STATE OF WISCONSIN
TOWN OF ANSON
Chippewa County

Ordinance 2023-01

Chapter 12
STORMWATER MANAGEMENT: CONSTRUCTION SITE EROSION CONTROL AND POST-CONSTRUCTION

ARTICLE I IN GENERAL

Sec. 12-01. Effective Date: November 9, 2023

This chapter shall be in force and effect from and after its adoption and publication.

Sec. 12-02. Authority.

(a) This chapter is adopted under the authority granted by Wis. Stat. §§ 60.627 and 236.45. This chapter supersedes all provisions of any chapter or ordinance previously adopted by the Town of Anson, Chippewa County Board of Supervisors or other municipalities under Wis. Stat. Chapters 60 and 236, that relate to construction site erosion control and stormwater management.

(b) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the Town of Anson.

(c) The requirements under this chapter do not pre-empt more restrictive erosion, sediment control, and stormwater management requirements that may be imposed by any of the following:

(1) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under Wis. Stat. §§ 281.16 and 283.33.

(2) Targeted non-agricultural performance standards promulgated in rules of the Wisconsin Department of Natural Resources under Wis. Admin. Code § NR 151.004.

(3) Municipal ordinances, adopted independently by municipalities that are not subject to the jurisdiction of this chapter.

Sec. 12-03. Purpose.

(a) *Construction Site Erosion Control.* The purpose of the requirements under this chapter for construction site erosion control is to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; prevent and control sediment deposition; protect spawning grounds, fish and aquatic life; protect groundwater recharge areas; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Town of Anson, Chippewa County.

(b) *Post Construction Stormwater Management.* The purpose of the requirements under this chapter for post-construction stormwater management is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

(1) Further the maintenance of safe and healthful conditions.

(2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and

promote sound economic growth.

(3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(4) Minimize the amount of pollutants discharged from separate storm sewers to protect the waters of the state.

Sec. 12-04. Intent.

It is the intent of this chapter to regulate construction and post-construction storm water discharges to waters of the state. This chapter may be applied on a site-by-site basis.

Sec. 12-05. Severability.

The provisions of this chapter are hereby declared to be severable. If a court of competent jurisdiction determines any section, clause, provision or portion of this chapter to be unconstitutional or invalid, the remainder of the chapter shall remain in force and not be affected by such judgment.

Sec. 12-06. Jurisdiction.

The provisions of this chapter shall apply to land disturbing construction activities on lands within the boundaries and jurisdiction of the Town of Anson.

Sec. 12-07. Applicability.

Applicability. Except as provided under Sec. 12-08, the provisions of this chapter apply to any construction site, as defined under Sec. 12-09, following land disturbing construction and development related activities. The provisions of this chapter apply to construction sites of any size that, as determined by the Administrator, 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, or that increases water pollution by scouring or transporting of particulate.

Sec. 12-08. Exceptions.

The provisions of this chapter do not apply to the following:

(a) Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development, such as local roads within a residential or industrial development.

(b) 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.

(c) Nonpoint discharges from agricultural facilities and practices.

(d) Nonpoint discharges from silviculture activities.

(e) Routine maintenance for project sites that have less than five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(f) Underground utility construction, but not including the construction of any above ground structures associated with utility construction.

(g) For post construction requirements only, a post-construction site with less than 10% connected imperviousness based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre.

(h) Activities conducted by a state agency, as defined under Wis. Stat. § 227.01(1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stat. § 281.33(2).

Sec. 12-09. Definitions.

(1) *Adequate sod, or self-sustaining vegetative cover* means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

(2) *Administrator* means a person employed by the Town of Anson officially designated to administer this chapter or an agent designated by the Administrator or Town Board.

(3) *Agricultural Facilities and Practices* has the meaning in Wis. Stat. § 281.16(1).

(4) *Atlas 14* means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

(5) *Average Annual Rainfall* means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to Town of Anson.

(6) *Best Management Practices or BMPs* means structural or non–structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

(7) *Building Opening Elevation* means the lowest window, door, or other elevation at which water may enter a building.

(8) *Business Day* means a day the office of the Administrator is routinely and customarily open for business.

(9) *Cease and Desist Order* means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by Town of Anson.

(10) *Clean runoff* means that runoff which is derived from relatively uncontaminated sources which may include, but is not limited to: uncontaminated ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual

residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

(11) *Connected Imperviousness* means an impervious surface connected to waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

(12) *Construction Site* means an area upon which one or more land disturbing construction activities occur that in total will disturb one acre or more of land, 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 such that the total disturbed area is one acre or more. 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.

(13) *Construction Plans* are site specific technical drawings certified and stamped by a professional engineer licensed in the State of Wisconsin that depict the proposed development to meet the requirements of this chapter.

(14) *Design Storm* means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

(15) *Development* means recreational residential, commercial, industrial or institutional land uses and associated roads.

(16) *Direct conduits to groundwater* mean wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

(17) *Direct Discharges* means discharges that meet all of the following conditions:

a. discharges are from parcels contained within the area of the site development and the discharges do not cross property lines prior to entering the exempt body of water;

b. discharges do not travel through any public conveyance; and

c. discharges do not enter any lake or stream that appears on the USGS 7.5-minute quadrangle maps prior to entering any of the above water bodies.

(18) *Discharge* has the meaning given in Wis. Stat. §§ 283.01(4), and 283.01(5).

(19) *Effective Infiltration Area* means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

(20) *Erosion* means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(21) *Erosion and Sediment Control Plan* means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(22) *Exceptional Resource Waters* means waters listed in Wis. Admin. Code § NR 102.11.

(23) *Filtering Layer* means soil that has at least a 3–foot-deep layer with at least 20 percent fines; or at least a 5–foot-deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the Administrator for the site.

