers of Regulated Small MS4s

### Stormwater Phase II Final Rule Fact Sheet Series

#### Overview

1.0 – Stormwater Phase II  
Proposed Rule Overview

#### Small MS4 Program

2.0 – Small MS4 Stormwater  
Program Overview

2.1 – Who's Covered? Designation  
and Waivers of Regulated Small  
MS4s

2.2 – Urbanized Areas: Definition  
and Description

#### Minimum Control Measures

2.3 – Public Education and  
Outreach

2.4 – Public Participation/  
Involvement

2.5 – Illicit Discharge Detection  
and Elimination

2.6 – Construction Site Runoff  
Control

2.7 – Post-Construction Runoff  
Control

2.8 – Pollution Prevention/Good  
Housekeeping

2.9 – Permitting and Reporting:  
The Process and Requirements

2.10 – Federal and State-  
Operated MS4s: Program  
Implementation

#### Construction Program

3.0 – Construction Program  
Overview

3.1 – Construction Rainfall  
Erosivity Waiver

#### Industrial "No Exposure"

4.0 – Conditional No Exposure  
Exclusion for Industrial Activity

### Who Is Affected by the Phase II Small MS4 Program?

The Stormwater Phase II Final Rule applies to operators of *regulated small* municipal separate storm sewer systems (MS4s), which are designated based on the criteria discussed in this fact sheet. In this fact sheet, the definition of an MS4 and the distinction between small, medium, and large MS4s is reviewed. Conditions under which a small MS4 may be designated as a *regulated* small MS4, as well as the conditions for a waiver from the Phase II program requirements, are outlined. This fact sheet also attempts to clarify possible implementation issues related to determining one's status as an operator of a regulated small MS4.

### What Is a Municipal Separate Storm Sewer System (MS4)?

What constitutes an MS4 is often misinterpreted and misunderstood. The term MS4 does not solely refer to municipally-owned storm sewer systems, but rather is a term of art with a much broader application that can include, in addition to local jurisdictions, State departments of transportation, universities, local sewer districts, hospitals, military bases, and prisons. An MS4 also is not always just a system of underground pipes – it can include roads with drainage systems, gutters, and ditches. The regulatory definition of an MS4 is provided below.

According to 40 CFR 122.26(b)(8), "*municipal separate storm sewer* means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2."

**Exhibit 3, pg. 1**

## What Is a Small, Medium, or Large MS4?

- ❑ EPA's NPDES (National Pollutant Discharge Elimination System) stormwater permitting program labels MS4s as either "small," "medium," or "large" for the purposes of regulation.
- ❑ A **small MS4** is any MS4 that is not already covered by the Phase I stormwater program. Small MS4s include Federally-owned systems, such as military bases.
- ❑ The Phase I stormwater program covers *medium* and *large* MS4s. Phase I MS4s were automatically designated nationwide as **medium MS4s** if they were located in an incorporated place or county with a population between 100,000 - 249,999 or as **large MS4s** if located in an incorporated place or county with a population of 250,000 or greater. Many MS4s in areas below 100,000 in population, however, have been individually brought into the Phase I program by NPDES permitting authorities. Such already regulated MS4s do not have to develop a Phase II program.

## Are All Small MS4s Covered by the Phase II Final Rule?

No. The universe of small MS4s is quite large since it includes every MS4 except for the approximately 900 medium and large MS4s already regulated under the Phase I stormwater program. Only a select sub-set of small MS4s, referred to as **regulated small MS4s**, is covered by the Phase II Final Rule, either through automatic nationwide designation or designation on a case-by-case basis by the NPDES permitting authority.

## How Is A Small MS4 Designated as a Regulated Small MS4?

A small MS4 can be designated by the permitting authority as a **regulated** small MS4 in one of three ways:

### ① Automatic Nationwide Designation

The Phase II Final Rule requires nationwide coverage of all operators of small MS4s that are located within the boundaries of a Bureau of the Census-defined "urbanized area" (UA) based on the latest decennial Census. Once a small MS4 is designated into the program based on the UA boundaries, it cannot be removed from the program on that basis that a subsequent decennial UA calculation shows that the small MS4 is no longer within the UA boundaries. However, the designated small MS4 remains eligible for a waiver if it meets the criteria.

### ❑ *Urbanized Areas*

An **urbanized area (UA)** is a densely settled core of census tracts and/or census blocks that have population of at least 50,000, along with adjacent territory containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily developed and dense urban areas.

More information about urbanized areas maps is available at: <http://www.epa.gov/npdes/stormwater/urbanmaps>

Additionally, information about urbanized areas is available directly from the U.S. Bureau of the Census at: <http://www.census.gov/geo/www/ua/2010urbanruralclass.html>

### ② Potential Designation by the NPDES Permitting Authority – Required Evaluation

An operator of small MS4 located outside of a UA have been designated as a regulated small MS4 if the NPDES permitting authority determined that its discharges cause, or have the potential to cause, an adverse impact on water quality. The Phase II Final Rule required the NPDES permitting authority to develop a set of designation criteria and apply them, *at a minimum*, to all small MS4s located outside of a UA serving a jurisdiction with a population of at least 10,000 and a population density of at least 1,000 people/square mile.

### ❑ *Designation Criteria*

EPA recommended that the NPDES permitting authority use a balanced consideration of the following designation criteria on a watershed or other local basis:

- ✓ Discharge to sensitive waters;
- ✓ High population density;
- ✓ High growth or growth potential;
- ✓ Contiguity to a UA;
- ✓ Significant contributor of pollutants to waters of the United States; and
- ✓ Ineffective protection of water quality concerns by other programs.

