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| 2004 (Due by March 31, 2005) |
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For the Cities of Fitchburg, Madison, Middleton, Monona, Sun Prairie, and Verona; the Villages of DeForest, Maple Bluff, McFarland, Shorewood Hills, and Waunakee; the Towns of Blooming Grove, Burke, Madison, Middleton, Westport, and Windsor; Dane County; and the University of Wisconsin – Madison

This document is for the purpose of annual reporting on activities undertaken pursuant to WPDES Permit No. WI-S058416-2 for the above listed municipalities. An owner or operator of a municipal separate storm sewer system covered by a municipal storm water discharge 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. Information in the annual report will be used by the Department of Natural Resources to assist with assessing permit compliance. Use of this specific form is optional. The Department of Natural Resources has created this form for the users 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 WPDES Permit No. WI-S058416-2. However, an owner or operator of a municipal separate storm sewer system that uses and completes this form will not automatically be deemed to be in compliance with other requirements of WPDES Permit No. WI-S058416-2.

Complete and submit the annual report by March 31, 2005, to the following address: Storm Water Management Specialist, Wisconsin Dept. of Natural Resources, South Central Region, 3911 Fish Hatchery Rd., Fitchburg, WI 53711

I. MUNICIPAL INFORMATION

| | |
|---|---------------------------------------|
| Name of municipality City of Middleton | Contact person and title Gary Huth |
| Mailing Address 7426 Hubbard Ave Middleton, Wisconsin 53562 | Telephone no. 608-827-1070 |
| | Fax no. 608-827-1080 |
| | E-mail address |

Does municipality have an internet website? Yes No

If yes, provide address:
www.ci.middleton.wi.us

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

If yes, provide address:
Staff is preparing various documents and links for posting on the web site in 2005.

II. CERTIFICATION

I certify 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 the annual report.

| | |
|--|--|
| Authorized representative printed name Tim Studer | Authorized representative title City Finance Director |
| Authorized representative signature | Date signed |

III. GENERAL INFORMATION

a. A legal opinion certifying that the municipality has exercised adequate legal authority or describing any deficiencies it has in exercising adequate legal authority to implement the requirements of the municipal storm water discharge permit was due to the Department of Natural Resources by Oct. 1, 2004. Did the municipality submit the legal opinion by the due date? Yes No
 If no, legal opinion: was submitted on _____ [insert date] has not been submitted

b. Were deficiencies identified in the legal opinion? Yes No
 If yes, list the deficiencies and describe the status of rectifying the deficiencies in **Appendix A**.

c. List the people who attended quarterly meetings on behalf of the municipality and indicate any quarterly meetings in which the municipality was not represented for the reporting year

| <u>Name</u> | <u>Title</u> | <u>Affiliation</u> |
|---------------|----------------------|--------------------|
| Gary Huth | Asst. City Engineer | City of Middleton |
| Kevin McNulty | Engineering Tech III | City of Middleton |
| | | |
| | | |

d. Quarterly meetings not represented: February May August November

e. Describe in **Appendix A** how the municipality internally coordinates implementation of the requirements of the municipal storm water discharge permit between the municipality's agencies, departments, and programs. Provide any documentation on how this was accomplished, such as meeting agendas, minutes, memos, etc.

f. Describe in **Appendix A** how elected and municipal officials and appropriate staff are kept apprised of the municipal storm water discharge permit. Provide any documentation on how this was accomplished, such as meeting agendas, minutes, memos, etc.

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

If yes, date of storm water management plan: Staff is preparing an RFP to develop plan in 2005.

i. Describe in **Appendix A** how the requirements of the municipal storm water discharge permit are incorporated into master planning activities, neighborhood plans, development plans, or other comprehensive planning activities.

j. Has the municipality entered into an intergovernmental agreement with the Wisconsin Department of Transportation to control the contribution of pollutants between the municipality's and the Department of Transportation's respective municipal separate storm sewer systems?

Yes No Not applicable because the municipality is not physically interconnected with the Department of Transportation

IV. STORM WATER MANAGEMENT PROGRAM

a. Public Education and Outreach

Dane County only:

1. Has any municipality failed to submit its financial contribution in accordance with the *Intergovernmental Agreement to Create and Fund a Position Responsible for Storm Water Management Education and Outreach*? Yes No

If yes, list municipalities:

2. Attach in **Appendix B** a copy of the 2005 Information and Education work plan

3. Describe in **Appendix B** the Information and Education plan implementation and activities for the reporting year, including any materials produced and their distribution. Provide examples. Include an assessment of the effectiveness of reaching targeted audiences and delivery of intended messages.

All municipalities:

4. Describe in **Appendix B** how any materials produced by Dane County on behalf of the municipality have been used and/or distributed. Provide examples.