(24) *Final Stabilization* means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

(25) *Financial Guarantee* means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Administrator by the responsible party to assure that post-construction stormwater management requirements of the chapter are carried out in compliance with the stormwater management plan.

(26) *Illicit connection* means any drain or conveyance, whether on the surface or subsurface, which allows an illegal non-storm water discharge to enter the storm drain system, including but not limited to: sewage, process wastewater and wash water, any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this chapter.

(27) *Impervious Surface* means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.

(28) *In-fill Area* means an undeveloped area of land located within an existing urban sewer service area, surrounded by existing development or existing development and natural or man-made features where development cannot occur. "In–fill" does not include any undeveloped area that was part of a larger development for which a stormwater permit was previously required.

(29) *Infiltration* means the entry of precipitation or runoff into or through the soil.

(30) *Infiltration System* means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

(31) *Land Disturbing Construction Activity* means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(32) *Land Division* means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, condominiums, tracts or interests for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms and conditions. Land division includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, certified survey map, plat or other recorded instrument. Land divisions also include condominium creation or conversion.

(33) *Landowner* means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

(34) *Maintenance Agreement* means a legal document that provides for long-term maintenance of stormwater management practices.

(35) *Maximum Extent Practicable or MEP* 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 and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

(36) *New Development* means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(37) *NRCS MSE3 or MSE4 distribution* means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

(38) *Off-Site* means located outside the property boundary described in the permit application.

(39) *On-Site* means located within the property boundary described in the permit application.

(40) *Ordinary High-Water Mark* has the meaning given in Wis. Admin. Code § NR 115.03(6).

(41) *Outfall* means the point at which stormwater is discharged to waters of the state or leaves one stormwater conveyance enters another stormwater conveyance.

(42) *Outstanding Resource Waters* means waters listed in Wis. Admin. Code § NR 102.10.

(43) *Performance Standard* means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(44) *Percent Fines* means the percentage of a given sample of soil, which passes through a # 200 sieve.

(45) *Permit* means a written authorization made by the Administrator to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(46) *Permit Fee* means a sum of money paid by the permit applicant for the purpose of recouping the expenses incurred by the office of the Administrator in administering this chapter.

(47) *Person* means an individual, owner, operator, corporation, partnership, sole proprietor, association, municipality, interstate agency, state agency or federal agency.

(48) *Pervious Surface* means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

(49) *Pollutant* has the meaning given in Wis. Stat. § 283.01(13).

(50) *Pollution* has the meaning given in Wis. Stat. § 281.01(10).

(51) *Post-Construction Site* means a construction site following the completion of land disturbing construction activity and final site stabilization.

(52) *Pre-Development Condition* means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(53) *Premises* means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(54) *Preventive Action Limit* has the meaning given in Wis. Admin. Code § NR 140.05(17).

(55) *Protective Area* means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

(56) *Redevelopment* means areas where development is replacing older development.

(57) *Responsible Party* means any person holding fee title to the property or other person contracted or obligated by agreement to meet the performance standards of this chapter.

(58) *Runoff* means stormwater or precipitation, including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(59) *Sediment* means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

(60) *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.

(61) *Significant Closed Depression* means an area which collects, stores, and infiltrates runoff from snowmelt and other large stormwater events, and meets the following physical criteria: a) is observed to pond water beyond the period of drainage of other nearby runoff conveyances, and b) is either greater than

10,000 square feet in area or 10,000 cubic feet in volume, when ponded.

(62) *Silviculture Activity* means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

(63) *Site* means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

(64) *Storm Sewer* means a closed conduit for collecting and carrying stormwater.

(65) *Stormwater* means runoff from precipitation, including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

(66) *Stormwater Management Plan* means a comprehensive plan designed to reduce the discharge of pollutants from storm water, after the site has under gone final stabilization, and following completion of the construction activity.

(67) *Stormwater Management System Plan* means a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

(68) *Stop Work Order* means an order issued by the Administrator which requires that all construction activity on the site be stopped.

(69) *Technical Standard* means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(70) *Top of the Channel* means an edge, or point on the landscape, landward from the ordinary high- water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high- water mark.

(71) *Total maximum daily load or TMDL* means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

(72) *TP-40* means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

(73) *TR-55* means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

(74) *Transportation facility* means a highway, a railroad, a public mass transit facility, a public use airport, a public trial or any other public work for transportation purposes such as harbor improvements under Wis. Stat. § 85.095(a)(b). Transportation facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Natural Resources pursuant to Wis. Stat. § 281.33.

(75) *Type II distribution* means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973".

(76) *Watercourse* means a natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all drainage features shown on the soils maps in the NRCS Soil Survey of Chippewa County, all channels identified on the site, and new channels that are creates as part of a development. The term watercourse includes waters of the state as herein defined.

(77) *Waters of the State* means all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction.

Sec. 12-10 to 12-20. Reserved

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 12-21. Permits.

(a) *Permit Required.* No responsible party may undertake land disturbing construction activity that is subject to the provisions of this chapter without receiving a stormwater permit from the Administrator prior to commencing the proposed activity.

(b) *Permit Application and Fees.* Any responsible party desiring to undertake a land disturbing construction activity subject to the provisions of this chapter shall submit an application for a permit and stormwater management plan that meets the requirements of this chapter and shall pay an application fee. By submitting an application, the applicant authorizes the Administrator to enter the site to obtain information required for the review of the stormwater management plan.

(c) *Review and Approval of Permit Application.*

(1) The Administrator shall receive any permit application that is submitted with a stormwater management plan, and the required fee. In cases where only a permit for construction site erosion control is required, the Administrator is exclusively responsible for Plan Review, Plan Acceptance, and Permit Issuance.