### ③ Potential Designation by the NPDES Permitting Authority – Physically Interconnected

Under the final rule, the NPDES permitting authority was required to designate any small MS4 located outside of a UA that contributes substantially to the pollutant loadings of a *physically interconnected* MS4 regulated by the NPDES stormwater program. The final rule did not set a deadline for designation of small MS4s meeting this criterion.

**Physically interconnected** means that one MS4 is connected to a second MS4 in such a way that it allows for *direct* discharges into the second system.

State and EPA permitting authorities can be contacted to obtain a full list of regulated MS4s, including both the automatically designated MS4s and those that were additionally designated.

### Are Waivers from the Phase II Permit/Program Requirements Possible?

Yes, two waiver options are available to operators of automatically designated small MS4s if discharges do not cause, or have the potential to cause, water quality impairment.

The first applies where:

- (1) the jurisdiction served by the system is less than 1,000 people within the urbanized area;
- (2) the system is not contributing substantially to the pollutant loadings of a physically interconnected regulated MS4; and
- (3) if the small MS4 discharges any pollutants identified as a cause of impairment of any water body to which it discharges, stormwater controls are not needed based on wasteload allocations that are part of an EPA approved or established “total maximum daily load” (TMDL) that addresses the pollutant(s) of concern.

**TMDLs** are water quality assessments that determine the source or sources of pollutants of concern for a particular waterbody, consider the maximum amount of pollutants the waterbody can assimilate, and then allocate to each source a set level of pollutants that it is allowed to discharge (i.e., a “wasteload allocation”). Small MS4s that are not given a wasteload allocation would meet the third criterion above.

The second applies where:

- (1) the jurisdiction served by the system is less than 10,000 people;
- (2) an evaluation of all waters of the U.S. that receive a discharge from the system shows that stormwater controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern or an equivalent analysis; and
- (3) it is determined that future discharges from the small MS4 do not have the potential to result in exceedances of water quality standards.

The NPDES permitting authority is required to periodically review any waivers granted to MS4 operators to determine whether any information required for granting the waiver has changed. Minimally, such a review needs to be conducted once every five years.

### Can More than One MS4 in the Same Political Jurisdiction Be Automatically Designated?

Yes. Since the final rule provides automatic coverage of all small MS4s within a UA, the result would likely be coverage of several governments and agencies with multiple, perhaps overlapping, jurisdictions. For example, a city that is located within a UA and operates its own small MS4 could be designated alongside the State’s department of transportation (DOT) and the county’s DOT if the State and county operate roads that are within the borders of the city. All three entities would be responsible for developing a stormwater management program for the portion of their respective MS4s within the city limits. In such a case, the permittees are strongly encouraged to work together to form a unified stormwater management program.

### Who Is Responsible if the Small MS4 Operator Lacks the Necessary Legal Authority?

Some regulated small MS4s may lack the necessary legal authority to implement one or more of the required minimum control measures that comprise the Phase II stormwater management program. For example, a local government that is a small MS4 operator may be in a State that does not have an enabling statute that allows local regulatory control of construction site runoff into the sewer system. Another example is a State DOT that may not have the legal authority to require and enforce controls on illicit discharges into its system. In these situations the small MS4 is encouraged to work with the neighboring regulated small MS4s. As co-permittees, they could form a shared stormwater management program in which each permittee is responsible for activities that are within their individual legal authorities and abilities.

**Exhibit 3, pg.3**

## For Additional Information

### Contacts

- ☞ U.S. EPA Office of Wastewater Management  
Phone: 202-564-9545  
<http://www.epa.gov/npdes/stormwater>
  
- ☞ Your NPDES Permitting Authority. Most States and Territories are authorized to administer the NPDES Program, except the following, for which EPA is the permitting authority:  
  

