

## MEMO

TO: Chairperson Wetzel and Commission Members

FROM: Andrew Beyer, P.E.

DATE: March 8, 2023

RE: Public Works Commission Meeting of March 14, 2023

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Review and take possible action: Intergovernmental Agreement with Jefferson County regarding Water Quality Trading program to meet Rock River Total Maximum Daily Load (TMDL) pollutant reduction requirements.

### Background

The Wisconsin Department of Natural Resources (WDNR) and the United States Environmental Protection Agency (EPA) approved a Total Maximum Daily Load (TMDL) study for the Rock River Basin in September 2011. The TMDL studied how much Total Suspended Solids (TSS) and Phosphorus would need to be prevented from entering the Rock River and its tributaries each year to return to healthy, fishable, swimmable conditions that meet water quality standards. The Municipal Separate Storm Sewer System (MS4) