USEPA Watershed-Based Permit Pilots Webinar

Tuesday, December 6, 2011

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MMSD
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WISCONSIN DEPT. OF NATURAL RESOURCES

Southeastern Wisconsin Regional Planning Commission

sweet water
SOUTHEASTERN WISCONSIN WATERSHEDS TRUST, INC.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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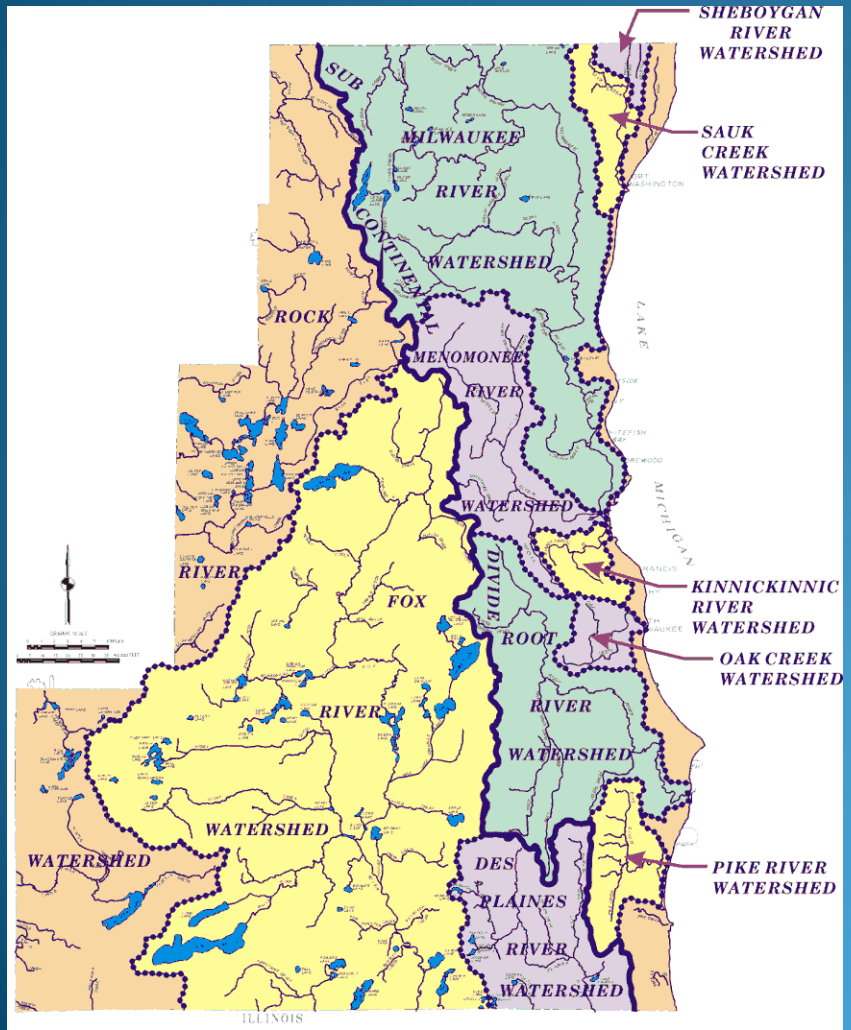
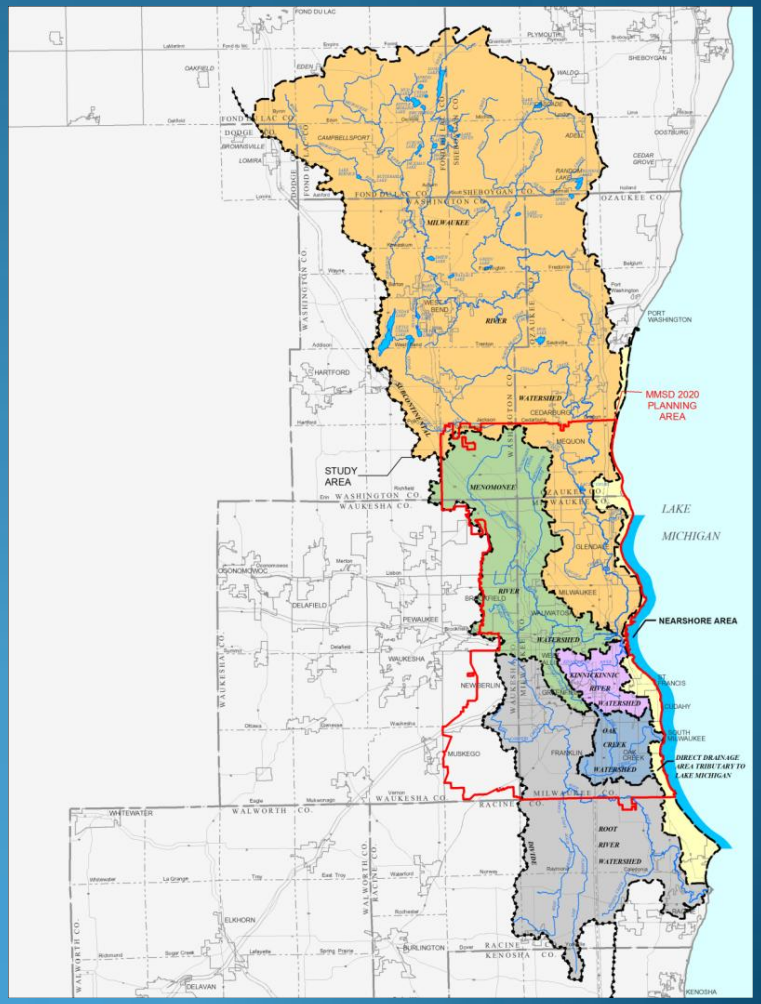
Watershed-based Water Quality Planning in Southeastern Wisconsin