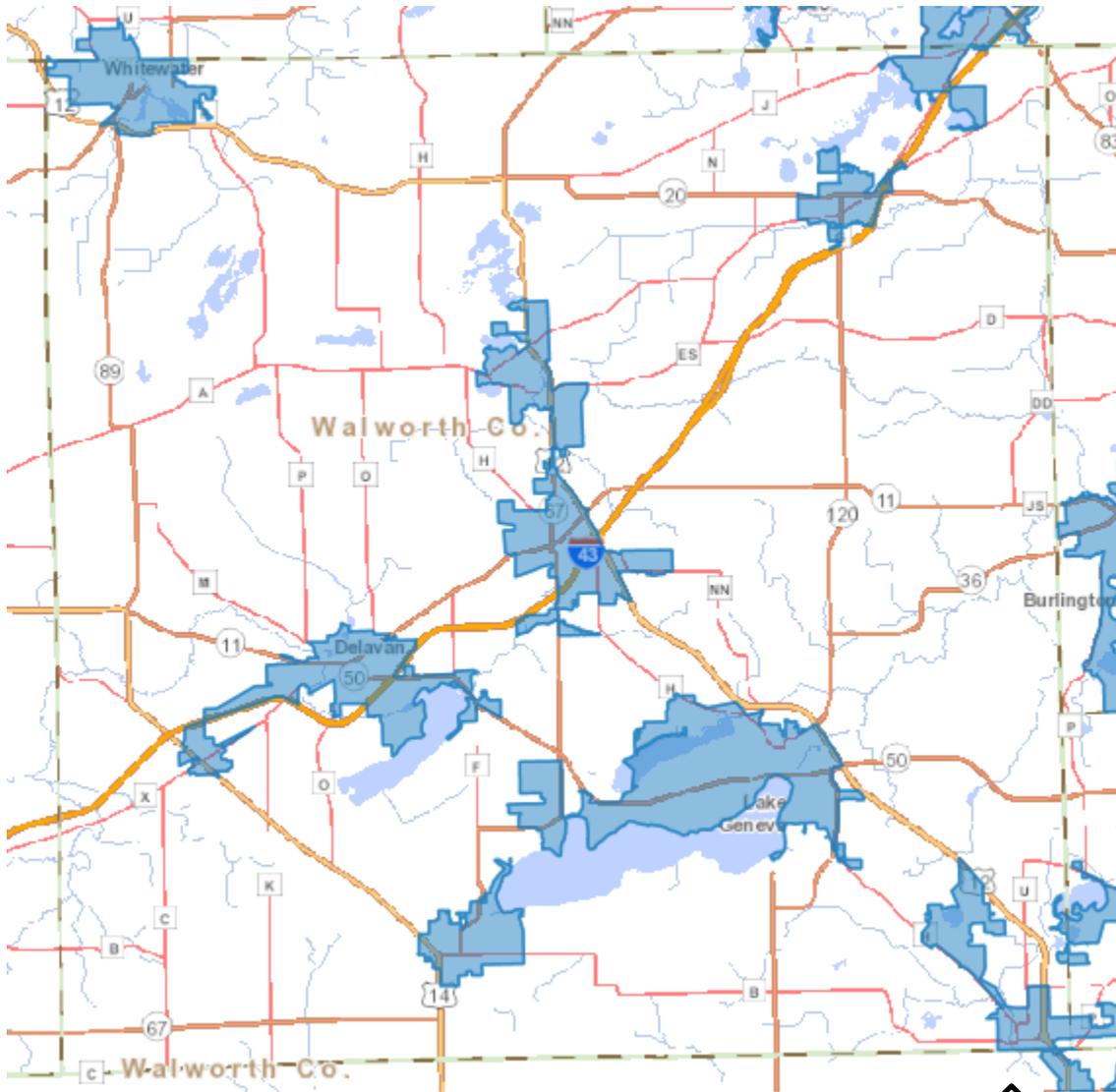
District of Columbia	Guam
Idaho	Johnston Atoll
Massachusetts	Midway and Wake Islands
New Hampshire	Northern Mariana Islands
New Mexico	Trust Territories
Puerto Rico	American Samoa
  
- ☞ A list of names and telephone numbers for each EPA Region and State is located at  
<http://www.epa.gov/npdes/stormwater>  
(click on “Contacts”)

### Reference Documents

- ☞ EPA’s Stormwater Web Site  
<http://www.epa.gov/npdes/stormwater>
  - Stormwater Phase II Final Rule Fact Sheet Series
  - Stormwater Phase II Final Rule (64 *FR* 68722)
  - National Menu of Best Management Practices for Stormwater Phase II
  - Measurable Goals Guidance for Phase II Small MS4s
  - Stormwater Case Studies
  
- ☞ Census Urbanized Area Information  
<http://www.epa.gov/npdes/stormwater/urbanmaps>
  - General Information:  
<http://www.census.gov/geo/www/ua/uacubndy.html>

# Walworth County

## Urbanized Areas and Urban Clusters



Based on the US Census, 2010.

Round Lake Beach  
McHenry-Grays Lake, IL, WI  
Urbanized Area

Walworth County Municipalities subject to WPDES MS4 General Permitting (2015)	
Walworth County	City of Elkhorn
City of Whitewater	Village of Mukwonago
Village of Genoa City	Village of Bloomfield
City of Burlington	

**Notice:** Pursuant to ss. 283.33 and 283.37, Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code, this form is used to apply for coverage under Wisconsin Pollutant Discharge Elimination System (WPDES) Municipal Separate Storm Sewer System (MS4) General Permit No. WI-S050181-1. This form and any required attachments constitute the permit application. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Public Records Laws (ss. 19.31-19.39, Wis. Stats.).

**Instructions:** Complete all sections of this permit application. If additional space is needed to respond to a question, attach additional pages. Provide descriptions below that explain the program activities that you expect to develop and implement to comply with the MS4 general permit. Information on the MS4 general permit and the MS4 storm water program are available at: <http://dnr.wi.gov/topic/stormwater/municipal/>. Section 3 of the MS4 general permit contains the compliance schedule that directs when the individual program activities need to be developed and submitted to the Department for review. The detailed programs that are developed and submitted to the Department for review may deviate from the program activities described below if necessary. The descriptions provided below are necessary for the Department to verify that the municipality's program activities comply with the permit.