5. Describe in **Appendix B** any individual information and education activities undertaken for the reporting year, including any materials produced and their distribution. Provide examples. Include an assessment of the effectiveness of reaching targeted audiences and delivery of intended messages.

b. Public Involvement and Participation

1. The group permit requires that the information in this annual report be an agenda item for discussion before the appropriate governing board(s) or council(s) contemporaneous with the submittal of the annual report to the Department of Natural Resources. Accordingly, please provide the following information:

2. Name of board(s)/council(s):

Middleton Common Council

3. Date(s) of meeting(s) to discuss the annual report:

March 1, 2005

4. Describe in **Appendix B** the opportunities and types of forums for public involvement and participation in permit related activities that occurred during the reporting year. Include an assessment of the effectiveness of efforts to involve the public and the level of participation.

c. Illicit Discharge Detection and Elimination

1. Describe in **Appendix B** the illicit discharge detection and elimination program developed to comply with the permit. Include information on the municipality's strategy to prevent, detect, and eliminate all types of illicit discharges; how priorities are established for field screening and the methodologies to be used for field screening; and procedures for responding to and rectifying illicit discharges to the MS4, including spills, improper disposal of waste or dumping. Also include an assessment of the effectiveness of detection and elimination of illicit discharges, prevention of improper disposal of waste and dumping, the handling of spills, and any enforcement efforts involving these activities.

2. Has the municipality performed any field screening for the reporting year? Yes No

If yes, please provide documentation in **Appendix B** the results of the field screening.

3. Has the municipality investigated any instances of spills, improper disposal of waste or dumping? Yes No

If yes, please provide documentation in **Appendix B** the results of the investigations.

4. Describe in **Appendix B** how the municipality facilitates public reporting of illicit discharges.

d. Construction Site Pollution Control

1. Does the municipality notify landowners who apply for local construction or land disturbing permits of the possible applicability of Subchapter III of Chapter NR 216, Wis. Adm. Code, *Construction Site Storm Water Discharge Permits*, to the landowners' construction projects? Yes No

If yes, please explain the process for providing this notification. If no, please explain why this notification is not provided.

City staff on occasion will mention to permit applicants that they should investigate potential requirements of other agencies, but the City has not attempted as a matter of policy to keep developers apprised of the latest revisions to any external agency requirements. Staff will investigate including on permit forms a notice that applicants should verify with DNR as to whether NR 216 applies.

2. Describe in **Appendix B** the procedures the municipality employs to incorporate timely consideration of potential water quality impacts from construction sites and that ensure implementation of the standards of ss. NR 151.11 and 151.23, Wis. Adm. Code, or equivalent local standards. Be specific of when in the review and approval process this is done, and how the municipality ensures compliance with the standards.

3. Describe in **Appendix B** the procedures the municipality employs for the inspection of construction sites and enforcing erosion control standards. Provided documentation of any enforcement actions taken that resulted in the issuance of a stop work order, citation, or summons for a construction site where one or more acre of land is disturbed. Include the name and address of the landowner, the site name and location, date(s) of violation(s), type of violation(s), and the status of resolution of the enforcement action.

4. List the name, title, address, telephone number, e-mail address, and duties of all persons designated with the responsibility to ensure implementation of the standards of ss. NR 151.11 and 151.23, Wis. Adm. Code, or equivalent local standards, and the requirements of Subchapter III of Chapter NR 216, Wis. Adm. Code, *Construction Site Storm Water Discharge Permits*, where applicable.

Scott Ellarson, Building Inspector - approves plans, oversees Dane County plan review, E.C. inspection
Rich Weihert, Engineering Tech II - approves plans, performs erosion control inspection
7426 Hubbard Ave
Middleton, Wi 53562
608-827-1070

5. Include in **Appendix B** an assessment of the municipality's construction site pollution control program effectiveness in meeting the standards of ss. NR 151.11 and 151.23, Wis. Adm. Code, including enforcement efforts.

e. Post-Construction Site Storm Water Management

1. Describe in **Appendix B** the procedures the municipality employs to incorporate timely consideration of potential water quality impacts from construction sites and that ensure implementation of the standards of ss. NR 151.12 and 151.24, Wis. Adm. Code, or equivalent local standards. Be specific of when in the review and approval process this is done, and how the municipality ensures compliance with the standards.

2. Describe in **Appendix B** the procedures the municipality employs for inspecting the construction and installation of storm water best management practices and enforcement actions to ensure compliance with post-construction storm water management standards. Provided documentation of any enforcement actions taken that resulted in the issuance of a stop work order, citation, or summons for non-compliance with post-construction storm water management standards. Include the name and address of the landowner, the site name and location, date(s) of violation(s), type of violation(s), and the status of resolution of the enforcement action.

3. List the name, title, address, telephone number, e-mail address, and duties of all persons designated with the responsibility to ensure implementation of the standards of ss. NR 151.12 and 151.24, Wis. Adm. Code, or equivalent local standards, and the requirements of Subchapter III of Chapter NR 216, Wis. Adm. Code, *Construction Site Storm Water Discharge Permits*, where applicable.