(2) The Administrator may request additional information from the applicant to clarify details of the application form, plans or maintenance agreement, or to seek conformity with the standards, specifications, and other requirements of this chapter. Requested additional information shall be provided to the Administrator within sixty (60) business days of the request. If the requested additional information is not provided within sixty (60) business days of the request, the stormwater permit shall be denied and the applicant shall be required to submit a new application and fee.

(3) Following receipt of a completed application form, fees, stormwater management plan, maintenance agreement, and financial guarantee, the Administrator may issue the stormwater permit. The Administrator shall have fourteen (14) business days from receipt of a completed application materials to approve or deny the permit. If the permit is denied, the Administrator shall detail in writing the reasons for denial.

(d) *Permit Requirements.* All permits shall require the responsible party to:

(1) Notify the Administrator within forty-eight (48) hours of commencing any land disturbing construction activity.

(2) Notify the Administrator of completion of any BMPs within ten (10) business days after their installation.

(3) Obtain permission in writing from the Administrator prior to any modification of the stormwater plan. The Administrator may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.

(4) Install all BMPs as identified in the approved erosion and sediment control plan.

(5) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

(6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.

(7) Inspect all BMPs within twenty-four (24) hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

(8) Allow the Administrator to enter the site for the purpose of inspecting compliance with the stormwater plan or for performing any work necessary to bring the site into compliance with the stormwater plan. Keep a copy of the construction plans at the construction site.

(9) Comply with all applicable federal, state, and local laws and regulations.

(10) Install all structural and non-structural stormwater management practices in accordance with the approved stormwater management plan and the issued permit.

(11) Pass a final inspection of completed stormwater management practices by the Administrator. The Administrator shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of the issued permit and this chapter.

(12) Submit as-built plans to the Administrator within ninety (90) days following installation of the structural and non-structural stormwater management practices. Practice installations shall be certified by a registered Professional Engineer as meeting the requirements of the approved plans and requirements of this chapter. As-built plans shall provide adequate detail necessary to show compliance with the approved stormwater management plan and requirements of this chapter. As-built plans shall include: final surveyed elevations of the structural and non-structural stormwater management practices, conveyance, buildings, and site topography.

(13) Maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of Town of Anson or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(14) Authorize Town of Anson to perform any work or operations necessary to bring stormwater management practices into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Wis. Stat. Ch. 66 or to charging such costs against the financial guarantee posted under section 12-72.

(15) If directed by the Administrator, repair at the responsible party's own expense all damage to adjoining municipal facilities anddrainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

(16) Where site development or redevelopment involves changes in direction, an increase in peak rate and/or total volume of runoff from a site, the Administrator may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

(17) The responsible party is subject to the enforcement actions and penalties detailed in section 12-23, if the responsible party fails to comply with the terms of the issuedpermit.

(e) *Additional Permit Requirements.* When deemed necessary by the Administrator, permits issued under this section may include additional permit requirements to assure compliance with the standards in Articles II, III, IV and V of this chapter.

(f) *Permit Duration*. Permits issued under this section shall be valid from the date of issuance for a period of one hundred eighty (180) calendar days, or the duration of the building permit or other construction authorizations, whichever is longer. The Administrator may extend the period one or more times for up to an additional one hundred eighty (180) calendar days. The Administrator may require additional BMPs as a condition of any extension to assure compliance with the requirements of this chapter.

Sec. 12-22. Fee Schedule.

Applications for review and permits issued under this chapter shall be accompanied by a fee, which is adopted by Town Board resolution. A copy of the current fee schedule shall be kept on file in the office of the Administrator.

Sec. 12-23. Enforcement.

(a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this chapter by any person subject to the provisions of this chapter shall be deemed a violation unless conducted in accordance with the requirements of this chapter.

(b) The Administrator shall notify the responsible party of any non-compliant land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial action(s) required to be taken, a schedule for remedial action, and additional enforcement action which may be taken.

(c) Upon receipt of written notification from the Administrator under sub. (b), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of the issued permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Administrator in the notice.

(d) If the violations to a permit issued pursuant to this chapter are likely to result in damage to properties, public facilities, or waters of the state, the Administrator may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Administrator plus interest and legal costs shall be billed to the responsible party.

(e) The Administrator may revoke a permit issued under this chapter for non-compliance with the provisions of this chapter.

(f) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Administrator or by determination of a court of competent jurisdiction.

(g) The Administrator may refer any violation of the provisions of this chapter, or of a stop work order or cease and desist order issued pursuant to this chapter, to the Corporation Counsel for the commencement of further legal proceedings in any court of competent jurisdiction.

(h) Any person found to be in violation of the provisions of this chapter shall be subject to a forfeiture of not less than $1,000 nor more than $5,000 dollars per offense, together with the costs of prosecution. Each calendar day that the violation exists shall constitute a separate offense.

(i) Compliance with the provisions of this chapter may also be enforced by injunction in any court of competent jurisdiction pursuant to Wis. Stat. §59.69(11). It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to injunction proceedings.

(j) In the event the Administrator determines that the holder of a permit issued pursuant to this chapter has failed to follow practices set forth in the erosion and sediment control plan or stormwater management plan, or has failed to comply with schedules set forth in the erosion and sediment control plan or the stormwater management plan, the Administrator may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Administrator shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any posted financial guarantee. Where such a guarantee has not been established, or where such a guarantee is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll, pursuant to subchapter VII of chapter 66, Wis. Stats. as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 12-24. Special Inspection Warrants.

If the responsible party or property owner denies access to any part of the premises on which it is believed there may be a violation of this chapter; or on which there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder; or to protect the overall public health, safety, and welfare of the community, the Administrator may seek issuance of a special inspection warrant whereby the Administrator may enter the premises pursuant to the provisions of Wis. Stat. §§ 66.0119(1), (2), and (3).

Sec. 12-25. Stop Work Orders.

(a) The Administrator may post a stop work order if any of the following occurs:

(1) Any land disturbing construction activity regulated under this chapter is being undertaken without a permit.