**Section I: Applicant Information**

Name of Municipality

Walworth County

Mailing Address PO Box 1001, Room 222	City Elkhorn	State WI	ZIP Code 53121
County(s) in which Applicant is located Walworth	Type of Municipality: (check one) <input checked="" type="checkbox"/> County <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town <input type="checkbox"/> Other (specify)		

**Section II: Local Contact Information**

Name of Municipal Contact Person

Title

Mailing Address PO Box 1001,	City Elkhorn	State WI	ZIP Code 53121
Email address	Phone Number (incl. area code)	Website address, if available www.co.walworth.wi.us	

**Section III: Water Quality Concerns**

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does any part of the MS4 discharge to an outstanding resource water (ORW) or exceptional resource water (ERW) listed under s. NR 102.10 or 102.11, Wis. Adm. Code? (A list of ORWs and ERWs may be found on the Department's Internet site at: <a href="http://dnr.wi.gov/topic/surfacewater/orwerw.html">http://dnr.wi.gov/topic/surfacewater/orwerw.html</a> )
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does any part of the MS4 discharge to an impaired waterbody listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC § 1313(d)(1)(C)? (A list of Wisconsin impaired waterbodies may be found on the Department's Internet site at: <a href="http://dnr.wi.gov/topic/impairedwaters/">http://dnr.wi.gov/topic/impairedwaters/</a> )

**Section IV: Potential Permit Exemption**

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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. Do you believe that the MS4 may be eligible for this potential exemption as described in s. NR 216.023, Wis. Adm. Code?

If yes, please provide documentation supporting a permit exemption including the following (Attach additional pages if necessary):

Total municipal area in square miles

Total municipal population (2010 U.S. census)

MS4 service area within Urbanized Area in square miles

Municipal population within Urbanized Area (2010 U.S. census)

Additional information supporting an exemption under s. NR 216.023, Wis. Adm. Code

Note: Urbanized Area information is available from the USEPA at:

<http://water.epa.gov/polwaste/npdes/stormwater/Urbanized-Area-Maps-for-NPDES-MS4-Phase-II-Stormwater-Permits.cfm>

**Section V: Summary of Municipal Storm Water Program Activities**

Describe the programs or activities the municipality is doing or will do to comply with the requirements of the MS4 general permit. Attach additional pages if necessary.

**A. Public Education and Outreach**

Describe the public education and outreach program activities that the municipality will implement to comply with section 2.1 of the MS4 general permit.

See Description Attached - Page 3

**B. Public Involvement and Participation**

Describe the public involvement and participation program activities that the municipality will promote to comply with section 2.2 of the MS4 general permit.

See Description Attached - Page 3

**C. Illicit Discharge Detection & Elimination**

Describe the illicit discharge detection and elimination program authority and activities that the municipality will develop and implement to comply with section 2.3 of the MS4 general permit.

See Description Attached - Page 4

**D. Construction Site Pollution Control**

Describe the construction site pollutant control program authority and activities that the municipality will develop and implement to comply with section 2.4 of the MS4 general permit.

See Description Attached Page 4 & 5

**E. Post-Construction Site Storm Water Management**

Describe the post-construction storm water management program authority and activities that the municipality will develop and implement to comply with section 2.5 of the MS4 general permit.

See Description Attached - Page 5

**F. Pollution Prevention**

Describe the pollution prevention program activities that the municipality will implement to comply with section 2.6 of the MS4 general permit.

See Description Attached - Page 5

**Section VI: Certification**

I hereby certify that I am an authorized representative of the municipality that is the subject of this application for general permit coverage, and that the information provided is true and complete, to the best of my knowledge. I understand that Wisconsin law provides severe penalties for submitting false information.

Authorized Representative Name	Title	
Signature	Date Signed	
Email address	Phone Number (incl. area code)	

Return this completed form to: Wisconsin Department of Natural Resources  
 Storm Water Program – WT/3  
 PO Box 7921  
 Madison, WI 53707-7921

# Notice of Intent to Apply for Coverage under WPDES MS4 General Permit No. WIS050181-1

## Walworth County

Draft – Prepared by F. Amerson  
12.30.2014

## Supplemental Responses

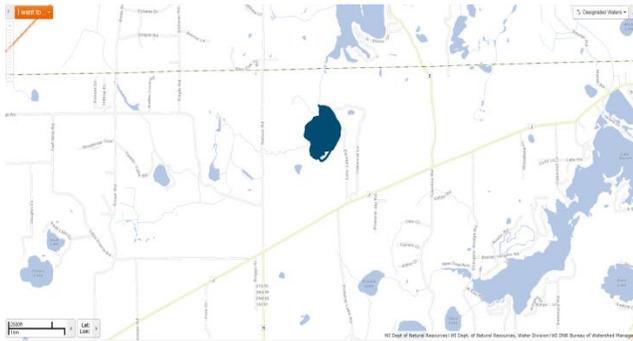
### **Section III: Water Quality Concerns.** *Does any part of the MS4 discharge to an outstanding resource water (ORW) or exceptional resource water (ERW) listed under s.NR 102.10 or 102.11, Adm. Code?*

Note: Waters designated as ORW or ERW are surface waters which provide outstanding recreational opportunities, support valuable fisheries and wildlife habitat, have good water quality, and are not significantly impacted by human activities, (WDNR). Outstanding and Exceptional Waters are designated by Rule, and are listed in NR 102.1 of the Wisconsin Administrative Code.

Four outstanding resource waters are designated in Walworth County and include: Lulu Lake, Bluff Creek, Potawatomi Creek and Van Slyke Creek. The location of the outstanding resource waters in Walworth County are shown on the maps below.