Shawn Stauske, City Engineer - designs public improvement projects, oversees PW policies
Gary Huth, Asst City Engineer - staff to WRMC, reviews plans/storm calcs, drafts ordinances
7426 Hubbard Ave
Middleton, WI 53562
608-827-1070

4. Include in **Appendix B** an assessment of the municipality's post-construction site storm water management program effectiveness in meeting the standards of ss. NR 151.12 and 151.24, Wis. Adm. Code, including enforcement efforts.

f. Municipal Pollution Prevention

1. List in **Appendix B** an inventory of long-term storm water best management practices owned, operated, managed, or maintained by the municipality. Include storm water basins, infiltration practices, treatment structures, and other practices for long-term water quality treatment. For each best management practice, provided the name, location, type of practice, and any maintenance activities undertaken for the practice during the reporting year. Also in **Appendix B**, provide a description of the maintenance procedures used and schedules for each long-term storm water best management practice and the approximate amount of solids collected (tons or cubic yards) from any structural control receiving maintenance.

2. Does the municipality perform catch basin cleaning? Yes No

If yes, approximate amount of solids collected (tons or cubic yards): 15 C.Y. Describe in **Appendix B** the procedures used and schedules for catch basin cleaning. If no, explain:

3. Does the municipality perform street sweeping? Yes No

If yes, approximate number of street miles swept: 2100 lane mi; approximate amount of solids collected (tons or cubic yards): 1760 C.Y. Describe in **Appendix B** the procedures used and schedules for street sweeping. If no street sweeping is performed, explain:

4. Describe in **Appendix B** the municipality's procedures for roadway snow removal and de-icing. Provide information on what practice and procedures the municipality has implemented in consideration of water quality impacts from snow removal and de-icing. Include an estimate of the annual amount of salt and/or sand used for roadway de-icing.

5. Does the municipality haul snow to off-site disposal locations? Yes No

If yes, provide in **Appendix B** the location of all off-site snow disposal locations and describe what practices and procedures are used to protect water quality from snow and ice melt from the disposal site.

6. Does the municipality own or operate salt storage facilities? Yes No

If yes, provide in **Appendix B** the locations of all salt storage facilities. Are all salt storage facilities managed in accordance with Chapter TRANS 277, Wis. Adm. Code? Yes No

7. Does the municipality provide curbside pickup service for leaves, yard waste, and grass clippings? Yes No
If yes, approximate amount of material collected (tons or cubic yards): 5900 C.Y.

8. Describe in **Appendix B** the municipality's procedures for the collection of leaves, yard waste, and grass clippings, and/or instruction to citizens for on-site management of these items. Provide the location of sites used by the municipality or citizens for the disposal of leaves, yard waste, and grass clippings.

9. Describe in **Appendix B** the municipality's policies and procedures for the use and application of lawn and garden fertilizers on municipally controlled properties. Include information on how these policies and procedures address pollution prevention efforts.

10. Describe in **Appendix B** the municipality's policies and procedures for the use and application pesticides and herbicides on municipally controlled properties. Include information on how these policies and procedures address pollution prevention efforts.

11. Describe in **Appendix B** any local program the municipality employs to regulate the private use of lawn and garden fertilizers, and pesticides and herbicides.

12. Include in **Appendix B** an assessment of the effectiveness of the municipality's pollution prevention efforts through the municipal pollution prevention program.

V. STORM SEWER SYSTEM MAP

City of Madison only:

a. Has any municipality failed to submit its hard copy changes for the storm sewer system map by January 31, 2005?
 Yes No If yes, list municipalities:

b. Attach in **Appendix C** a copy of the updated storm sewer system map.

All municipalities:

c. Has the municipality updated and maintained documentation of all storm sewer outfalls from its MS4 to waters of the state?
 Yes No

VI. MONITORING PROGRAM

City of Madison only:

a. Has any municipality failed to submit its financial contribution in accordance with the *Intergovernmental Agreement to Fund a Joint Storm Water Monitoring Program through the Scientific Evaluation of rain Gardens*? Yes No
If yes, list municipalities:

b. Provide in **Appendix D** information on implementation and any results of the group-sponsored rain garden study.

All municipalities:

c. Provide in **Appendix D** information on any monitoring of storm water or storm water treatment methods that the municipality is involved in outside of the group rain garden study.

VII. ADDITIONAL INFORMATION

a. Provide in **Appendix E** a description of any revisions or proposed revisions to any element of the municipality's storm water management program.

b. Provide in **Appendix E** an updated listing and contact information for any new industrial facilities that may be regulated under Subchapter II of NR 216, Wis. Adm. Code, and that have commenced operation during the reporting year.

c. Provide in **Appendix E** a summary of any other activities undertaken to comply with the conditions of this permit or other information of which you feel the Department of Natural Resources should be aware.

d. Complete the fiscal analysis table provided below.

