



Milwaukee Metropolitan Sewerage District

Notice of the Repeal and Re-creation of MMSD Rules, Chapter 13, *Surface Water and Stormwater*

On March 25, 2019, the Commission of the Milwaukee Metropolitan Sewerage District (District) repealed and re-created MMSD Rules, Chapter 13, *Surface water and Stormwater*. These rules address two types of action to reduce flood risks. First, the District undertakes watercourse projects, which includes work such as stream channel reconstruction and the removal of structures in floodplains. Chapter 13 establishes where the District will undertake watercourse projects and the characteristics of these projects. Second, the District requires development and redevelopment to reduce runoff rates and volumes. Using standards established by the District, municipalities work directly with developers to implement the District's requirements. The repeal and re-creation of Chapter improves the organization of Chapter 13, clarifies existing runoff management requirements, requires the implementation of green infrastructure for new impervious surface between 5,000 square feet and one-half acre, and makes other adjustments and updates.

Clarification of Existing Runoff Management Requirements (secs. 13.301 to 13.304)

The District is reorganizing the runoff management requirements. Also, the rules now require professional engineers to prepare and seal stormwater runoff management plans because the hydraulic analysis and design require engineering expertise.

Requirement for Green Infrastructure for New Impervious Surfaces between 5,000 Square Feet and One-Half Acre (secs. 13.301(2)(c)1, 13.302(1)(c), 13.302((3)(c), 13.303(4))

The rules require the implementation of green infrastructure when development adds 5,000 square feet to one-half acre of new impervious surface. To implement its requirements, the rules define "green infrastructure" based upon the District's *Regional Green Infrastructure Plan* (2013) and Milwaukee Metropolitan Sewerage Commission Policy 1-11.05 (July 2012). To be consistent with the *Regional Green Infrastructure Plan*, the rules require a green infrastructure detention volume equal to one-half inch multiplied by the area of new impervious surface.

Runoff Management Requirements in Estuary Riparian Areas
(sec. 13.301(3))

To fulfill its flood management responsibilities, the District is requiring runoff management at all sites riparian to rivers over which the District has jurisdiction, including the estuary reaches of these rivers.

Minimal Impervious Surface Exception Repeal
(Previous sec. 13.10(4))

The District proposes to repeal the current exclusion from runoff management requirements when the total amount of impervious surface will be no more than 5% of the total area of the site.

Annual Reports
(sec. 13.401)

The District is simplifying reporting requirements.

Jurisdictional Stream Descriptions
(Appendices 1 to 6)

The District has made technical adjustments to the descriptions of Edgerton Channel, Wilson Park Creek, and Fish Creek.

Effective Date

The rules are effective upon the publication in the *Milwaukee Journal Sentinel*, which occurred on March 31, 2019.

Judicial Review

Wis. Stats. sec. 200.45(1)(d) establishes the exclusive procedure for judicial review of Chapter 13.

Availability of District Rules

A complete copy Chapter 13 and all other District rules are available from the District's web site, <https://www.mmsd.com/government-business/rules-regulations/rules>. In addition, copies of Chapter 13 are available from Ms. Micki Klappa-Sullivan, Manager of Engineering Planning, at mklappasullivan@mmsd.com or 414-225-2178.

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Commission Secretary