



Meeting: Village Board  
Meeting Date: 3/28/11  
Agenda Item: 6f

**Mission Statement**  
Delivering quality services in a courteous,  
cost-effective and efficient manner.

## VILLAGE BOARD MEETING STAFF REPORT

**REPORT TO:** Burt R. McIntyre, President  
Village Board of Trustees

**REVIEWED BY:**

**REPORT FROM:** Geoffrey S. Farr, PE, Director of Public Works

**AGENDA ITEM:** 6f – Receive public comments on the Village’s storm water management permit requirements, planning, actions and annual report. Review and take action on the Village’s annual MS4 storm water management report.

### POLICY ISSUE

Should the Village Board approve the 2010 MS4 annual report?

### BACKGROUND INFORMATION

The Village is required to comply with its MS4 permit # WI-S050075-1 which requires, among many other things, the approval of an annual report.

Storm water activities include:

- Implementation, Public Outreach, Education and Involvement activities:
  - Maintenance of a storm water web page on the Village website.
  - Educational mailings, newsletter articles, a storm water permitting guide.
  - Staff training and public presentations on storm water issues
  - Village-sponsored inlet painting activities
- Developed the following municipal pollution prevention planning documents:
  - Routine inspection of municipal and private BMP's
  - Street sweeping management plan
  - Deicing management plan
  - Reduce storm water contamination of municipal source water protection areas
  - Fertilizer management plan
  - Leaf and grass clipping management plan
  - Storm water pollution prevention plans for:
    - Public Works
    - Village Green Golf Course
- Screened all major storm water outfalls for illicit discharges and submitted an on-going screening program.
- The developed urban area (existing urban area) SMP TSS removal results are:
  - Currently the Village reduces 20.4 % of TSS in storm water discharges. This meets the 20% goal required by 2008.
  - By converting existing dry ponds into wet storm water ponds (including the Woodman’s dry pond conversion to a wet pond), TSS reductions in storm water discharges will increase to 21.7%. With the purchase and operation of a vacuum street sweeper that was planned for 2011 the Village would be at 27.3%.
  - A long-term plan for compliance with the 40% TSS removal by March 2013 may not be needed as the governor has apparently removed the requirement. However the Village should keep in mind that the law could change again in the future, re-establishing the

original standards. Thus the Village Board may want to consider taking advantage of low-cost TSS removal opportunities and improvements where possible to avoid higher-cost improvements that could be required in the future. Specifically this plan would identify that the Village partner with future commercial and industrial redevelopment projects to implement 80% TSS BMP's as the most cost-effective and efficient means of achieving that goal.

Work that is needed to maintain compliance in the future:

- Maintain current program implementation.

***The Village Board must take public comments and review and approve the annual report, which must be submitted to the DNR by March 31, 2011. The report details past activities and actions to determine compliance with permit conditions and requirements over the past year. The Village currently meets all MS4 permit requirements except the following:***

- **Minor exceptions to activities in education and public involvement plan.**

**Federal Water Pollution Control Act:** "The Clean Water Act" was the original law that was enacted in 1948 to clean up waterways that were commonly polluted by municipal sewage and industrial discharges. Improving the quality of these discharges not only improved the condition of rivers, lakes, stream and ground water but ultimately improved water resources for public water supplies, propagation of fish and aquatic life, and recreational purposes. The original law assisted states, municipalities, and business in constructing treatment plants to prevent discharges of inadequately treated sewage and other wastes into waterways. For more information on the original law and its many amendments, visit <http://www.fws.gov/laws/lawsdigest/FWATRPO.HTML>

**Wisconsin Statutes and Other Codes:** Ch. 283 "Wisconsin Pollutant Discharge Elimination" (WPDES) grants the Department of Natural Resources the authority to establish, administer and maintain a state pollutant discharge elimination system to achieve these goals, in accordance with the requirements of the Clean Water Act. The purpose of the statute is to restore and maintain the chemical, physical, and biological integrity of state waters to protect public health, safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial, agricultural, and other uses of water. This resulted in the creation of additional Wisconsin Administrative and Village Codes regulating:

- NR 216 "Storm Water Discharge Permits"
- NR 151 "Runoff Management"
- Village of Howard Code Chapter 42
  - Erosion Control
  - Post Construction Storm Water Management
  - Illicit Discharges and Connections

#### **KEY METRIC DETAIL**

Comply with State and Federal requirements.