| Program Element | 2004 Annual Expenditure | 2005 Budget | Source of Funds |
|--|-------------------------|-------------|---|
| Public Education and Outreach | \$3,000 | \$3,000 | WRMC operating budget plus Personnel Operation Budget from General Fund Taxing Levies |
| Public Involvement and Participation | \$2,000 | \$3,000 | Personnel Operation Budget from General Fund Taxing Levies: Answering general questions from the public; teaching H.S. field classes |
| Illicit Discharge Detection and Elimination | \$500 | \$22,490 | WRMC operating budget from General Fund Taxing Levies (amount shown includes various WPDES compliance costs) |
| Construction Site Pollution Control | \$22,041 | 15,000 | Plan review and site inspection costs are funded from permit fees per fee schedule in ordinance. |
| Post-Construction Site Storm Water Management | \$4,000 | \$15,000 | Expenditures in 2004 were not tracked separately from general staff personnel costs. A permit fee proposal is scheduled for CC approval for 2005. |
| Municipal Pollution Prevention | \$116,200 | \$122,300 | Operating Budget from General Fund Taxing Levies |

e. What is the overall estimated annual cost to the municipality for compliance with the permit in 2004? \$257,320

f. Has the municipality implemented a storm water utility? Yes No, but considering No, and not considering
 If yes, provide a description of the storm water utility in **Appendix E** and any additional information that will assist the Department of Natural Resources in understanding how the utility works in your municipality.

Appendix A General Information

III e.

Q. Describe how the municipality internally coordinates implementation of the requirements of the municipal storm water discharge permit between the municipality's agencies, departments, and programs. Provide any documentation on how this was accomplished, such as meeting agendas, minutes, memos, etc.

A. The City's Water Resources Management Commission (WRMC) provides the lead in setting policy and providing recommendations to the Common Council regarding issues related to the management of storm water, erosion control and general matters related to any of the water resources of the City. Various staff within the Planning Department, the Department of Public Works, and the Building Inspection Department review submitted plans. Each department provides written comments to the submitter with copies to committees as applicable. The Plan Commission (PC) makes referrals when warranted to the WRMC and provides review comments to the Public Works Committee. At times, staff will take the initiative to seek input from the WRMC regarding a specific submission.

The various committees provide broad direction to the plan submitter and delegate to staff the responsibility to ensure plans comply with the broad directives as well as applicable ordinances, codes, procedures, policies and practices. City staff and members of the Common Council and various committees receive copies of minutes of the meetings.

For Erosion Control plans, the City has contracted with Dane County Land Conservation to provide the City with plan review and site inspection services. Staff attends the quarterly meetings with the Madison Area Municipal Storm Water Partnership (MAMSWAP) group and briefs the WRMC and department heads on developments as appropriate.

See copy of WRMC minutes e-mailed to Jim Bertolacini, 02-22-2005.

III f.

Q. Describe how elected and municipal officials and appropriate staff are kept apprised of the municipal storm water discharge permit. Provide any documentation on how this was accomplished, such as meeting agendas, minutes, memos, etc.

A. See answer III e. above.

III i.

Q. Describe how the requirements of the municipal storm water discharge permit are incorporated into master planning activities, neighborhood plans, development plans, or other comprehensive planning activities.

A. Much of this process is described in III e. above. In addition, one of the primary issues on which the City has focused its planning efforts is the delineation of appropriate areas for development, and areas that are environmentally sensitive and merit consideration for being set aside and preserved. For the areas that are considered developable, the City has set high standards for development, including storm water management techniques and approaches. The City has incorporated storm water management requirements through adoption of ordinances, the design review process, and review of development trends at a larger scale.

Appendix B

Storm Water Management Program

IV a. 4.

Q. Describe how any materials produced by Dane County on behalf of the municipality have been used and/or distributed. Provide examples.

A. An article regarding storm water impacts on lakes, developed by Dane County, was included in the Fall, 2004 edition of the City's semiannual newsletter. See enclosed copy.

IV a. 5.

Q. Describe any individual information and education activities undertaken for the reporting year, including any materials produced and their distribution. Provide examples. Include an assessment of the effectiveness of reaching targeted audiences and delivery of intended messages.

A. The City cooperated a few years ago with a local initiative to "Adopt a Storm Sewer", which included stenciling inlets with "DO NOT DUMP, DRAINS TO LAKE".

All applicants for a building permit or land disturbing permit in the City are given a booklet describing erosion control issues and methods. This booklet is published by the UW Extension in cooperation with DNR. See enclosed copy.

The Public Works Department has a publicly accessible rack of various publications and pamphlets from Dane County / City of Madison Clean Sweep. See enclosed partial sampling of publications.

In cooperation with a local teacher for the past six or seven years, the City's Erosion Control Officer has conducted an annual field educational event for each of four Middleton High School classes on the subject of erosion control and storm water runoff management.

The City sponsored a composting initiative for several years that included the distribution of composting bins with brochure describing methods of composting.

These programs have helped significantly in the raising of awareness among the public and builders of the importance of storm water management and especially of erosion control. The evidence in recent years is seen in the marked reduction of non-compliance with erosion control practices and a reduction in conflicts with builders whose projects do fall out of compliance. It is also seen in the positive feedback from the public which has contributed to the City's effectiveness in identifying non-compliant sites.