Bluff Creek  
Town of Whitewater



Lulu Lake  
Town of Troy



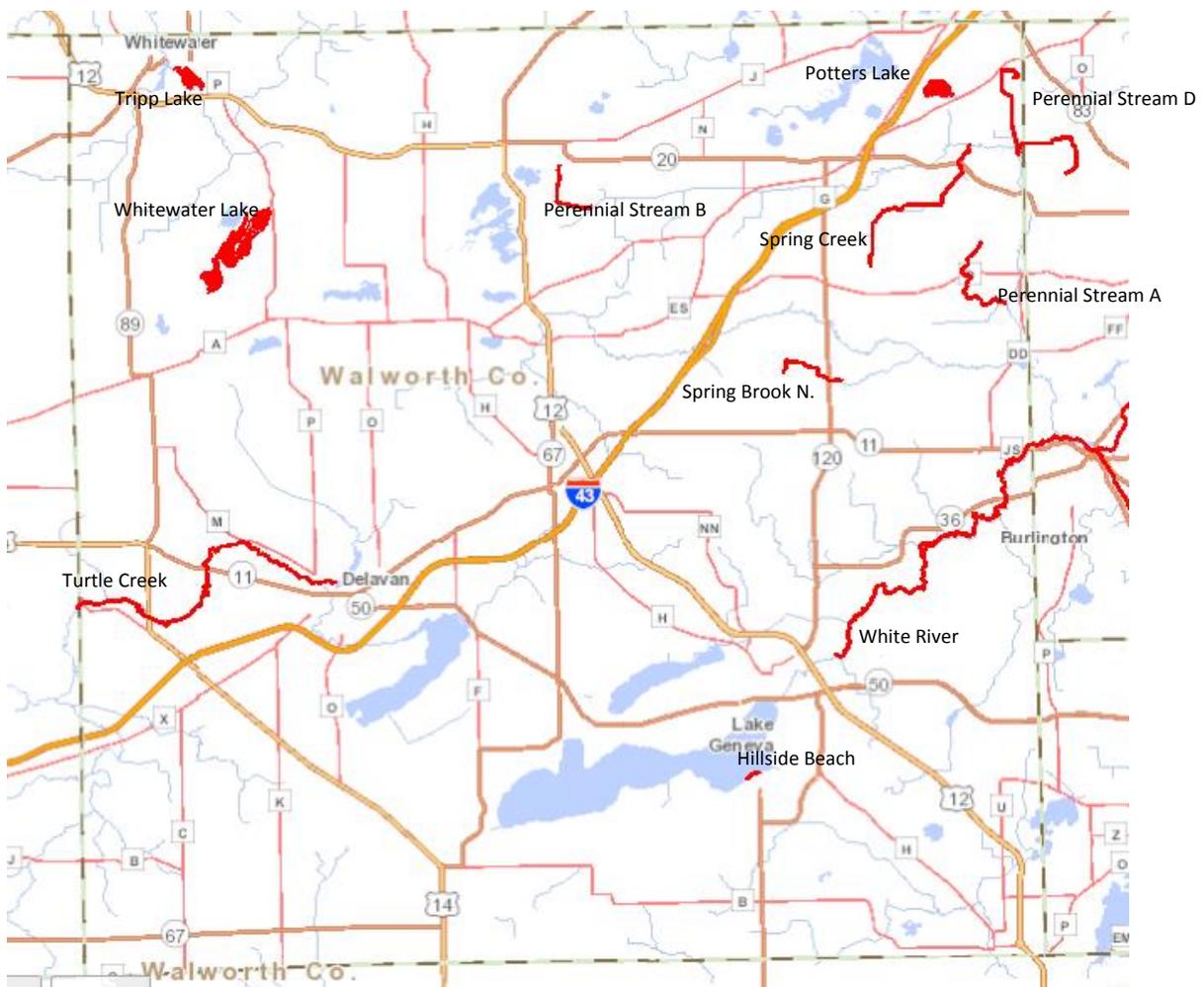
Potawatomi Creek  
and Van Slyke Creek  
Village of Fontana

**Section III: Water Quality Concerns.** Does any part of the MS4 discharge to an impaired waterbody listed in accordance with section 303(d)(1) of the federal Clean Water Act 33 USC § 113(d)(1)(C)?

Note: Under section 303(d) of the Clean Water Act, states, territories, and authorized tribes are required to develop lists of impaired waters. These are waters that are too polluted or otherwise degraded to meet the water quality standards set by states, territories, or authorized tribes. The law requires that these jurisdictions establish priority rankings for waters on the lists and develop TMDLs for these waters. A Total Maximum Daily Load, or TMDL, is a calculation of the maximum amount of a pollutant that a waterbody can receive and still safely meet water quality standards. Every two years, Section 303(d) of the Clean Water Act requires states to publish a list of all waters that *do not meet* water quality standards. The list, also known as the Impaired Waters List, is updated to reflect waters that are newly added or removed based on new information or changes in water quality status.

Eleven (11) waterways in Walworth County are listed on the WDNR 303(d)(1) list and designated as impaired. The locations and names of Walworth County impaired waterways are shown on the map below.

**Section 303(d) listed Impaired Waterways–Walworth County**



Note: Honey Creek and Sugar Creek are *proposed* for 303(d)(1) listing in 2014.

## **Section V. Summary of Municipal Storm Water Program Activities**

Note: Regulated municipalities (MS4s) are required to develop and implement the following 6 storm water management control program elements or best management practices. Collectively, the implementation of the 6 elements are expected to result in a significant reduction of pollutants discharged to waterways from storm water runoff. Walworth County is required to include each of the 6 elements in its storm water management program to meet the conditions of the MS4 general permit.

***A. Public Education and Outreach.*** Describe the public education and outreach program activities that the municipality will implement to comply with section 2.1 of the MS4 general permit.