#### **PRIOR ACTION/REVIEW**

The Village of Howard approved the storm water report last year. Nothing has substantially changed, except that the purchase of the street sweeper will be postponed until storm water rules indicate that the 40% developed urban area TSS reduction goals have been reinstated.

#### **FISCAL IMPACT:**

- |                              |                         |
|------------------------------|-------------------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u>              |
| 2. Is it Currently Budgeted? | <u>Yes</u>              |
| 3. If Budgeted, Which Line?  | <u>Enterprise funds</u> |

#### **RECOMMENDED ACTION**

Village staff recommends that the Village Board:

1) Receive comments from the public regarding the Village's permit requirements, planning, actions, and annual report.

2) Approve the annual report.

If the Village Board agrees with this action, the following motion could be made:

***"Motion to approve the Village's 2010 MS4 annual report".***

**POLICY ALTERNATIVE(S)**

The Village Board could take the following actions:

- Approve the report with revisions
- Deny the suggested motion
- Table the suggested motion and request additional information

**ATTACHED INFORMATION**

- I. Annual Report
- II. Hundreds of pages of reports, management plans and procedures are available for review. Due to their size they are available for public inspection at the Public Works Facility. If any Board Member would like copies of these reports I would be happy to send you a CD with the information.

**COPIES FORWARDED TO:**

None

State of Wisconsin  
Department of Natural Resources  
dnr.wi.gov

Due by March 31, 2011

This form is for the purpose of annual reporting on activities undertaken pursuant to the Municipal Separate Storm Sewer System (MS4) General Permit No. WI-S050075-1. An owner or operator of a municipal separate storm sewer system covered by the general permit under Chapter NR 216, Wis. Adm. Code, is required to submit an annual report to the Department of Natural Resources by March 31 of each year to report on activities for the previous calendar year. This form is for reporting on activities undertaken in calendar year 2010.

Use of this specific form is optional. The Department of Natural Resources has created this form for the user's convenience and believes that the information requested on this form meets the reporting requirements for an owner or operator of a municipal separate storm sewer system covered by the general permit. Personal information collected will be used for administrative purposes and may be provided to the extent required by Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

**Instructions:** Complete each section of the form that follows. If additional space is needed to respond to a question, attach additional pages. Provide descriptions that explain the program actions taken to-date to comply with the general permit. Complete and submit the annual report by March 31, 2011, to the appropriate address indicated on the last page of this form.

### SECTION I. Municipal Information

Name of Municipality Village of Howard		Facility ID No. (FIN) 31091	
Mailing Address 1336 Cornell Road	City Green Bay	State WI	Postal Code 54313
County(s) in which Municipality is located BROWN	Type of Municipality: (check one) <input type="checkbox"/> County <input type="checkbox"/> City <input checked="" type="checkbox"/> Village <input type="checkbox"/> Town <input type="checkbox"/> Other (specify)		

### SECTION II. Municipal Contact Information

Name of Municipal Contact Person Geoffrey Farr		Title Public Works Director	
Mailing Address 1336 Cornell Road	City Green Bay	State WI	Postal Code 54313
E-mail Address gfarr@villageofhoward.com	Telephone No. (including area code) 920-434-4060	Fax No. (including area code) 920-434-4072	