(2) The erosion and sediment control plan or the post construction stormwater plan is not being implemented in good faith.

(3) The conditions of the permit are not being met.

(b) After posting a stop-work order under sub. (a), the Administrator may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this chapter. The Administrator may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection shall be billed to the responsible party or property owner. The Administrator shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any posted financial guarantee. Where such a guarantee has not been established, or where such a guarantee is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll, pursuant to subchapter VII of chapter 66, Wis. Stats. as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 12-26. Board of Adjustment.

(a) *Powers and Duties*. The powers and duties of the Town of Anson are identified in Wis. Stat. § 60.627(7) and in the applicable rules and by-laws as adopted by the Town Board. The Town of Anson Board of Adjustment shall have the following general powers:

(1) *Administrative Appeals*. To hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the town in administering this chapter.

(2) *Variances*. Upon appeal, to authorize variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and

(b) *Who May Appeal*. Appeals to the Board of Adjustment may be taken by any aggrieved person or by any office, department, board, or bureau of Town of Anson affected by any decision of the Administrator.

Sec. 12-27. to 12-30. Reserved

ARTICLE III. GENERAL DESIGN AND STORMWATER PLAN REQUIREMENTS.

Sec. 12-31. Design Standards and Criteria.

Use of the following design standards and criteria shall be acceptable for purposes of compliance with this chapter:

(a) The design standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Admin. Code; and

(b) Other applicable design criteria, standards and specifications not identified or listed in this chapter may be used provided that the methods have been approved in advance by the Administrator based on a finding that the alternative standards meet the technical intent of the standards in the applicable sections of this chapter.

(c) *Additional Requirements*. The Administrator may establish construction site erosion control or post construction stormwater management requirements that are more stringent than those set forth in this chapter if the Administrator determines that an added level of protection is needed.

(d) Where average annual rainfall data is used to meet requirements of this chapter, the data of record shall be Minneapolis, 1959 (March 13-November 4); as maintained by the United States Geological Survey (USGS) determined in accordance with Wis. Admin. Code § NR 151.12 (1)(b).

Sec. 12-32. General Stormwater Plan Requirements.

(a) All site investigations, plans, designs, computations, and construction plans shall be certified by a registered Professional Engineer licensed in the state of Wisconsin.

(b) Plan narratives shall include, at a minimum, the following items:

(1) The name(s) and address(es) of the landowner and/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 and the Professional Engineer for practice design and certification.

(2) A proper legal description of the property proposed to be developed and property address if available.

(3) Description of the site and the nature of the construction activity.

(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) Existing data describing the surface soil as well as subsoils, including predominant soil types and hydrologic soil groups.

(6) Depth to water table, as indicated by Natural Resources Conservation Service soil information where available, or Chippewa County regional water table maps.

(7) Name of the immediate named receiving water from the United States Geological Service 7.5-minute series topographic maps.

(8) Quantity and cost estimates for the construction and installation of each erosion control, sediment control, and stormwater management practice.

(c) Construction Plans shall include:

(1) Existing and proposed site conditions, including the following: topographic contours, vegetative cover, impervious surfaces (including all buildings, structures, and pavement, approximate slopes anticipated after major grading activities), and delineation of areas which will be vegetated following construction.

(2) Natural and engineered drainage system network including enough of the contiguous properties to show runoff patterns onto, through and from the site and network flow path and direction for all stormwater conveyance sections.

(3) Lakes, streams, wetlands, channels, ditches, other watercourses, floodplains, flood fringes and floodways on and immediately adjacent to the site shall be shown.

(4) Location of wells and wellhead protection areas covering the construction site and delineated pursuant to Wis. Admin. Code § NR 811.16.

(5) Boundaries of the construction site.

(6) Areas of land and soil disturbance.

(7) Areal extent of wetland acreage on the site and locations where stormwater is discharged to a surface water or wetland.

(8) Locations of all surface waters and wetlands within one mile of the construction site.

(d) Construction Quality Assurance Plan shall include:

(1) Contact information of the landowner and/or developer of the site, principal contact of any consulting firm retained by the applicant, and principal contact of the general contractor in charge of the site.

(2) 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. The application shall also include start and end dates for construction.

(3) Verification of proper installation including inspection and certification for critical practices and items.

(4) Repair procedures in the case of erosion, onsite and offsite sediment deposition, and failure of practices during construction.

(5) Preparation and installation of appropriate practices on the site should it be inactive through months outside the growing season.

(6) Other information requested in writing by the Administrator to determine compliance with the provisions of this chapter.

(e) *Plan Amendments*. The applicant shall amend the erosion and sediment control plan if any of the following occur:

(1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.

(2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.

(3) The Administrator notifies the applicant of changes needed in the erosion and sediment control plan.

Sec. 12-33. to 12-40. Reserved

ARTICLE IV. CONSTRUCTION SITE EROSION CONTROL.

Sec. 12-41. Design Standards and Criteria.

In addition to the design requirements found in Article III of this chapter, the following design requirements must be met.

(a) All BMPs for construction site erosion control required by this chapter shall meet the design criteria, standards and specifications listed in Article III of this chapter and the following references:

(1) Applicable design criteria, standards and specifications identified on the WI DNR *Construction Site Erosion & Sediment Control Standards* page of the WI DNR web site, as updated from time to time.

(2) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of Wis. Admin. Code Chapter NR 151.

(3) Soil loss prediction tools such as the Revised Universal Soil Loss Equation 2 (RUSLE2) that estimate the sediment load leaving the construction site under varying land and management conditions.

(b) *Erosion and Other Pollutant Control Standards.* All construction sites shall meet the following performance standards:

(1) The site shall not discharge more than five (5) tons per acre per year of sediment carried in runoff from initial grading to final stabilization; or

(2) The site shall be protected at the time of site disturbance using the prescriptive BMPs established in the current edition of the Channel Erosion Control Matrix and Slope Erosion Control Matrix of the Wisconsin DOT Erosion Control Product Acceptability Lists (PAL).