1979 Regional Water Quality Management Plan (RWQMP)



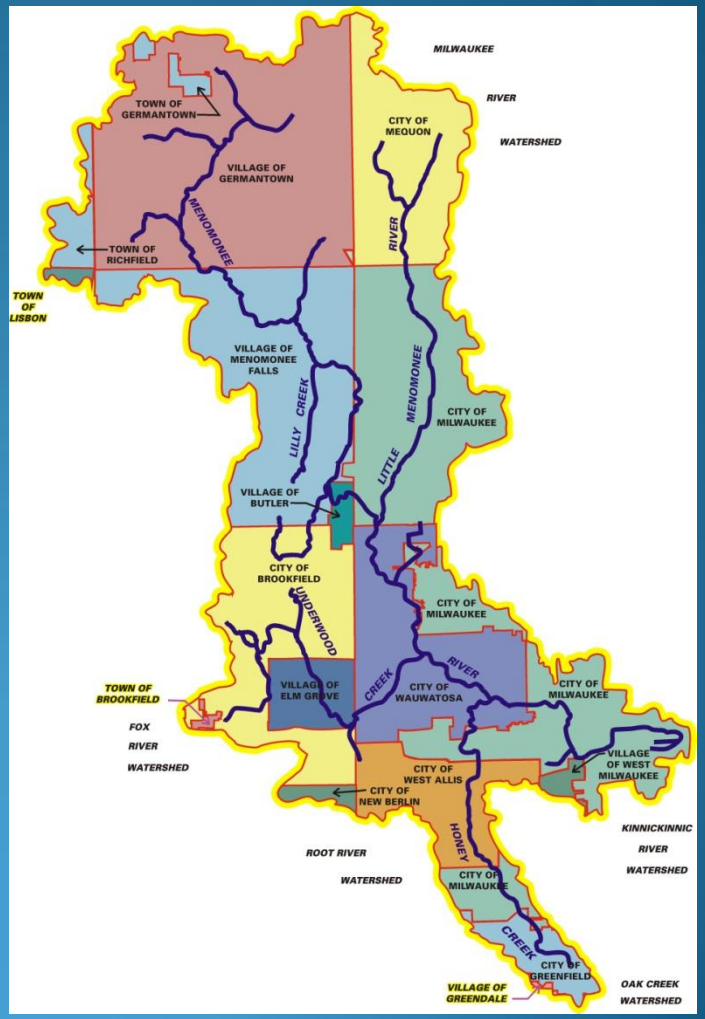
2007 RWQMP Update and Second-level Menomonee River Watershed Restoration Plan