### SECTION III. Certification

*I hereby certify that I am an authorized representative of the municipality covered under MS4 General Permit No. WI-S050075-1 for which this annual report is being submitted and that the information contained in this document and all attachments were gathered and prepared under my direction or supervision. Based on my inquiry of the person or persons under my direction or supervision involved in the preparation of this document, to the best of my knowledge, the information is true, accurate, and complete. I further certify that the municipality's governing body or delegated representatives have reviewed or been apprised of the contents of this annual report. I understand that Wisconsin law provides severe penalties for submitting false information.*

Authorized Representative Printed Name Geoffrey Farr		Authorized Representative Title Public Works Director	
Authorized Representative Signature		Date Signed	
E-mail Address gfarr@villageofhoward.com	Telephone No. (including area code) 920-434-4060	Fax No. (including area code) 920-434-4072	

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**SECTION IV. General Information**

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a. Describe what efforts the municipality has undertaken to invite the municipal governing body, interest groups, and the general public to review and comment on the annual report.

The annual report was included as an action item on the March 28, 2011, Howard Village Board agenda and posted as a public notice for the Village Board meeting. The items on the Board agenda included: 1) Receive public comments regarding the Village's MS4 permit requirements, planning, actions, and annual report; and 2) Review and take action on the Village's MS4 annual report.

b. Describe how elected and municipal officials and appropriate staff have been kept apprised of the municipal storm water discharge permit and its requirements.

MS4 permit requirements have been discussed occasionally at Village Board meetings including agenda items involving the approval of site development requirements, studies, etc. In addition, permit requirements have been the subject of discussion at staff meetings to plan future activities and actions needed to satisfy the permit.

c. Has the municipality prepared its own municipal-wide storm water management plan?  Yes  No

If yes, title and date of storm water management plan:

Developed Urban Area Storm Water Management Plan, December 2009, previously submitted.

d. Has the municipality entered into a written agreement with another municipality or a contract with another entity to perform one or more of the conditions of the general permit as provided under Section 2.10 of the general permit?  Yes  No

If yes, describe these cooperative efforts:

e. Does the municipality have an internet website?  Yes  No

If yes, provide web address:

villageofhoward.com

If the municipality has an internet website, is there current information about or links provided to the MS4 general permit and/or the municipality's storm water management program?  Yes  No

If yes, provide web address:

[http://www.villageofhoward.com/public\\_works-storm-water.cfm](http://www.villageofhoward.com/public_works-storm-water.cfm)

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## SECTION V. Permit Conditions

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a. Minimum Control Measures: For each of the permit conditions listed below, provide a description of the status of implementation of program elements, the status of meeting measurable goals, and compliance with permit schedule in section 3 of the MS4 general permit. Be specific in describing the actions that have been taken during the reporting year to implement each permit condition and whether measurable goals have been met, including any data collected to document a measurable goal. Also, explain the reasons for any variations from the compliance schedule in the MS4 general permit.

- Public Education and Outreach

The Village's MS4 permit start date was Jan 8, 2007. The Public Education and Outreach program was due 18 months after the start date. The program was previously submitted in compliance with permit conditions. Program implementation began 24 months after the start date on January 8, 2009. The public education and outreach plan was previously submitted. Most of the items in the 2010 public education and outreach plan have been completed. See previous submissions: Web site page, spring and fall newsletters, riparian stream bank owners letter and mailing list, EC & Post Construction SMP permitting flow chart, and professional staff training documentation.

- Public Involvement and Participation

The Village's MS4 permit start date was Jan 8, 2007. The Public Involvement and Participation program was due 18 months after the start date. The program was previously submitted in compliance with permit conditions. Program implementation began 24 months after the start date on January 8, 2009. All of the items in the 2010 public involvement and participation plan have been completed. See previous submissions: Web site page, spring and fall newsletter, Bay View Middle School inlet stenciling, Household Hazardous Waste Clean Up Day at Akzo Nobel Park, and Household Hazardous Waste Dropoff collection site activity.