IV b. 4.

Q. Describe the opportunities and types of forums for public involvement and participation in permit related activities that occurred during the reporting year. Include an assessment of the effectiveness of efforts to involve the public and the level of participation.

A. The public provides feedback directly to City staff and through opportunities to speak at public meetings of the Common Council, Plan Commission, Public Works Committee, Parks Recreation and Forestry Commission, Conservancy Lands Committee and the Water Resources Management Commission. The latter two are most heavily involved with issues related to impacts of storm water generated events.

The level of public participation remains high for issues adjacent to residential areas or those affecting the major water features of the City. Activities in the business parks do not seem to generate as much interest unless a major erosion event or flood event occurs. Overall, members of the public that do participate appear well-informed, dedicated, sincere and persistent in tracking the issues to resolution.

IV c. 1.

Q. Describe the illicit discharge detection and elimination program developed to comply with the permit. Include information on the municipality's strategy to prevent, detect, and eliminate all types of illicit discharges; how priorities are established for field screening and the methodologies to be used for field screening; and procedures for responding to and rectifying illicit discharges to the MS4, including spills, improper disposal of waste or dumping. Also include an assessment of the effectiveness of detection and elimination of illicit discharges, prevention of improper disposal of waste and dumping, the handling of spills, and any enforcement efforts involving these activities.

A. Only general planning for this program was completed in 2004. Specific plan development and implementation is scheduled to begin in spring, 2005. The City has hired a consultant to begin this process.

IV c. 2.

Q. Has the municipality performed any field screening for the reporting year? If yes, please provide documentation of the results of the field screening.

A. No. However, the City's field crews have been instructed to be watchful for potential instances of illicit discharges. As an example, last summer during a reconstruction project, a field representative noticed flow in an inlet in the street. It turned out to be the result of a cross connection to the inlet from a kitchen sink in a store/coffee shop in Middleton Hills. The field personnel notified the project engineer who notified the City Plumbing Inspector. The Plumbing Inspector and a crew member followed up the same day with dye testing to determine the source. The cross connection was removed within 24 hours.

IV c. 3.

Q. Has the municipality investigated any instances of spills, improper disposal of waste or dumping? If yes, please provide documentation of the results of the investigations.

A. Staff found no record of improper disposal of waste or of dumping other than occasional dumping of grass clippings. City crews generally will clean the dumped clippings in public areas on occasions where such dumping is discovered or reported. City crews on occasion will also respond to spills that are incidental to car crashes. However, the Fire Department responds to the majority of minor spills and all major spills since its crews are trained in handling of hazardous waste. For routine minor spills, crews will place an oil dry product on the spilled fluids and allow it to stand for 24 hours. The City street crew will sweep the site the following day using the power street sweeper. The sweepings are ultimately dumped at the municipal landfill.

The Fire Department reported four responses to reported spills of significant size (other than auto crashes). See attached list of reports from the Fire Department.

IV c. 4.

Q. Describe how the municipality facilitates public reporting of illicit discharges.

A. This will be part of the plan to be developed this spring.

IV d. 2.

Q. Describe the procedures the municipality employs to incorporate timely consideration of potential water quality impacts from construction sites and that ensure implementation of the standards of ss. NR 151.11 and 151.23, Wis. Adm. Code, or equivalent local standards. Be specific of when in the review and approval process this is done, and how the municipality ensures compliance with the standards.

IV d. 3.

Q. Describe the procedures the municipality employs for the inspection of construction sites and enforcing erosion control standards. Provided documentation of any enforcement actions taken that resulted in the issuance of a stop work order, citation, or summons for a construction site where one or more acre of land is disturbed. Include the name and address of the landowner, the site name and location, date(s) of violation(s), type of violation(s), and the status of resolution of the enforcement action.

A. The Dane County Land Conservation Department has an intergovernmental agreement with the City of Middleton to perform erosion control plan review and site inspection. The City requires permit applicants to provide a copy of submitted erosion control plans to the LCD whose staff reviews the plans to determine whether they meet the standards set forth under Middleton Municipal Code, Chapter 28. Where applicable, staff will notify the permit applicant of potential NR 216 requirements. If the submitted plan meets the erosion control requirements, LCD staff notifies the municipal official that the plan is complete. The authorized municipal official then issues the applicant an erosion control permit.

All active construction sites are inspected on a weekly basis. Frequency of inspections may increase based on weather conditions, scale of the construction activity, whether a site is in a sensitive area or has a greater potential for damage due to erosion, and when follow-up is required due to enforcement action.

When a non-compliance issue has been identified during an inspection, the inspector first tries to call or speak to the project contact listed on the erosion control plan. For sites where the non-compliance issue is minor and has not been committed blatantly, the inspector will verbally give the developer a deadline to bring the site back into compliance. The vast majority of non-compliance issues are corrected in this manner, but if the verbal deadline is not met, an enforcement memo is sent to the developer and the City. The memo outlines the necessary actions to be completed by a specific time and date in order to avoid an enforcement action. Enforcement actions are carried out by City staff at the recommendation of the LCD and may include stop-work orders, citations, or a combination of both. The City determines the type and magnitude of the enforcement action. Stop-work-orders remain in effect and citations continue (each day is considered a new violation) until the LCD inspects the site and deems it in compliance.