Walworth County is currently recruiting interested citizens, local governmental elected officials and business representatives to join a County-wide Storm Water Pollution Prevention Work Team for the purpose of developing and advancing regulatory and non-regulatory programs and activities to prevent and management storm water pollution and protect Walworth County lakes, streams, wetlands and groundwater. Walworth County was awarded an Urban Storm Water Planning Grant to advance this initiative. A major role of this Work Team is to develop a County storm water information and education plan that identifies programs, activities, materials and ways to raise public understanding of storm water pollution causes and effect and recommend behaviors that result in positive actions to improve Walworth County waterway, including groundwater.

Walworth County will enter into Intergovernmental Agreements with interested Walworth County municipalities including, but not limited to the City of Elkhorn, Village of Genoa City, and Village of Bloomfield, to develop and carry-out public information as required in Section 2.1 of the MS4 general permit. This collective effort is expected to create uniform storm water public education messages for Walworth County, while maintaining the uniqueness of each municipal storm water program.

A formal Walworth County public information and outreach plan will be developed and include the elements listed in Section 2.1 of the MS4 general permit to identify targeted audiences, messages, and strategic ways to reach residents, businesses, developers, visitors, and youth. The plan will include measureable goals to insure storm water education and outreach results in outcomes that are effective in preventing and reducing the impacts of storm water pollution and delivered efficiently.

Public education and outreach will be carried out throughout the duration of the MS4 Permit.

***B. Public Involvement and Participation.*** Describe the public involvement and participation program activities that the municipality will promote to comply with section 2.2 of the MS4 general permit.

Walworth County will develop a Public Involvement and Participation Plan to insure that citizens, local units of government and businesses are provided with opportunities to contribute in establishing the County's storm water management priorities and programs to comply with the requirements of the MS4 general permit. The County will recruit and convene a storm water pollution prevention stakeholders committee to guide each element of the County-wide Storm Water Management Program. Citizens will have an opportunity to voice their concerns and present their suggestions before the County-wide Storm Water Pollution Prevention Plan is finalized.

Walworth County currently has procedures in-place that require public notification and provide opportunities for the public to participate in County decision making.

***C. Illicit Discharge Detection and Elimination. Describe the illicit discharge detection and elimination program activities that the municipality will develop and implement to comply with section 2.3 of the MS4 general permit.***

Note: An illicit discharge is any discharge to a municipal separate storm sewer system (MS4) that is not composed entirely of storm water, with some exceptions. Illicit discharges enter a storm water conveyance system through either faulty connections, spills, or direct dumping. The result is untreated discharges to waterways with high levels of pollutants, including heavy metals, toxics, oil, grease, solvent, nutrients, and bacteria. Recognizing the adverse impacts illicit discharges can have on Walworth County waterways, section 2.3 of the MS4 general permit requires Walworth County to develop an illicit discharge detection and elimination program.

Walworth County does not have the authority to conduct inspections on privately-owned properties to detect illicit discharges or regulate the abatement of illicit discharges, if discovered. Walworth County will consider addressing the prevention and elimination of illicit discharges to County controlled conveyance systems within its current regulatory authority for storm water management. Walworth County will consider necessary amendments to the County Storm Water Management Ordinance or the County Ordinance to include the detection and elimination of illicit discharges to County facilities and include a procedure to notify local jurisdictions and the Wisconsin Department of Natural Resources, if illicit discharges are discovered.

As part of the Intergovernmental Agreements, the County will assist interested municipalities promulgate rules for the detection and elimination of illicit discharges within their jurisdictions. A model ordinance will be developed and provided to all Walworth County Municipalities, including those required to obtain MS4 general permit coverage.

Walworth County will develop and adopt a policy that establishes procedures for illicit discharge detection for Walworth County-owned facilities. The policy will include field screening requirements of all major outfalls as outlined in Section 2.32 of the MS4 General Permit. The policy will include response procedures for any known or suspected illicit discharges as outlined in Section 2.34 of the MS4 General Permit. The policy will include a prohibition on any illicit discharges from its facilities to any storm sewer outfall. This policy will include a training program for specific Walworth County employees.

***D. Construction Site Pollution Control. Describe the construction site pollutant control program authority and activities that the municipality will develop and implement to comply with section 2.4 of the MS4 general permit.***

Walworth County currently administers a Construction Site Erosion Control Ordinance, contained in Chapter 26, Article II and III of the Walworth County Code of Ordinances. This Ordinance regulates most land disturbing activities within the un-incorporated areas of the Walworth County, with the exception of the non-shoreland areas of the Town of Bloomfield. This Ordinance was subject to a major revision in 2007, to include the construction site performance standards contained in NR 151, the Wisconsin Administrative Rules for Runoff Management. The County administers separate regulations to require compliance with specific construction site erosion control performance standards on one- and two-family construction projects. The County has entered into agreements with 9 of the 16 townships in the County to enforce the provisions of the Wisconsin Building Code related to construction site erosion control.

Administration of the County Construction Site Erosion Control Ordinance is the responsibility of the Walworth County Land Use and Resource Management Department. Eight members of the Department are certified Soil Erosion Inspectors by the Wisconsin Department of Safety and Professional Services. The County processes approximately 350 construction site erosion control permits annually, conducts over 400 inspections and has the authority to use a variety of enforcement tools to gain compliance. The County maintains records on the number of permits issued, a description of the land disturbing activities permitted, inspections and the number and description of enforcement actions.