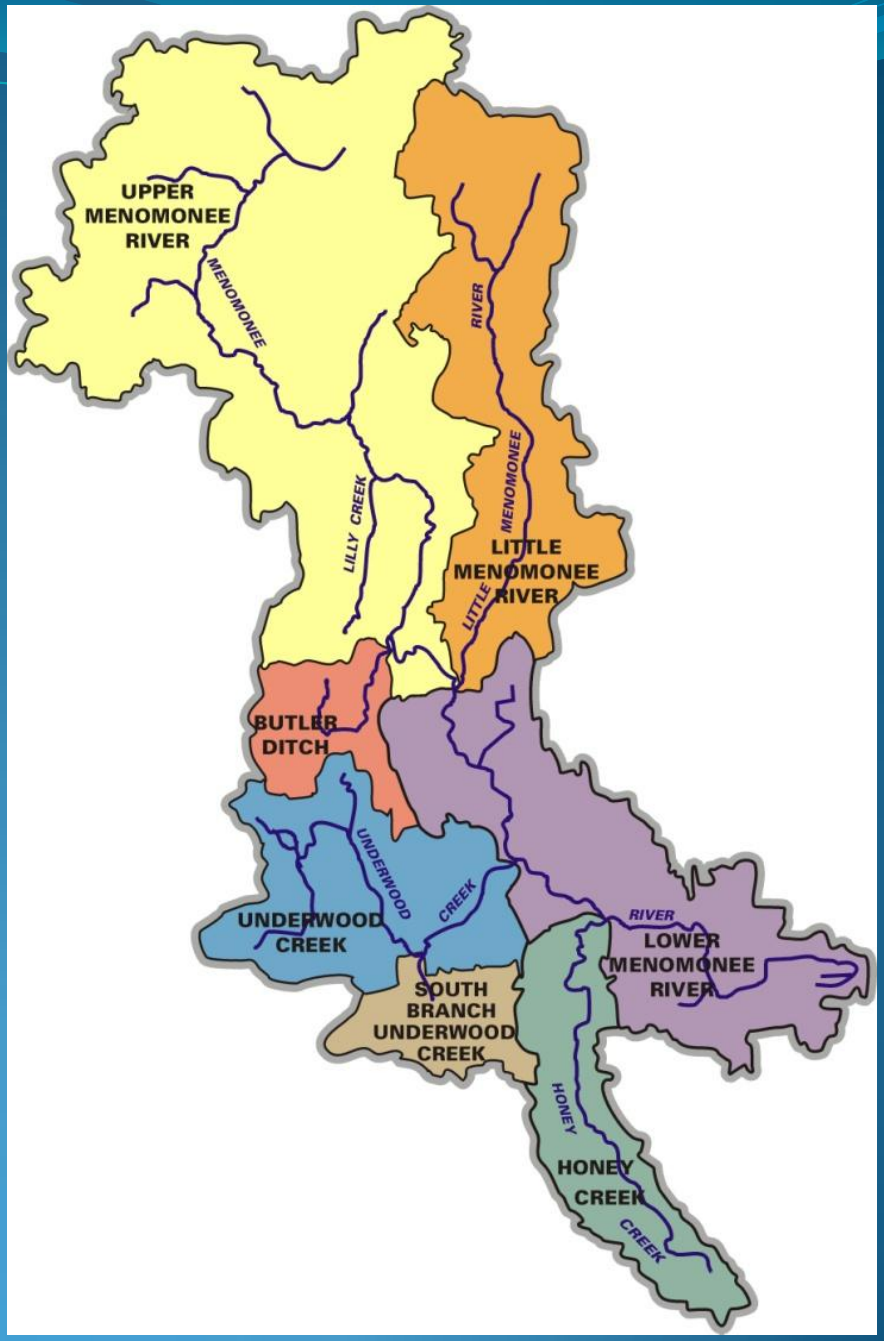
Background

- 135 square-mile drainage area
- 2000: 64% urban, 36% rural
- Four counties
- 16 cities, villages, and towns (15 with MS4 permits)
  - Eight cities and villages have had a group permit since 2007
- Two special units of government

CITIES, VILLAGES, AND TOWNS IN THE MENOMONEE RIVER WATERSHED



Subwatersheds



Watershed-Based Permit Framework Process

- Watershed-based permit **framework** process
  - Partners: Municipalities within the watershed, USEPA, MMSD, Sweet Water, WDNR, 1,000 Friends of Wisconsin, and Midwest Environmental Advocates (MEA)
  - SEWRPC is preparing the framework in consultation with the partners (Menomonee River Group)
  - Sweet Water and 1000 Friends are handling information and education efforts, including outreach to local officials following completion of the framework.
  - MEA is providing advice on legal issues.