If a non-compliance issue has been committed blatantly or if there is potential for significant erosion to occur, immediate enforcement action is recommended to the City. The City has the ability to issue a stop-work order, without notice, when conditions warrant immediate action.

See Table 1. for 2004 Erosion Control Site Inspection Summary.

Table 1. 2004 Erosion Control Site Inspection Summary

| Municipality | Sites Inspected | Inspections (Total) | Instances of Contact (Verbal or email) | Notices Sent (Written Non-compliance Notices) | Follow-up Actions (Enforcement Action Recommendations) | Enforcement Action Taken (Citation/SWO) |
|-------------------|-----------------|---------------------|--|---|--|---|
| City of Middleton | 68 | 826 | 187 | 11 | 4 | 10 |

IV d. 5.

Q. Include an assessment of the municipality's construction site pollution control program effectiveness in meeting the standards of ss. NR 151.11 and 151.23, Wis. Adm. Code, including enforcement efforts.

A. The construction site erosion control portion of the water quality program has been a major success because of the time, effort and expertise provided by Dane County personnel. One outstanding concern expressed by City enforcement personnel is the apparent inadequacy of erosion control on the USH 12 Bypass project. This project coincided with significant adverse feedback from the public.

A significant proportion of the development activity in the City during the past two years has centered on the North and South Forks of Pheasant Branch Creek. Despite the difficulty with implementing effective erosion control that is inherent in relocating the stream beds and expanding or constructing on-line ponds, the City's persistence in monitoring and enforcing erosion control on these sites has prevented any significant damage to the waters of the state. The City's confluence pond has also served to attenuate the transport of eroded sediments to the main channel of Pheasant Branch Creek. See attached charts from USGS.

IV e. 1.

Q. Describe the procedures the municipality employs to incorporate timely consideration of potential water quality impacts from construction sites and that ensure implementation of the standards of ss. NR 151.12 and 151.24, Wis. Adm. Code, or equivalent local standards. Be specific of when in the review and approval process this is done, and how the municipality ensures compliance with the standards.

IV e. 2.

Q. Describe the procedures the municipality employs for inspecting the construction and installation of storm water best management practices and enforcement actions to ensure compliance with post-construction storm water management standards. Provide documentation of any enforcement actions taken that resulted in the issuance of a stop work order, citation, or summons for non-compliance with post-construction storm water management standards. Include the name and address of the landowner, the site name and location, date(s) of violation(s), type of violation(s), and the status of resolution of the enforcement action.

A. The City of Middleton staff reviews storm water runoff control plans and calculations submitted by developers (or developed in-house for small projects) for compliance with the requirements of the ordinance, Chapter 26, and NR 151.12 and 151.24. For large City projects, the City may hire a consultant to assist with the plan preparation and review. Staff prepares review comments and provides same along with a copy of the submitted plan to the Water Resources Management Commission for input from the members. Copies of the comments are sent to the developer's engineer as notification of any deficiencies in the plan. Resubmitted plans undergo the same review and comment procedure and, if needed, are brought back to the WRMC for further review and approval.

In the fall of 2004, City staff prepared a template agreement form which now must be completed and signed by any developer (and co-signed by the City) to identify a responsible party for long term maintenance of the storm water runoff control practices.

Prior to 2005, the City approval process did not include the issuance of a permit for storm water runoff control practices. A permit is under development along with an attendant fee schedule. This will not change the fundamental procedure used as much as it will facilitate the tracking and annual summarization of the project activities. The City has entered into an agreement with Dane County to expand their services to include storm water runoff control plan review and periodic site inspection.

Construction observation services for a given project are performed by City consultants. The City has standing agreements with three firms to provide such services on an as-needed basis. For developer projects, the City requires developers to deposit fees sufficient to cover the cost of these services. For City projects, the cost is included in the project budget. The construction observer will perform a final review of the project prior to final acceptance of the project by the City (public controls) or prior to release of the Letter of Credit guaranteeing the proper construction of the project (private controls).

When a non-compliance issue is identified during an inspection of a developer project, the construction observer first contacts the developer's project engineer to inform the engineer of the necessary corrective actions. If a problem persists, the construction observer will notify the City Engineer as well. A call from the City Engineer to the project engineer is generally sufficient to achieve project compliance with the approved plan.

A notable exception occurred at the end of 2004 and is ongoing. The City decided to call the letter of credit for the developer of Pheasant Branch Ridge. The project included detention ponds which never were fully completed per plan design. In addition, the design has proved to be deficient. The City is currently pursuing the hiring of a consultant to provide design modifications. The pond will be modified to the original design, or to a new design using monies from the called letter of credit. The plan called for eventual acceptance for maintenance by the City. This has not yet occurred.

