

**COUNTY OF MILWAUKEE
INTER-OFFICE COMMUNICATION**

DATE: March 28, 2021

TO: Marcelia Nicholson, Chairperson, Milwaukee County Board of Supervisors

FROM: Stevan Keith, Environmental Services Unit Head, AE&ES Section, DAS-FM

SUBJECT: From the Acting Director, Architecture, Engineering, and Environmental Services Section, Facilities Management Division, Department of Administrative Services, Providing an Informational Report Regarding an Update on Milwaukee County's Storm Water Permit

ISSUE

Milwaukee County is being required to reduce the amount of pollutants from storm water runoff into regional surface waters to improve water quality conditions in impaired surface waters. This requirement is being enforced largely through our municipal separate storm sewer system (MS4) permit and project-specific permits. It is anticipated that these requirements will result in significant costs to Milwaukee County over the next 10 to 15 years, in terms of both construction costs and maintenance costs. Grant funds may be available to defray a portion of construction costs, but no grants are currently available for maintenance costs.

BACKGROUND

The Wisconsin Department of Natural Resources issued Milwaukee County its municipal separate storm sewer (MS4) permit renewal on April 1, 2020. This permit incorporates requirements of the new Total Maximum Daily Load (TMDL) rules. The TMDLs are federal regulations requiring states to identify impaired waters and develop plans for establishing total pollutant loads that would meet water quality standards. These reductions will require substantial investment in non-point source pollution controls. The mechanisms to be used to attain compliance have not been determined but, based on past experience, we anticipate green stormwater infrastructure (GSI) will play a large role, and that the compliance timeframe could extend over a period more than 15 years.

Section 303(d) of the federal Clean Water Act requires states to identify waters that are impaired by pollution and then establish TMDLs for those impairing pollutants to ensure that water quality standards can be attained. A TMDL is a quantitative assessment of pollution sources and pollutant reductions needed to restore water quality standards. This assessment was a relatively complex and arduous process that included study of the watershed characteristics and computer modeling. Outcomes of the TMDL are 'allocations' of pollutant discharges for permitted sources that enumerate the necessary reductions for each pollutant in each sub-watershed according to source.

Once the TMDL is developed and approved, federal and state regulations then require implementation of TMDLs to meet water quality standards. TMDL allocations were recently developed by Wisconsin Department of Natural Resources (WDNR) for the

Menomonee River, the Kinnickinnic River, and the Milwaukee River and were approved by the US EPA. Milwaukee County is being required (along with other municipalities), through its MS4 permit to prepare a detailed plan as to how it will achieve its allocations (i.e., reductions). The MS4 permit also establishes a schedule for elements of the plan to be developed and submitted within the 2020-2025 permit period. That plan, which will propose specific actions such as the installation of GSI to attain the goals, is in the early stages of development.

ANALYSIS

Due to the complex nature of the TMDL allocations and implementation process, it is difficult to estimate the cost for compliance with TMDLs. Our very preliminary-level estimate for the capital costs to full build-out could be in excess of \$10 million, with annual maintenance costs for that build-out more than \$500,000 annually.

The implementation plan will be developed over the course of the next two years. AE&ES is currently applying for a grant to help cover costs associated with plan development. A progress report will be submitted to the County Board in 2022.

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Approved by:



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