



Ordinance No. 2016-03

AN ORDINANCE AMENDING CHAPTER 68 OF THE CODE OF ORDINANCES, CITY OF MOSINEE, WISCONSIN PERTAINING TO CONSTRUCTION SITE EROSION CONTROL REGULATIONS

Whereas, the City of Mosinee owns and operates a Municipal Separate Storm Sewer System (MS4); and

Whereas, the State of Wisconsin Department of Natural Resources has issued a General Permit to the City to discharge stormwater to the waters of the State; and

Whereas, the MS4 General Permit requires that the City develop, implement and enforce a comprehensive stormwater management program; and

Whereas, the MS4 General Permit also requires that the City develop, implement and enforce a program to reduce the discharge of sediment and construction materials from construction sites into the City's storm sewer system; and

Whereas, on March 30, 2009 the Common Council adopted Ordinance No. 2009-04 which established regulations pertaining the discharge of sediment and construction materials from construction sites within the City; and

Whereas, the State of Wisconsin Department of Natural Resources has now adopted administrative rules which require the City to amend the current site erosion control requirements for consistency of local regulations with performance standards of Wisconsin Department of Natural Resources s. NR 152 Wisconsin Administrative Code; and

Whereas, it is in the public interest to amend the requirements pertaining the discharge of sediment and construction materials from construction sites within the City into the City's stormwater system, in order to comply with the State of Wisconsin Department of Natural Resource requirements.

NOW, THEREFORE, the Common Council of the City of Mosinee, Wisconsin does hereby ordain as follows:

1. That Section 68-181 of Division 2 – Applicability and Jurisdiction, Article III – Construction Site Erosion Control Regulations, Chapter 68 - Stormwater Management Regulations, of the Code of Ordinances for the City of Mosinee entitled “Applicability” is hereby repealed in its entirety and recreated to read as follows:

- (a) This article applies to the following land disturbing construction activities except as provided under subsection (b) of this subparagraph:
 - (1) **Construction sites for which the Wisconsin Department of Natural Resources received a notice of intent in accordance with subch. III of ch. NR 216 on or after April 12, 2016.**
 - (2) **Construction sites for which a bid has been advertised or construction contract signed for which no bid was advertised, on or after April 11, 2016.**
 - (b) This article does not apply to the following:
 - (1) **A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.**
 - (2) Nonpoint discharges from agricultural facilities and practices.
 - (3) Nonpoint discharges from silviculture activities.
 - (4) Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 - (c) Notwithstanding the applicability requirements in subparagraph (a), this article applies to construction sites of any size that, in the opinion of the City of Mosinee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
2. That Section 68-184 of Division 2 – Applicability and Jurisdiction, Article III – Construction Site Erosion Control Regulations, Chapter 68 - Stormwater Management Regulations, of the Code of Ordinances for the City of Mosinee entitled “Definitions” is hereby amended to revise the following definitions:

***Average annual rainfall* means a typical calendar year of precipitation as determined by the department for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.**

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

“MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

Separate storm sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (a) Is designed or used for collecting water or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

Waters of the state has the meaning given in s. 281.01 (20), Wis. Stats.

3. That Section 68-211 of Division 3 – Standards, Article III – Construction Site Erosion Control Regulations, Chapter 68 - Stormwater Management Regulations, of the Code of Ordinances for the City of Mosinee entitled “Technical Standards” is hereby is hereby repealed in its entirety and recreated to read as follows:

(a) *Design criteria, standards and specifications.* All BMPs required to comply with this article shall meet the design criteria, standards and specifications based on any of the following:

- (1) **Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.**
- (2) **For this article, soil loss is calculated using the appropriate rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.**

- (b) *Other standards.* Other technical standards not identified or developed in sub. (a), may be used provided that the methods have been approved by the City of Mosinee Common Council.
- 4. That Section 68-212 of Division 3 – Standards, Article III – Construction Site Erosion Control Regulations, Chapter 68 - Stormwater Management Regulations, of the Code of Ordinances for the City of Mosinee entitled “Performance Standards” is hereby repealed in its entirety and recreated to be re-entitled “**Performance Standards for Construction Sites Under An Acre**” to read as follows:
 - (a) *Responsible party.* The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is the responsible party and shall comply with this section.
 - (b) *Erosion and other pollutant control requirements.*
 - (1) **Erosion and sediment control practices. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:**
 - a. **The deposition of soil from being tracked onto streets by vehicles.**
 - b. **The discharge of sediment from disturbed areas into on-site storm water inlets.**
 - c. **The discharge of sediment from disturbed areas into adjacent waters of the state.**
 - d. **The discharge of sediment from drainage ways that flow off the site.**
 - e. **The discharge of sediment by dewatering activities.**
 - f. **The discharge of sediment eroding from soil stockpiles existing for more than 7 days.**
 - g. **The discharge of sediment from erosive flows at outlets and in downstream channels.**
 - h. **The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.**