Another exception has persisted over the course of several years. The developer of Conservancy Condos entered into a City / Developer agreement long before a maintenance agreement was required. The C/D agreement required construction of a private detention pond to be maintained by the developer and subsequently by the home owners association. The City has actively participated in the resolution of conflicts between the H.O. association and the developer regarding full implementation of the storm water runoff controls. A number of erosion issues during the development resulted in temporary deficiencies of the storm water runoff controls. Most of these have been resolved. The City recently received a design plan to resolve the remaining issue related to recurrent erosion of the grassy drainage way on site. This issue should be resolved in spring, 2005.

IV e. 4.

Q. Include an assessment of the municipality's post-construction site storm water management program effectiveness in meeting the standards of ss. NR 151.12 and 151.24, Wis. Adm. Code, including enforcement efforts.

A. The efficacy of the City's efforts over the years has been exceptional as evidenced by the monitoring by USGS of Pheasant Branch Creek at US 14. The attached charts and graphs from USGS illustrate that the sediment loads in 2002 and 2003 were at or near a 30-year low despite the substantial level of development activity upstream of the gage. The City's confluence pond was put online in November, 2001.

IV f. 1.

Q. List an inventory of long-term storm water best management practices owned, operated, managed, or maintained by the municipality. Include storm water basins, infiltration practices, treatment structures, and other practices for long-term water quality treatment. For each best management practice, provided the name, location, type of practice, and any maintenance activities undertaken for the practice during the reporting year. Also in appendix B, provide a description of the maintenance procedures used and schedules for each long-term storm water best management practice and the approximate amount of solids collected (tons or cubic yards) from any structural control receiving maintenance.

A. Drainage ways are inspected annually or bi-annually for sediment build-up and vegetation overgrowth. Maintenance is performed as needed. Sediment traps on drainage ways are inspected weekly and after storms and are cleaned as needed.

The City has not developed a predictive schedule for maintenance of major detention ponds other than routine mowing and in some cases periodic burning of prairie grasses. Instead, maintenance is done on an as-needed basis, generally as part of the routine landscape maintenance and annual concrete repair projects. In addition, the City has performed extensive vegetative restoration of prairie and wetland areas.

Most of the detention facilities constructed more than 10 years ago are dry ponds and as such have not accumulated significant amounts of sediments. One exception, Stonefield Pond (dry pond), required significant regrading and stabilization in 2002 just 10 years after its construction. The need for repair was the result of inadequate stabilization during the warranty period following initial construction.

It is anticipated that the development of a schedule for periodic inspection and a predictive schedule of

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| <p>maintenance will be considered for inclusion in the City's storm water management plan to be developed in 2005. See attached inventory list.</p> |
| <p>IV f. 2. Q. Does the municipality perform catch basin cleaning? Describe the procedures used and schedules for catch basin cleaning.</p> |
| <p>A. City crews inspect inlets and manholes annually for structural damage and leaking, and perform repairs as needed. Once per year in the spring, City crews visit virtually every catch basin in the storm sewer system. Using a Vactor truck, they clean the water and sediments from the sump. Sumps may be cleaned a second time in the fall as time permits. Sediments are deposited in the yard at the City garage and are later transported to the landfill.</p> |
| <p>IV f. 3. Q. Describe the procedures used and schedules for street sweeping.</p> |
| <p>A. Sweeping is done almost daily during non-winter (freezing weather) months, approximately March through November. The sweeper covers every street in the City a minimum of approximately once per month, and high-use / heavy-load streets approximately twice per month. The latter includes primarily the truck routes. The sweeping is done principally in the outside lane, against the curb. Parking prohibitions are not used to facilitate sweeping. Hence, if a parked car is encountered, the sweeper circumvents it. Sweepings are dumped at the landfill.</p> |
| <p>IV f. 4. Q. Describe the municipality's procedures for roadway snow removal and de-icing. Provide information on what practice and procedures the municipality has implemented in consideration of water quality impacts from snow removal and de-icing. Include an estimate of the annual amount of salt and/or sand used for roadway de-icing.</p> |
| <p>A. The County performs snow removal on County routes. City crews use snow plow trucks which carry salt in the truck box. Plowing begins upon snowfall of 2". Depending on the forecast, salt will be applied prior to a snow or freezing rain that may result in treacherous conditions.</p> <p>A typical salting pattern includes approaches to intersections, horizontal curves, hills, and school zones. When temperatures fall below 15° F, salt is not applied. Sand is used instead if needed for traction. Salt typically is not applied to flat, low traffic, mid blocks of streets. Ice storms require more salting of the streets. In extreme cases, salt is applied to all streets.</p> <p>The trucks have remote controlled tailgate spreaders to regulate the salt application to minimal amounts.</p> <p>In 2004, approximately 869 tons of salt and 20 C.Y. of sand were applied. See attached log for salt and attached policy.</p> |
| <p>IV f. 5. Q. Does the municipality haul snow to off-site disposal locations? If yes, provide the location of all off-site snow disposal locations and describe what practices and procedures are used to protect water quality from snow and ice melt from the disposal site.</p> |
| <p>A. Occasionally, the City will haul excess snow to Quisling Park parking lot on Airport Rd. An end loader is used to fill a dump truck for transport. No additional salt is added. The site has a very flat gradient. Approximately 150 feet of grass lies between the edge of the parking lot and the nearest drainage ditch.</p> |
| <p>IV f. 6. Q. Does the municipality own or operate salt storage facilities? If yes, provide the locations of all salt storage facilities.</p> |
| <p>A. The salt shed is located on the same site as the city garage at 3300 Laura Ln.</p> |
| <p>IV f. 8. Q. Describe the municipality's procedures for the collection of leaves, yard waste, and grass clippings, and/or instruction to citizens for on-site management of these items. Provide the location of sites used by the municipality for the disposal of leaves, yard waste, and grass clippings.</p> |
| <p>A. The City collects in bulk non-woody vegetation such as leaves and yard waste. Leaves are collected curb-side via a vacuum leaf collector during October and November. Each street is visited 4 to 6 times during this period. The City disposes of leaves and yard waste either at UW farms, at individual farmsteads or at the compost site at the landfill on CTH Q. Property owners must dispose of their own grass clippings, typically through home composting or by hauling to the City's compost site on CTH Q. Brush is collected curb-side during warm weather months, chipped and composted or spread on farmland.</p> |