- Illicit Discharge Detection and Elimination

The Village's MS4 permit start date was Jan 8, 2007. The illicit discharge ordinance and response procedures were due 24 months after the start date. The ordinance and response procedures were previously submitted in compliance with permit conditions. Implementation began 30 months after the start date on June 8, 2009. Implementation activities for illicit discharge and elimination activities are listed in section VII e) of this report.

The initial field screening and ongoing screening plan was due 36 months after the start date on January 8, 2010. The results of the initial field screening were submitted previously.

The on-going field screening is due 48 months after the start date which is January 8, 2011. The results of the initial field screening and ongoing screen plan was submitted on January 31, 2011 to the storm water program staff in the Northeast Region DNR Office.

- Construction Site Pollutant Control

The Village's MS4 permit start date was Jan 8, 2007. The erosion control ordinance, inspection and enforcement procedures were due 18 months after the start date. These items have been submitted in compliance with permit conditions. Implementation began 24 months after the start date on January 8, 2009. Implementation activities for construction site pollutant control are listed in section VII e) of this report.

- Post-Construction Storm Water Management

The Village's MS4 permit start date was Jan 8, 2007. The post-construction storm water ordinance and long term BMP

maintenance procedures were due 18 months after the start date. These items have been submitted in compliance with permit conditions. Implementation began 24 months after the start date on January 8, 2009. Implementation activities for post construction storm water management are listed in section VII e) of this report.

- **Pollution Prevention**

The Village's MS4 permit start date is Jan 8, 2007. The pollution prevention plan was due 24 months after the start date on January 8, 2009. The Village's pollution prevention plan was submitted and included the following reports: street sweeping and catch basin cleaning, deicing, leaves and grass clippings, pollution prevention reports on four municipal buildings, fertilizer management and Power Point slides used for education for public works employees. Implementation began 30 months after the start date on June 8, 2009. Implementation activities for pollution prevention include inspection of all municipal bmp's including maintenance recommendations, and provided municipal employee training related to general MS4 requirements and issues, facility maintenance and good housekeeping, street sweeping, deicing, fertilizer plans, and leaf and grass clipping management.

b. **Storm Water Quality Management:** Has the municipality completed a pollutant-loading analysis to assess compliance with the 20% TSS reduction developed urban area performance standard?  Yes  No

If yes, provide the following: Model used SLAMM Version 9.3.0 Reduction (%) achieves 20.4% as of 2009

Has the municipality completed a pollutant-loading analysis to assess compliance with the 40% TSS reduction developed urban area performance standard?  Yes  No

If yes, provide the following: Model used SLAMM Version 9.3.0 Reduction (%) should achieve 21.7% in 2011

If no, include a description of any actions the municipality has undertaken during 2010 to help achieve the 40% standard by March 10, 2013.

Previously submitted the Village's developed urban area plan including the SLAMM model to 9.3.0, budgeted and developed plans for converting three dry ponds into wet ponds. Plans include excavation of the Woodman Pond, Community Church Pond, Village Center Pond and coordination with the DOT for three storm water ponds by Highway 29 and US Highway 41.

Has the municipality completed an evaluation of all municipal owned or operated structural flood control facilities to determine the feasibility of retrofitting to increase TSS removal?  Yes  No If yes, describe:

See the previously submitted report entitled "Village of Howard Developed Urban Area Water Quality Management Plan." Three remaining dry ponds can be converted into wet ponds (Woodmans, Village Center, and Community Church).

c. **Storm Sewer System Map:** Describe any changes or updates to the storm sewer system map made in the reporting year.

Provide an updated map.

See the attached 2010 MS4 map. Changes include:

- Identified street names.
- Identified Green Bay as a 303(d) impaired water.
- Identified individual parcels.
- Updated map to reflect new storm sewers.
- Added Private BMP's.
- Modified legend to include public and private BMP's.

