

CITY OF MADISON
CITY ATTORNEY'S OFFICE
Room 401, CCB
266-4511

MEMORANDUM

TO: Common Council

FROM: Doran Viste, Assistant City Attorney

DATE: October 8, 2012

RE: Legistar File No. 27949, repealing and recreating Chapter 37, MGO, to make changes to the City's Erosion and Stormwater Runoff Control Ordinance.

File No. 27949 repeals and recreates Chapter 37. This ordinance makes numerous changes to the existing chapter. Specifically, the ordinance does the following:

- All references to "In-fill Development" are deleted from Chapter 37. This development category no longer applies within the City of Madison as all development can be classified as either New Development or Redevelopment for the purposes of meeting stormwater management criteria for State, County and City requirements. All sections have been updated as necessary to remove references to In-fill Development and instead reference Development, New Development, or Redevelopment as appropriate. Further, a definition of "Development" is provided in Section 37.04 to accommodate this treatment.
- The Stormwater Utility rate structure is no longer included in Chapter 37. Rather, under new Section 37.05(4)(f), rate changes will be set annually by the City Engineer and approved by the Board of Public Works and Common Council. This is being done so Chapter 37 does not have to be revised every year just to update rate changes.
- General requirements for the connection, disconnection or abandonment of connections to the public stormwater system are clarified in Section 37.05(7)(a)1.
- A Stormwater System Connection Permit is created in Section 37.05(7)(a)2., replacing the existing Permit to Connect. This new permit will be required when any connection to the public storm sewer is required. Furthermore, language has been added to regulate dry weather flow to the public storm sewer and to add a permit surcharge fee based on the peak discharge flow rate.
- A Stormwater System Disconnection or Abandonment Permit is created in Section 37.05(7)(a)3., similar to the existing sanitary sewer disconnection or abandonment permit, to cover the City's cost of proper disconnection, plugging and inspection of a disconnected or abandoned private connection to the public storm system. The permit fee will be \$1000, with up to \$900 of this fee

refundable following an approved inspection for work completed by private contractor.

- The requirements in Section 37.05(7)(b)8.b. relating to stormwater management maintenance reports due from property owners are updated to require them to be due on June 1st of each year (from September 1). In addition, for sites with required stormwater management practices that do not have maintenance agreements, inspection forms and guidelines developed by City Engineering for the most common stormwater treatment practices will be considered the minimum inspection and maintenance standards acceptable.
- Requirements for “Existing Private Driveway Approaches” in Section 37.05(9)(b) have now been expanded to apply to “Existing Private Drainage Systems” to clarify that all private drainage systems are the responsibility of the private property owner.
- Added Section 37.05(10) to allow harvesting of vegetation and seed material from Storm Utility Lands. Approval must be obtained from the Administrative Authority.
- Stormwater management report requirements in Section 37.09(2)(e)4. are updated to include updated allowable runoff curve numbers (RCNs) used in peak flow calculations so they conform to NR 151 requirements.
- The stormwater management performance standards set forth in Section 37.09(3) have been updated. Specifically, total suspended solids (TSS) removal requirements in Section 37.09(3)(a)2.a. for Redevelopment sites have been revised to 80% (from 40%), based on average annual rainfall, as compared to the existing conditions prior to the proposed redevelopment. No redevelopment would be required to exceed 60% TSS removal as compared to no controls for new parking areas on a redevelopment site. This change is required to meet phosphorous total maximum daily load (TMDL) limits set by WDNR on the City. This will ensure sites are not approved that meet a State or County TSS reduction while not meeting the TMDL requirement. In addition, runoff rate control requirements are created in Section 37.09(3)(c) to address WNDR requirements.
- Infiltration practice requirements are updated in Section 37.09(3)(f)7.c. This change will allow infiltration of roof drainage where only 1 foot of separation exists between the bottom of the infiltration device and the top of bedrock or the seasonal high ground water level.
- The annual stormwater management report requirements set forth in Section 37.09(7) are modified to require reports to be submitted by June 1 (from Sept. 1), with no annual report due for 2013 due to the change. In addition, annual photos of stormwater management devices will now be accepted in lieu of 3-year

topographic surveys at the discretion of the Administrative Authority. This is to reduce annual inspection costs where visual inspection can provide the appropriate level of detail for the stormwater practice being analyzed.

- General permit requirements under this Chapter are updated in Section 37.11(1)(a) to require any development with a Developer's Agreement to reimburse the City for inspection and enforcement.
- Permit application fees under this Chapter have been updated in Section 37.11(1)(b), (c) and (d) to be consistent with Dane County rates. This will make submittal and review of smaller projects easier while the staff review time for larger projects is more adequately accounted for.