The City formerly provided a free pamphlet with instructions on how to do home composting. The City also provides information in the semi-annual newsletter and encourages disposal via tilling, mulching or composting. Items to be added to the newsletter include links to other information sources on these and related topics.

IV f. 9.

Q. Describe the municipality's policies and procedures for the use and application of lawn and garden fertilizers on municipally controlled properties. Include information on how these policies and procedures address pollution prevention efforts.

A. The City uses very little fertilizer – primarily on active recreation fields such as ball diamonds.

IV f. 10.

Q. Describe the municipality's policies and procedures for the use and application pesticides and herbicides on municipally controlled properties. Include information on how these policies and procedures address pollution prevention efforts.

A. The City uses only non-restricted herbicides including RoundUp, Garlon and Poast to control invasive species. Herbicides are applied by hand or by use of a boom sprayer. Projects in which herbicides are applied include conservancy restoration including wetlands, prairie and oak savanna. The above chemicals are stored in ANSI compliant, fire-proof cabinets and are applied by trained staff in strict conformance with the manufacturer's recommendations. The City does not use pesticides.

IV f. 11.

Q. Describe any local program the municipality employs to regulate the private use of lawn and garden fertilizers, and pesticides and herbicides.

A. None are in place at this time.

OTHER TOPICS:

Waste oil is collected at the City garage (from municipal garage operations and from the community at large) and recycled. Maintenance on City vehicles, including mechanical repairs and washing, is done in a closed garage.

Other storage: street light poles, are stored outside; wood chip piles, gravel piles and dirt piles are stored outside on flat grade, separated from a drainage way by a vegetated surface.

IV f. 12.

Q. Include an assessment of the effectiveness of the municipality's pollution prevention efforts through the municipal pollution prevention program.

A. The implementation of the municipal pollution prevention program is consistent with the described policies. The effectiveness is a measure of how much pollution is delivered to Lake Mendota versus how much would have been delivered absent the program. The City has not done scientific research on this particular measurement. However, the monitoring done by USGS in cooperation with the City at the USH 12 gaging station shows significant drops in total suspended solids in Pheasant Branch Creek following the construction of the Confluence Pond.

Appendix D Monitoring Program

VI c.

Q. Provide information on any monitoring of storm water or storm water treatment methods that the municipality is involved in outside of the group rain garden study.

**A. Of potential interest is a report from USGS on the monitoring of an infiltration system in Stonefield Pond in the City of Middleton. The report can be found at:
<http://www.dnr.state.wi.us/org/water/dwg/gw/research/reports/168.pdf>**

Appendix E Additional Information

VII a.

Q. Provide a description of any revisions or proposed revisions to any element of the municipality's storm water management program.

A. A proposed amendment to the Storm Water Runoff Control Ordinance is to be presented to the Common Council on March 1, 2005. The amendment will provide language to account for the newly adopted permitting process that will complement the storm water runoff control plan review and approval process. The amendment will provide for permit fees to cover the cost of the plan review and subsequent site inspections.

VII b.

Q. Provide an updated listing and contact information for any new industrial facilities that may be regulated under Subchapter II of NR 216, Wis. Adm. Code, and that have commenced operation during the reporting year.

A. See attached listing of permits issued for New Commercial Sites for 2003 and 2004. The City does not have any information on the industrial codes assigned to the commercial sites.

VII c.

Q. Provide a summary of any other activities undertaken to comply with the conditions of this permit or other information of which you feel the Department of Natural Resources should be aware.

A. N/A

VII d.

Q. Complete the fiscal analysis table provided.

A. See table above and attached ledger from the Fees-in-lieu-of-detention account.