Sec. 12-42. Mandatory Site Prevention, Protection, Erosion Control, and Sediment Control Practices.

(a) The following site prevention and protection measures are required at all sites:

(1) Existing vegetation shall be maintained, especially adjacent to surface waters, to the greatest extent possible.

(2) Soil compaction shall be minimized

(3) Topsoil shall be preserved.

(4) Land disturbing construction activity on slopes of 20% or more shall be minimized.

(5) Development of spill prevention and response procedures.

(b) Erosion and sediment control practices are required at all sites to prevent or reduce all of the following:

(1) The deposition of soil from being tracked onto streets by vehicles.

(2) The discharge of sediment from disturbed areas into on-site stormwater inlets.

(3) The discharge of sediment from disturbed areas into adjacent waters of the state.

(4) The discharge of sediment from drainage ways that flow off the site.

(5) The discharge of sediment by dewatering activities.

(6) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

(7) The discharge of sediment from erosive flows at outlets and in downstream channels.

(8) 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.

(9) The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(10) The BMPs used to comply with this section shall be located in a manner to ensure that runoff is treated prior entering waters of the state.

Sec. 12-43. Use of Stormwater Facilities for Erosion and Sediment Control.

Regional post-construction stormwater treatment facilities are appropriate for, and may be used for, control of post-construction stormwater and pollutants. Regional post-construction stormwater treatment facilities shall not be used for control of construction site sediment.

Sec. 12-44. Specifications.

(a) 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 and 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 for the measures that will be implemented. The erosion and sediment control plan shall include all of the items listed in Article III of this chapter and, at a minimum, the following items:

(1) Narrative:

(a) Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.

(b) Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls. Alternatively, computations or other verification that erosion control BMPs comply with Channel Erosion Control Matrix and Slope Erosion Control Matrix of the Wisconsin DOT Erosion Control Product Acceptability Lists (PAL), per Standards section.

(c) Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

(d) 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 Administrator, structural measures shall be installed on upland soils.

(e) Management of overland flow at all sites, unless otherwise controlled by outfall controls.

(f) Trapping of sediment in channelized flow.

(g) Staging construction to limit bare areas subject to erosion.

(h) Protection of downslope drainage inlets where they occur.

(i) Minimization of tracking.

(j) Cleanup of off-site sediment deposits.

(k) Proper disposal of building and waste materials.

(l) Stabilization of drainage ways.

(m) Control of soil erosion from dirt stockpiles.

(n) Installation of permanent stabilization practices as soon as possible after final grading.

(o) Minimization of dust to the maximum extent practicable.

(2) Site Maps:

(a) Location of major structural and non-structural controls identified in the erosion and sediment control plan.

(b) Location of areas where stabilization practices will be employed.

(3) Construction Plans:

(a) Details of the interim and permanent stabilization practices.

(b) Locations and details of the 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 Administrator, structural measures shall be installed on upland soils.

(c) Details of erosion and sediment control practices, including but not limited to: tracking, management of overland flow, protection of downslope drainage, soil erosion from stockpiles, and stabilization of drainage ways.

(d) Construction notes shall be included to address: staging construction to limit bare areas subject to erosion, cleanup of off-site sediment deposits, proper disposal of building and waste materials, installation of permanent stabilization practices as soon as possible after final grading, and minimization of dust to the maximum extent practicable.

(b) The erosion and sediment control plan shall include and identify velocity dissipation devices, which shall 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. For permanent outlet features, rock lining is the preferred option.

(c) *Statement*. For each construction site subject to this chapter, an erosion and sediment control plan statement shall be prepared. The statement shall briefly describe the site and include a site map. Further, the erosion and sediment control plan shall identify the best management practices that will be used to meet the requirements of this chapter, and include the site development schedule.

Sec. 12-45 to 12-50 Reserved

ARTICLE V. POST CONSTRUCTION STORMWATER MANAGEMENT.

Sec. 12-51. Post Construction Stormwater Management Design Standards and Criteria.

The following standards and criteria shall be used to meet the water quality, peak flow discharge, and infiltration requirements under this chapter. If the design cannot achieve the applicable requirements, the storm water management plan shall include a written and site-specific explanation of why that requirement will not be attained and shall be reduced to the maximum extent practicable.

(a) *Alternate Requirements*. The Administrator may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management standards.

(b) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of Article IV.

(c) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(d) The post-construction stormwater BMPs that are required under this chapter shall be installed before the construction site has undergone final stabilization.

Sec. 12-52. Total Suspended Solids.

(a) *Requirement.* BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site. BMPs shall be designed in accordance with Table 1., or to the maximum extent practicable as defined in Sec. 12-09(36) and provided in sub. (c). The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards

Development Type	TSS Reduction
New Development	80 percent
In-fill Development	80 percent
Redevelopment	40 percent of load from parking areas and roads

(b) *Redevelopment.* Except as provided in Wis. Admin. Code § NR 151.121 (5), the redevelopment total suspended solids reduction standard of Table 1., applies to redevelopment.

(c) *Maximum Extent Practicable.* If the design cannot meet a total suspended solids reduction performance standard of sub. (1), Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable. The Administrator may not require any person to exceed the applicable total suspended solids reduction performance standard to meet the requirements of maximum extent practicable.

Note: Pollutant loading models such as DETPOND, SLAMM, P8, or equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended solids. Information on how to access these models is available from the Wisconsin Department of Natural Resources storm water management program at dnr.wi.gov. Use the most recent version of the model and the rainfall files and other parameter files identified for Wisconsin users unless directed otherwise by the regulatory authority.

(d) *Off-Site Drainage.* When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

Sec. 12-53. Peak Runoff Discharge.