- (c) Location. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.
 - (d) **Implementation. The BMPs used to comply with this section shall be implemented as follows:**
 - (1) **Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.**
 - (2) **Erosion and sediment control practices shall be maintained until final stabilization.**
 - (3) **Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.**
 - (4) **Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.**
 - (5) **BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.**
5. **That Section 68-213 Division 3 – Standards, Article III – Construction Site Erosion Control Regulations, Chapter 68 - Stormwater Management Regulations, of the Code of Ordinances for the City of Mosinee the City of Mosinee entitled “Performance standards for construction site of one acre or more” is hereby created to read as follows:**
- (a) **Responsible party. The responsible party shall implement an erosion and sediment control plan, developed in accordance with Division 5 of this Article that incorporates the requirements of this section.**
 - (b) **Plan. A written plan shall be developed in accordance with Division 5 of this Article and implemented for each construction site.**
 - (c) **Erosion and other pollutant requirements. The plan required under sub. (b) shall include the following:**
 - (1) **Erosion and sediment control practices. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:**
 - a. **The deposition of soil from being tracked onto streets by vehicles.**

- b. **The discharge of sediment from disturbed areas into on-site storm water inlets.**
 - c. **The discharge of sediment from disturbed areas into adjacent waters of the state.**
 - d. **The discharge of sediment from drainage ways that flow off the site.**
 - e. **The discharge of sediment by dewatering activities.**
 - f. **The discharge of sediment eroding from soil stockpiles existing for more than 7 days.**
 - g. **The discharge of sediment from erosive flows at outlets and in downstream channels.**
 - h. **The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.**
 - i. **The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.**
- (2) Sediment performance standards. In addition to the erosion and sediment control practices under par. (1), the following erosion and sediment control practices shall be employed:**
- a. **BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.**
 - b. **No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.**
 - c. **Notwithstanding subd. 1), if BMPs cannot be designed and implemented to meet the sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.**

- (3) Preventive measures. The plan shall incorporate all of the following:**
- a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.**
 - b. Minimization of soil compaction and preservation of topsoil.**
 - c. Minimization of land disturbing construction activity on slopes of 20% or more.**
 - d. Development of spill prevention and response procedures.**
- (d) Location. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.**
- (e) Alternate Requirements. The common council may establish storm water management requirements more stringent than those set forth in this section if the common council determines that an added level of protection is needed for sensitive resources.**
6. That Section 68-313(a) of Division 4 – Permitting Requirements, Procedures and Fees, Article III – Construction Site Erosion Control Regulations, Chapter 68 - Stormwater Management Regulations, of the Code of Ordinances for the City of Mosinee entitled “Review and approval of permit application” is hereby amended by adding the following subparagraph (5) to read as follows:
- (5) Failure by the city to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.**
7. That Section 68-351 of Division 5 – Erosion and Sediment Control Plan, Statement and Amendments, Article III – Construction Site Erosion Control Regulations, Chapter 68 - Stormwater Management Regulations, of the Code of Ordinances for the City of Mosinee entitled “Erosion and sediment control plan” is hereby amended to read as follows:
- (a) An erosion and sediment control plan shall be prepared and submitted to the Director of Public Works or their designee.**

- (b) The erosion and sediment control plan shall be designed to meet the performance standards in Section 68-221, Section 68-222 and other requirements of this article.**
- (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
- (1) The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - (2) Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 - (3) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - (4) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 - (5) Calculations to show compliance with the required performance standards.**
 - (6) Existing data describing the surface soil as well as subsoils.
 - (7) Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 - (8) Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet:
- (1) Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.

- (2) Boundaries of the construction site.
 - (3) Drainage patterns and approximate slopes anticipated after major grading activities.
 - (4) Areas of soil disturbance.
 - (5) Location of major structural and non-structural controls identified in the plan.
 - (6) Location of areas where stabilization practices will be employed.
 - (7) Areas which will be vegetated following construction.
 - (8) **Area and location of wetland acreage on the construction site and locations where stormwater is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.**
 - (9) An alphanumeric or equivalent grid overlying the entire construction site map.
- (e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
- (1) Description of interim and permanent stabilization practices, including a practice implementation schedule. The **erosion control** plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 - (2) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Director of Public Works or their designee, structural measures shall be installed on upland soils.
 - (3) Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 - (4) Trapping of sediment in channelized flow.
 - (5) Staging construction to limit bare areas subject to erosion.
 - (6) Protection of downslope drainage inlets where they occur.

- (7) Minimization of tracking at all **vehicle and equipment entry and exit locations of the construction site.**
 - (8) Clean up of off-site sediment deposits.
 - (9) Proper disposal of building and waste materials at all sites.
 - (10) Stabilization of drainage ways.
 - (11) Control of soil erosion from dirt stockpiles.
 - (12) Installation of permanent stabilization practices as soon as possible after final grading.
 - (13) Minimization of dust to the maximum extent practicable.
- (f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
8. That this ordinance shall be in full force and effect upon adoption and publication in accordance with applicable state statutes.
9. That all prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.


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Adopted and approved by the Common Council of the City of Mosinee on this
11TH day of APRIL, 2016.



Brent Jacobson, Mayor

Attest: 
Bruce R. Jamroz, City Clerk/Treasurer

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