Following the release of the revised *State Model Construction Site Erosion Control Ordinance* by the WDNR, Walworth County will examine those provisions of the County Construction Site Erosion Control Ordinance that may require amendments to comply with the provisions of the new model ordinance and Act 20.

Through the *Intergovernmental Agreement*, Walworth County will work cooperatively with other municipalities to adopt ordinance amendments to achieve County-wide uniformity.

***E. Post-Construction Site Storm Water Management. Describe the post-construction storm water management program authority and activities that the municipality will develop and implement to comply with section 2.5 of the MS4 general permit.***

Walworth County currently administers a Storm Water Management Ordinance, contained in Chapter 26, Article I, of the Walworth County Code of Ordinances. This Ordinance requires the preparation and implementation of a storm water management plan on most land disturbing activities covering more than one (1) acre within all unincorporated areas of the Walworth County. This Ordinance was subject to a major revision in 2007, to include the post-construction storm water management performance standards contained in NR 151, the Wisconsin Administrative Rules for Runoff Management.

Following the release of a revised *Model Storm Water Management Ordinance* by the WDNR, Walworth County will examine those provisions of the County Storm Water Management Ordinance that may require amendments to comply with the new model ordinance and Act 20.

Through the *Intergovernmental Agreement*, the County will work cooperatively with other municipalities to adopt post-construction storm water management ordinance amendments to achieve County-wide uniformity and comply with state performance standards.

***F. Pollution Prevention. Describe the pollution prevention program activities that the municipality will implement to comply with section 2.6 of the MS4 general permit.***

Note: Pollution prevention or good housekeeping measures must be implemented to ensure the reduction of the type and amount of pollution that collects on roadways, parking lots, open spaces, and storage and vehicle maintenance areas. Basically, Walworth County is required to develop and implement an operation and maintenance program to prevent or reduce storm water pollution from municipal operations.

An inventory and assessment of the conditions of Walworth County-owned structural storm water management facilities will be prepared.

A storm water pollution prevention program will be formally prepared and adopted to include all of the elements listed in section 2.6 of the MS4 general permit, including, but not limited to:

- An up-date of the storm water pollution prevention plan for the Walworth County Highway and Maintenance Facilities.
- Roadway deicing information as required in 2.6.5 of the MS4 general permit.
- Inventory and assessment of the condition of County-owned structural storm water management structures.
- Street sweeping methods, locations and schedule.
- Management of leaves and grass clippings.
- Turf management on County facilities to insure compliance with WDNR Conservation Practice Code #1100, Turf Nutrient Management. The County will examine current nutrient management practices and make adjustments if required to comply with the WDNR Technical Standard.
- Education and training of appropriate County staff to insure good housekeeping and pollution prevention.

**Additional WPDES MS4 General Permit Conditions and Requirements**

***Storm Water Quality Management.*** Walworth County will develop a storm water management plan to meet the storm water quality management provisions contained in section 2.7 of the MS4 general permit.

**Note:** A municipal separate storm sewer system (MS4) is a conveyance or system of conveyances that collects and transports storm water runoff from the municipality which it is often discharged untreated into local waterbodies. A conveyance system includes storm drains, pipes, and ditches. To prevent harmful pollutants from being washed or dumped into an MS4, operators must obtain a NPDES permit and develop a stormwater management program.

**Municipal Separate Storm Sewer System (MS4) Map.** Walworth County will prepare and keep current, a Municipal Separate Storm Sewer System (MS4) Map. The MS4 Map will include the applicable features listed in section 2.8 of the MS4 general permit. The MS4 will be prepared with guidance from the WDNR.

**Pollutant-loading analysis.** Using a model, such as WinSLAMM or an equivalent assessment approved by the WDNR, Walworth County will examine and conduct a pollutant loading analysis for areas within the Walworth County MS4, as determined by the WDNR.

**Storm Water Quality Management Plan.** The County will prepare a storm water quality management plan for the County MS4 areas, as determined by the WDNR, to meet the pollution reduction goals specified in section 2.7.1 of the MS4 general permit.

**Compliance Schedule.** Walworth County will fulfill the WPDES MS4 Storm Water Program Requirements according to the compliance schedule listed in Section 3 of the MS general permit and as shown on page 7 of the supplemental responses to the Notice of Intent.