**SECTION VI. Fiscal Analysis**

a. Provide a fiscal analysis that includes the annual expenditures for 2010, and the budget for 2010 and 2011. A table to document fiscal information is provided on page 6.

b. What financing/fiscal strategy has the municipality implemented to finance the requirements of the general permit?

Storm water utility    General fund    Other Permit Fees

c. Are adequate revenues being generated to implement your storm water management program to meet the permit requirements?  Yes    No

Please provide a brief summary of your financing/fiscal strategy and any additional information that will assist the Department in understanding how storm water management funds are being generated to implement and administer your storm water management program.

Local spending required to meet unfunded state and federal mandates has been provided on an as-needed basis.

**SECTION VII. Inspections and Enforcement Actions**

**Note: If an ordinance listed below has previously been submitted and has not been amended since that time, a copy does not need to be submitted again. If the ordinance was previously submitted, indicate such in the space provided.**

a. As of the date of this annual report, has the municipality adopted a construction site pollutant control ordinance in accordance with subsection 2.4.1 of the general permit?  Yes    No   If yes, attach copy or provide web link to ordinance:

Previously submitted

b. As of the date of this annual report, has the municipality adopted a post-construction storm water management ordinance in accordance with subsection 2.5.1 of the general permit?  Yes    No   If yes, attach copy or provide web link to ordinance:

Previously submitted

c. As of the date of this annual report, has the municipality adopted an illicit discharge detection and elimination ordinance in accordance with subsection 2.3.1 of the general permit?  Yes    No   If yes, attach copy or provide web link to ordinance:

Previously submitted

d. As of the date of this annual report, has the municipality adopted any other ordinances it has deemed necessary to implement a program under the general permit (e.g., pet waste ordinance, leaf management/yard waste ordinance, parking restrictions for street cleaning, etc.)?  Yes    No   If yes, attach copy or provide web link to ordinance:

e. Provide a summary of available information on the number and nature of inspections and enforcement actions conducted during the reporting period to ensure compliance with the ordinances described in a. to d. above.

Erosion Control activities: 91 permits issued, 214 inspections during construction, no formal enforcement actions were necessary.

Post Construction Storm Water Management activities: reviewed and issued permits on 11 development projects.

Illicit Discharge and Elimination activities: tested 20 major outfalls and 41 minor outfalls (see screening ongoing plan report ).



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**SECTION VIII. Water Quality Concerns**

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a. 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: <http://dnr.wi.gov/org/water/wm/wqs/orwerw/>)  Yes  No If yes, list:

b. 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 the most current Wisconsin impaired waterbodies may be found on the Department's Internet site at: <http://dnr.wi.gov/org/water/wm/wqs/303d/303d.html>)  Yes  No If yes, complete the following:

- Impaired waterbody to which the MS4 discharges:

Duck Creek and Green Bay

- Description of actions municipality has taken to comply with section 1.5.2 of the MS4 general permit for discharges of pollutant(s) of concern to an impaired waterbody:

None, TMDL's not established as of this date.

c. Identify any known water quality improvements in the receiving water to which the MS4 discharges during the reporting period.

The Village and developers have installed various storm water ponds and biofilter BMP's to the receiving waters as part of post construction site development and the developed urban area TSS reduction requirements. The Village also installed a bio infiltration basin on Glendale Avenue to reduce pollution and allow infiltration into ground water as part of a roadway construction project.

d. Identify any known water quality degradation in the receiving water to which the MS4 discharges during the reporting period and what actions are being taken to improve the water quality in the receiving water.

None

Fiscal Analysis Table. Complete the fiscal analysis table provided below.