Watershed-Based Permit Framework Process

- Work began in July. Group meetings in August and October. Next meeting in December. Final framework anticipated in May 2012.
- Following “Navigator Elements” set forth in August 2007 USEPA report “Watershed-based National Pollutant Discharge Elimination System (NPDES) Permitting Technical Guidance.”

Watershed-Based Permit Framework Process

- Two main tasks:
  - Document framework process: SEWRPC Staff Memorandum: Part 1 - Issue identification and resolution; Part 2 – Water quality considerations
  - Develop permit framework:
    - Annotation of current Menomonee River Group SWDP
    - Follow “Multisource Watershed-based Permit” model described in USEPA WBP Technical Guidance
    - General/individual permit hybrid

Related Ongoing Studies

- MMSD third-party TMDL study for the Milwaukee River Basin (Kinnickinnic, Menomonee, and Milwaukee River watersheds and the Milwaukee Harbor estuary (phosphorus, bacteria, and total suspended solids))

- Draft State water quality credit trading guidance
  http://fyi.uwex.edu/wqtrading/

Regulatory Considerations

- Chapters of the Wisconsin Administrative Code:
  - NR 151, “Runoff Management”: Agricultural and urban stormwater management performance standards
  - NR 216, “Storm Water Discharge Permits”: MS4 permit requirements
  - NR 217, “Effluent Standards and Limitations for Phosphorus”

Challenges and Issues to be Resolved

- Municipalities located in multiple watersheds
- Some MS4s participate in other permit groups organized by watershed
- Determining benefits of participation by counties
- What pollutants should be considered for inclusion under the permit ?
- How can illicit discharge detection and elimination requirements be modified to target problems identified under the water quality plans without increasing costs to MS4s?

Challenges and Issues to be Resolved

- How can the WBP framework promote implementation of green infrastructure measures?
- What are the opportunities for water quality trades when TMDL wasteload allocations are incorporated in permit?
  - State WQCT guidance proposes “interim credits”
- How much time will be allowed for MS4s to meet TMDL wasteload allocations? (NR 217)

Challenges and Issues to be Resolved

- The critical challenge is how to draft a permit that
  - Is tailored to watershed conditions and needs,
  - Deals with some key pollutant issues, and
  - Provides features that are beneficial and attractive to MS4 communities

What are the Disincentives/Incentives for Municipalities to Participate in a WBP?

Disincentives

- Water quality credit trading (WQCT) could be accomplished with or without a WBP
- MS4s can already engage in cooperative action without a WBP
- Limited potential for WQCT between MS4s and ag nonpoint sources (Ag loads are 3 to 14 % of urban loads in Menomonee River watershed)
- Municipalities are largely built out , therefore, little opportunity for MS4 to MS4 trades

Incentives

- Watershed-based water quality planning has been done
- Water quality "trading" among MS4s can be accomplished without much of the red tape
- Ability to cooperate on information and education and water quality monitoring (group is already doing this)
- Possible flexible compliance schedules
- Possible opportunity to create incentives through cost sharing of permit implementation measures (USEPA, WDNR, MMSD)

Questions Posed by Albuquerque, New Mexico Pilot Project Group

- What pre-existing interjurisdictional agreements were in place before starting the pilot? Eight-municipality group stormwater permit.
- What will you share costs on, or jointly fund? Costs of public education/outreach and monitoring are currently being shared.
- On what basis will the entities that share costs allocate costs? Population.
- Who will be covered by the permit?
- Are there any TMDLs in the watershed? What specifically is being done to address those TMDLs?
- What processes have you used to reach consensus on difficult issues?

Questions ?