(a) BMPs shall be designed to maintain or reduce post-development peak runoff discharge rates to pre-development peak runoff discharge rates for the 1-year, 2-year, 10-year, 25- year, and 100- year recurrence interval, 24-hour duration design storms.

(b) The runoff curve numbers in Table 2 shall be used to represent pre-development conditions. Pre-development conditions shall assume "good hydrologic conditions" as defined in Wis. Admin. Code § NR 151.12(5)(b) for appropriate land covers as identified in TR-55 or an equivalent methodology.

Table 2. Maximum Pre-Development Runoff Curve Numbers

Land Use, Cover Type	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland, Meadow, Open Space, Pasture	39	61	71	78
Cropland	55	69	78	83

Note: Use of composite CNs for peak flow calculations (i.e. 1-yr/24-hr rainfall events) is acceptable for pervious surfaces and disconnected impervious surfaces. Combining directly connected impervious surfaces with pervious surfaces may result in underestimation of peak flows, particularly during the 1- and 2-year rainfall events. On sites with storm sewers or directly connected imperviousness, the designer should either evaluate the connected impervious areas separately from the pervious areas or provide documentation that the runoff from the connected impervious area does not control the peak flows during the 1- and 2-year rainfall events. HydroCad is a model that is commonly used for calculating peak flows. Hydrocad v 7.1 and earlier versions, calculate a single composite curve number for each subcatchment. Starting with HydroCad v 8.0, the model allows the option of calculating runoff from pervious and impervious areas separately within a subcatchment but it still averages CNs for pervious areas in a subcatchment. HydroCad v 10.0 allows the option of calculating flow independently from each area with a different CN (without averaging CNs) and then combines the flows to produce the total runoff. Access these options in the HydroCAD 'Advanced' tab of the 'Setting/Calculation' screen.

(c) Post-development runoff curve numbers shall be from TR-55 or equivalent methodologies.

(d) The provisions of this section do not apply to any of the following:

(1) The redevelopment of an existing site with no increase in impervious surface.

(2) An in-fill development area less than 5 acres.

(3) A post-construction site from which there is a direct discharge into a lake of over 5,000 acres in size or a stream or river segment with a contributing drainage basin area of more than 500 square miles. For purposes of this chapter these waters are specifically described and identified on maps and data maintained by the Administrator. See Appendix 1.

Sec. 12-54. Infiltration.

(a) BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with Table 3.

Table 3. Infiltration Standards

Type of Development	Description of Development	Infiltration Requirements (Pre-development infiltration volume, based on an average) annual rainfall)	Limits (Max. % of post-construction site required for infiltration)

Low Imperviousness	Less than 40% connected imperviousness, such as parks, cemeteries, and low-density residential development	At least 90%	No more than 1%
Moderate Imperviousness	40% to 80% connected imperviousness, such as medium and high density residential, multi–family development, industrial and institutional development, and office parks	At least 75%	No more than 2%
High Imperviousness	More than 80 % connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns	At least 60%	No more than 2%

(b) *Pre-Development*. Pre–development condition shall be as specified in Table 2. **Note:** A model that calculates runoff volume, such as SLAMM, P8, or an equivalent methodology may be used. Infiltration computations for infiltration BMPs may use Recarga or an equivalentmethodology.

(c) *Groundwater Protection*.

(1) Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Wis. Admin. Code Chapter NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

(2) Notwithstanding sub. (c)(1) above, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(d) *Pre-treatment*. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltrationsystem from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub. (c). Pretreatment options include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales, or filter strips.

(e) *Prohibited Areas*. Runoff from the following source areas shall not be infiltrated and will not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions of sub. (c):

(1) Areas associated with a tier 1 industrial facility identified in Wis. Admin. Code § NR 216.21(2)(a), including storage, loading, and parking facilities. Rooftops may be infiltrated.

(2) Open storage and loading areas of a tier 2 industrial facility identified in Wis. Admin. Code § NR 216.21(2)(b).

Note 1: Runoff from the employee and guest parking and rooftop areas of a tier 2 facility may be

infiltrated, but runoff from the employee and guest parking area may require pretreatment.

Note 2: Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the Administrator.

Sec. 12-55. Restrictions on the Location of Infiltration Practices.

(a) *Prohibitions*. Infiltration practices may not be located in the following areas:

(1) Areas within 1,000 feet up gradient or within 100 feet down gradient of direct conduits to groundwater. These include wells, sinkholes, springs, seeps, swallets, fractured bedrock at the surface, mine shafts, nonmetallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

(2) Areas within 400 feet of a community water system well as specified in Wis. Admin. Code § NR 811.16(4) or within the separation distances listed in Wis. Admin. Code § NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial, and institutional land uses or regional devices for one- and two-family residential development.

(3) Areas where contaminants of concern, as defined in Wis. Admin. Code § NR 720.03(2), are present in the soil through which infiltration will occur.

(b) *Separation from groundwater and bedrock*. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 4.

Table 4. Separation Distances and Soil Characteristics

Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer

Note: Notwithstanding the separation distances identified in Table 4 under sub. (b), applicable requirements for injection wells classified under Wis. Admin. Code Ch. NR 815 shall be followed.

(c) *Infiltration Rate Exemptions*. Practices located in the following areas are required to meet the infiltration requirements to the maximum extent practicable:

(1) Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.

(2) Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

(d) *Alternate Use*. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

Sec. 12-56. Closed Depressions.