## Walworth County WPDES MS4 General Permit Compliance Schedule

Draft: FUA 01/02/2015

WPDES Permit Section	Activity	Compliance Date	Implementation Date	Responsible County Department
Section 1.5.1	Prepare map showing location of discharges to impaired waterways.	Within 90 days of the start of WPDES general permit and by March 31 of each odd-numbered year there-after.		LURM and Public Works
Section 1.5.4.4	Prepare tabular summary & plan for achieving compliance with approved TMDL plan, if applicable.	Within 48 months of the start of the WPDES general permit.		LURM and Public Works
Section 2.1	Prepare SWPP Public Education Strategic Plan	Within 18 months of the start date of the WPDES general permit	Within 24 months of the start date of the WPDES general permit	LURM and Walworth County Storm Water Pollution Prevention Group, including Walworth MS4 permittees.
Section 2.2	Prepare public involvement and and participation plan	Within 18 months of the start date of the WPDES general permit	Within 24 months of the start date of the WPDES general permit	LURM and Walworth County Storm Water Pollution Prevention Group, including Walworth MS4 permittees
Section 2.3	Illicit Detection and Elimination Ordinance And discharge response procedures	Within 24 months of the start date of WPDES general permit	Within 30 months of the start of the WPDES general permit	LURM and Walworth County Storm Water Pollution Prevention Group, including Walworth MS4 permittees
Section 2.3	Illicit detection and elimination complete initial screening		Within 36 months of the start of the WPDES general permit	Public Works
Section 2.3	On-going illicit discharge screening	Within 36 months of start date of WPDES general permit	Within 48 months of the start date of the WPDES general permit	Public Works
Section 2.4	Construction Site Erosion Control Ordinance Update and Procedures	Within 18 months of start date of WPDES general permit	Within 24 months of the start date of the WPDES general permit	LURM and Walworth County Storm Water Pollution Prevention Group, including Walworth MS4 permittees
Section 2.5	Storm Water Management Ordinance Update and Procedures	Within 18 months of start date of WPDES general permit	Within 24 months of the start date of the WPDES general permit	LURM and Walworth County Storm Water Pollution Prevention Group, including Walworth MS4 permittees
Section 2.6	Prepare Pollution Prevention Program Plan	Within 24 months of the start date of the WPDES general permit.	Within 30 months of the start date of the WPDES general perm.	LURM, Public Works, and Walworth County Storm Water Pollution Prevention Group, including Walworth MS4 permittees
Section 2.7	Inventory and examination of County-owned storm water structures	Within 24 months of the start date of the WPDES general permit.		Public Works with assistance from LURM
Section 2.7	Prepare Storm Water Quality Management Plan Assessment and compliance	Within 24 months of the start date of the WPDES general permit		LURM and Public Works
Section 2.9	Submit MS4 Annual Report to WDNR	Submit by March 31 of each year		????

# **Walworth County Stormwater Workgroup**

## **Intergovernmental Cooperative Agreement**

**The City of Elkhorn** and **Walworth County** enter into this Agreement for the establishment of a **Walworth County Intergovernmental Stormwater Workgroup**.

**I. Agreement Title: Walworth County Stormwater Workgroup Agreement.**

WHEREAS, storm water pollution can degrade the water quality and beneficial uses of Walworth County lakes, streams, wetlands and groundwater and impair drinking water, degrade fishing, and other water related recreational activities.

WHEREAS, **City of Elkhorn** and **Walworth County** desire to cooperatively prepare and implement a County-wide Stormwater Pollution Prevention Program to identify and plan activities to prevent stormwater pollution.

WHEREAS, this Intergovernmental Cooperative Agreement is entered into by and between the **City of Elkhorn** and **Walworth County**.

NOW, THEREFORE, the **City of Elkhorn** and **Walworth County** agree jointly as follows:

**II. Agreement Purpose:** The purpose of this Agreement is to formally establish a Walworth County-wide Storm Water Workgroup for the purpose of sharing knowledge, skills, and experience in stormwater management and prepare and deliver cooperative plans, programs and initiatives to:

- Prevent stormwater pollution in existing and future urban areas within Walworth County.
- Improve and enhance the water quality and beneficial uses of Walworth County lakes, creeks and wetlands.
- Protect the quality and abundance of groundwater resources.
- Comply with State and Federal stormwater regulations.

This Agreement serves to formalize the intergovernmental cooperation by Walworth County municipalities and enable the municipalities to apply for grant funding through the WDNR Urban Nonpoint Source Pollution and Storm Water Management Grant Program and other State and Federal Grants that will advance programs, projects and initiatives sponsored by the Walworth County Stormwater Workgroup.

**III. Term.** This Agreement shall become effective upon execution by the last signature hereto and shall continue in effect until terminated by either party. Any party to this Agreement may terminate the Agreement as it applies to that party upon notice in writing to the other parties at least sixty days (60) days prior to the date of termination.

**IV. Assignment of Responsibilities:**

**Walworth County** has entered into a Urban Stormwater Planning Grant Agreement with the WDNR for the purpose of funding activities to carry out a County-wide stormwater pollution prevention program. Walworth County will:

***Exhibit 6, pg. 1***

1. Assign Land Conservation Division Staff to coordinate the grant funded stormwater planning activities.
2. Prepare and submit grant work products and final report to the WDNR.
3. Establish protocol for implementation of planning recommendations.
4. Retain records as required by s. NR 155.29, WI. Adm. Code.
5. Walworth County will assist municipalities, regulated pursuant to subchapter I, of NR 216, of the Wisconsin Administrative Code.

**The City of Elkhorn** will participate as a cooperating municipality on the Walworth County Stormwater Workgroup and will:

1. Assign staff to serve on the Walworth County Stormwater Workgroup.
2. Contribute to the preparation and implementation of the Walworth County Stormwater Pollution Prevention Work Plan.
3. Adopt new ordinances or ordinance amendments, if needed, to include the Non-agricultural Performance Standards for Construction Site Erosion Control and Storm Water Management, consistent with NR 151.
4. Submit documentation of “in-kind” contributions and other expenditures, when applicable, to Walworth County related to the Walworth County Stormwater Management Workgroup activities, such as staff costs to attend meetings, copying costs, mailings, other tasks related to completing the work products identified in the WDNR Stormwater Planning Grant Agreement.

**V. Amendments.** Any party may request an amendment or revision to this Agreement by notifying the other party in writing of the nature and purpose of the requested amendment.

**VI. Signatures.** This Agreement is entered into between the City of Elkhorn and Walworth County.

This agreement is effective: \_\_\_\_\_(Date)

\_\_\_\_\_, Authorized Representative

**Walworth County**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_, Authorized Representative

**City of Elkhorn**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Exhibit 6, pg. 2**