Program Element	Annual Expenditure		Budget		Source of Funds
	2010	2010	2010	2011	
Public Education and Outreach	\$1,000 staff time	\$6,000	\$6,000	\$6,000	2011 staff time, web site maintenance, news letters, mailings, staff training, and presentations. From Storm Water Utility
Public Involvement and Participation	\$1,000 staff time	\$7,500	\$7,500	\$7,500	2011 staff time, website maintenance, news letters, and inlet stenciling. From Storm Water Utility
Illicit Discharge Detection and Elimination	\$9,150 staff time and contracted services	\$17,000	\$17,000	\$17,000	2011 Ordinance work \$2,000 and Outfall screening \$10,000, Illicit Discharge follow ups, enforcement, and cleanup \$5,000. From Storm Water Utility
Construction Site Pollutant Control	\$15,000 staff time	\$37,000	\$37,000	\$37,000	2011 Ordinance work \$2,000 and Code enforcement permits and inspections \$35,000. From Storm Water Utility, General Fund, & Permit Fees
Post-Construction Storm Water Management	\$2,060 staff time	\$13,500	\$13,500	\$13,500	2011 Ordinance work \$2,000, Annual BMP inspection \$3,000, Post construction site plan and BMP permit review \$8,500 From Storm Water Utility and Permit Fees
Pollution Prevention	\$3,000 staff time and contracted services	\$3,000	\$3,000	\$3,000	2011 Annual inspection of municipal BMP's and Buildings \$3,000. From Storm Water Utility
Storm Water Quality Management (including pollutant-loading analysis)	\$539,250 staff time and contracted services	\$700,000	\$700,000	\$560,000	2011 Woodman, Community Church, and Village Center pond construction \$150,000, Municipal BMP maintenance \$10,000, street sweeping, leaf collection & composting, storm sewer, ditching, mowing, manholes, inlets, catch basin maintenance, televising, jetting, locates \$400,000. From Storm Water Utility
Storm Sewer System Map	\$4,500 staff time	\$5,000	\$5,000	\$5,000	From General Fund and Storm Water Utility 2011 MS4 map Updates
Other	\$0	\$20,000	\$20,000	\$20,000	From Storm Water Utility 2011 Misc. From Storm Water Utility



<b>NORTHERN REGION COUNTIES</b>			<b>WEST CENTRAL REGION COUNTIES</b>		
Ashland	Langlade	DNR Service Center	Adams	Marathon	DNR Service Center
Barron	Lincoln	1701 N. 4th Street	Buffalo	Monroe	5301 Rib Mountain Rd.
Bayfield	Oneida	Superior, WI 54880	Clark	Portage	Wausau, WI 54401
Burnett	Polk	Phone: (715) 392-7988	Crawford	Trempealeau	Phone: (715) 359-4522
Douglas	Price		Jackson	Vernon	
Florence	Rusk		Juneau	Wood	
Forest	Sawyer		La Crosse		
Iron	Taylor				
	Vilas				
	Washburn		Chippewa	Pepin	DNR Service Center
			Dunn	Pierce	890 Spruce St.
			Eau Claire	St. Croix	Baldwin, WI 54002
					Phone: (715) 684-2914
<b>NORTHEAST REGION COUNTIES</b>			<b>SOUTH CENTRAL REGION COUNTIES</b>		
Brown	Marquette	DNR Northeast Region	Columbia	Jefferson	DNR South Central Region
Calumet	Menominee	2984 Shawano Ave.	Dane	LaFayette	3911 Fish Hatchery Rd.
Door	Oconto	Green Bay, WI 54313	Dodge	Richland	Fitchburg, WI 53711
Fond du Lac	Outagamie	Phone: (920) 662-5100	Grant	Rock	Phone: (608) 275-3266
Green Lake	Shawano		Green	Sauk	
Kewaunee	Waupaca		Iowa		
Manitowoc	Waushara				
Marinette	Winnebago				
<b>SOUTHEAST REGION COUNTIES</b>					
Kenosha	Sheboygan	DNR Service Center			
Milwaukee	Walworth	141 NW Barstow Street,			
Ozaukee	Washington	Room 180			
Racine	Waukesha	Waukesha, WI 53188			
		Phone: (262) 884-2300			