Areas identified as Significant Closed Depressions shall be protected from development to retain existing stormwater attenuation capacity. When disturbance within a Significant Closed Depression is proposed, mitigation hydrology to retain storage capacity and infiltration of the depression shall be required. To achieve mitigation, all of the following items are required:

(a) Disturbance to the Significant Closed Depression is to be avoided and minimized to the greatest extent possible,

(b) Equivalent replacement runoff storage and groundwater infiltration capability is to be developed,

(c) Replacement storage and infiltration is to be provided physically as close as practicable to the impacted recharge area and in the watershed of the same receiving water,

(d) Replacement storage and infiltration capability is to be developed prior to the disturbance,

(e) Design of the replacement storage and infiltration features shall be developed by a registered Professional Engineer,

(f) Proposals are subject to soil limitations in Sec. 12-55(b).

Sec. 12-57. Protective Areas.

(a) Table 5 provides a list of protective areas and protective distances for each type of protective area.

Table 5: Protective Areas

	Protective Area	Protective Distance
1.	Outstanding resource waters and exceptional resource waters	75 feet
2.	Perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current.	50 feet

3.	Lakes	50 feet
4.	Wetlands that are not *Highly Susceptible Wetlands* (item 5.) or *Less Susceptible Wetlands* (item 6.)	50 feet
5.	Highly susceptible wetlands. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, lowland hardwood swamps, and ephemeral ponds	75 feet
6.	Less susceptible wetlands. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.	10 % of the average wetland width, but no less than 10 feet nor more than 30 feet.
7.	Concentrated flow channels with drainage areas greater than 130 acres.	10 feet

Note 1: For items 4, 5, and 6, above, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Wis. Admin. Code § NR 103.03.

Note 2: Wetland boundary delineation shall be made in accordance with Wis. Admin. Code § NR 103.08(1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

Note 3: Where rivers, streams, lakes, and wetlands are contiguous, the greatest protective distance in Table 5 under this section shall apply.

(b) For development within or adjacent a protective area, the following requirements shall be met:

(1) Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the stormwater management plan shall contain a written, site-specific explanation.

(2) Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70% or greater shall be established and maintained. The adequate sod or self- sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

Note: It is recommended that seeding of non-invasive vegetative cover be used in protective areas. Vegetation that is flood and drought tolerant and can provide long-term bank stability because of an extensive root system is preferable.

(3) BMPs such as filter strips, swales, or wet detention basins that are designed to control pollutants from non-point sources may be located in the protective area.

Note: Compliance with chapter 30, Wis. Stats. and Wis. Admin. Code Chapters NR 103, 115, 116 and 117 may additionally be required in the protective area.

(c) *Exemptions*. The requirements under this section do not apply to:

(1) Except as provided under Wis. Admin. Code § NR 151.121(5), redevelopment post-construction sites.

(2) In-fill development areas less than 5 acres in size.

(3) Structures that cross or access surface waters such as boat landings, bridges and culverts.

(4) Structures constructed in accordance with Wis. Stat. § 59.692(1v).

(5) Areas of post–construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the post- construction requirements for total suspended solids and for peak runoff discharge, except to the extent that vegetative groundcover is necessary to maintain bank stability.

Sec. 12-58. Swale Treatment for Transportation Facilities.

(a) *Applicability.* Except as provided in sub. (b) below, transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:

(1) Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

Note: It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing pollutant removal from runoff.

(2) Swales shall comply with Wisconsin DNR technical standard 1005, "Vegetated Infiltration Swale", dated May, 2007, except as otherwise authorized in writing by the Administrator.

(b) *Exemptions.* The Administrator may, consistent with water quality standards, require additional provisions of article V of this chapter be met on a transportation facility with an average daily travel of vehicles greater than 2,500, where the area generating the runoff is a non- commercial site, and where the initial surface water of the state that the runoff directly enters is any of the following:

(1) An outstanding resource water.

(2) An exceptional resource water.

(3) Waters listed in section 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.

(4) Waters where targeted performance standards are developed under Wis. Admin. Code § NR 151.004 to meet water quality standards.

Sec. 12-59. Regional Treatment.

(a) To comply with the post-construction stormwater management standards of this chapter, BMPs may be located on–site or off–site as part of a regional stormwater device, practice or system.

(b) The Administrator may approve off-site post-construction stormwater management measures, provided that all of the following conditions are met:

(1) The Administrator determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the Administrator and that plan contains management requirements consistent with the purpose and intent of this chapter.

(2) The off-site facility meets all of the following conditions:

(a) The off-site facility is in place.

(b) The off-site facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this chapter.

(c) The off-site facility has a legally obligated entity responsible for its long-term operation and maintenance.

Sec. 12-60. Fueling and Vehicle Maintenance Areas.

Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to reduce petroleum within runoff, such that, to the maximum extent practicable, the runoff that enters waters of the state contains no visible petroleum sheen.

Note: A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

Sec. 12-61. Post-Construction Stormwater Management Specifications.

The stormwater management plan shall include all of the items listed in Article III. of this chapter for both pre-construction and post-construction site conditions and, at a minimum, the following items:

(a) Narrative:

(1) Hydrology and pollutant loading computations, as needed, to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(2) Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.

(3) Results of investigations of soils and groundwater required for the placement and design of stormwater management measures.

(4) Infiltration system design information as described in the Wisconsin Department of Natural Resources Infiltration System Site Evaluation Standard.

(5) A description and installation schedule for the stormwater management practices needed to meet the technical and performance standards in Article V. of this chapter.

(b) Construction plans shall include all of the items listed in Article III. of this chapter for both pre-construction and post-construction site conditions and, at a minimum, the following items:

(1) Watershed boundaries used in hydrology determinations to show compliance with performance standards in Article V. of this chapter;

(2) Locations of maintenance easements specified in the maintenance agreement;

(3) Location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area;

(4) Location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way;

(5) The minimum permissible Building Opening Elevation of structures exposed to the ground surface - defined as a minimum of six (6) inches above the maximum water elevation produced by the 100-year, 24-hour design storm event, and a description of how the building will not be inundated by the 100-year, 24-hour design storm event;

(6) Detailed drawings including cross- sections and profiles of all permanent stormwater conveyance and treatment practices.

(7) Locations of Soil investigation borings and/or test pits

Sec. 12-62. to 12-70. Reserved

ARTICLE VI. MAINTENANCE, MAINTENANCE AGREEMENTS, AND FINANCIAL GUARANTEE.

Sec. 12-71. Maintenance and Maintenance Agreement.

(a) *Maintenance.* The responsible party shall maintain all BMPs throughout the duration of the construction activities as necessary to meet the requirements of this chapter until the site has undergone final stabilization.

(b) *Maintenance Agreements Required.* A maintenance agreement shall be required for post-construction stormwater management practices. The maintenance agreement shall be entered into between Chippewa County and the responsible party and shall provide for maintenance of stormwater practices beyond the duration period of the permit issued under this chapter. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction and shall be binding upon all subsequent owners of the lands within the approved stormwater management plans.

(c) *Maintenance Agreement Provisions.* The maintenance agreement shall contain the following information and provisions and be consistent with the required maintenance plan:

(1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

(2) Designation of easements for drainage and stormwater facilities, and ingress and egress.

(3) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the required post-construction stormwater management plan.

(4) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the stormwater management practicesidentified in the post-construction stormwater management plan.

(5) Requirement that the responsible party(s) shall maintain stormwatermanagement practices in accordance with the schedule required in sub. (3), above.

(6) Authorization for the Administrator to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance withthe agreement.

(7) A requirement that the Administrator:

(a) Maintain public records of the results of site inspections,

(b) Inform the party(s) responsible for maintenance of the inspection results, and

(c) Specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.

(8) A provision stating that the party(s) designated under sub. (4) as responsible for long term maintenance of the stormwater management practices shall be notified by the Administrator of maintenance deficiencies which require correction, and that the specified corrective actions shall be undertaken within a reasonable time frame as set by the Administrator.

(9) A provision authorizing Town of Anson to perform the corrected actions identified in the inspection report if the responsible party designated under sub. (4) does not make the required corrections in the specified time period. Town of Anson shall enter the amount due on the tax rolls and collect the amount as a special charge against the property pursuant to subchapter VII. of ch. 66, Wis. Stats.

Sec. 12-72. Financial Guarantee.

(a) *Establishment.* The applicant shall submit a financial guarantee, in a form and type acceptable to the Administrator. The financial guarantee shall be in an amount that represents the estimated cost of construction and site stabilization, as determined by the Administrator, plus an additional $5,000 for the final submittal of all required documentation under sub. (4). The written financial guarantee instrument shall authorize Town of Anson to use the funds to complete the stormwater management practices if

the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by Town of Anson that the requirements of this chapter have not been met.

(b) *Release.* Conditions for the release of the financial guarantee are as follows:

(1) Town of Anson shall release a portion of the financial guarantee established under this section, less any costs incurred by Town of Anson to complete installation of storm water facilities and conveyances. Town of Anson may make provisions for a partial pro-rata release of the financial guarantee based on the completion and documentation of key development phases.

(2) Town of Anson shall release a portion of the financial guarantee established under this section to assure construction of stormwater practices, less any costs incurred by Town of Anson, at such time that the responsibility for practice maintenance is transferred to another entity via an approved maintenance agreement.

(3) Release of a portion of the financial guarantee will be considered only after a minimum period of one year from the date of the establishment of the vegetative treatments. For practices that are dependent on permanent vegetative treatments, a standard of 70 percent vegetative cover will be used.

(4) $5,000 of the financial guarantee shall be released upon the submittal of the following to the Administrator:

(a) Review and acceptance of the "as built plans" and certification as submitted by a registered Professional Engineer.

(b) A recorded copy of the approved Maintenance Agreement.

Sec. 12-73. to 12-80. Reserved

ARTICLE VII. ILLICIT DISCHARGE.

Sec. 12-81. Prohibitions.

(a) *Discharges.* Except for storm water and other discharges specifically exempted under Sec. 12-82, no discharge, spilling or dumping of substances or materials shall be allowed into receiving water bodies or onto driveways, sidewalks, parking lots, or other areas that drain into the storm drainage system. No discharges shall be in violation of Chapter 62 of the Chippewa County Code of Ordinances, or any other local, state or federal law.

(b) *Connections.* The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this chapter, regardless of whether the connection was permissible under law or whether the practice was applicable or prevailing at the time of connection.

Sec. 12-82. Exemptions.

The following activities are exempt from the provisions of this article, unless they are found to have an adverse impact on the storm water or design functionality of any proposed BMP:

(a) Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.

(b) Discharges resulting from firefighting activities.

(c) Discharges from clean runoff, as defined in Sec. 12-09(10).

Sec. 12-83. Notice of Violation.

(a) The Administrator may order compliance by written notice of violation to the responsible party or property owner for any illicit discharge or connection. Such notice may require without limitation:

(1) The elimination of the illicit connection(s) or discharge(s);

(2) That violating discharges, practices, or operations shall cease and desist;

(3) The abatement or remediation of storm water pollution or contaminated hazards and the restoration of any affected property;

(b) Any responsible party or property owner that fails to comply with a notice of violation under this article shall be subject to further enforcement actions of section 12-23.

Sec. 12-84. to 12-90. Reserved

Voted: For: 3 Opposed: Ø Absent: Ø

Gary Lazarz, Chairman

Scott Schemenauer, Supervisor

Stacy Steinke, Supervisor

SIGNED and DATED this 9th day of November, 2023.

Affidavit of Posting - I hereby certify that the foregoing Ordinance was duly adopted by the Anson Town Board, Chippewa County, Wisconsin, at a legal meeting on this 9th day of November, 2023, and was posted at the Anson Town Hall and also on the Town's website www.thetownofanson.com on the 10th day of November, 2023.

Jennifer Jensen, Clerk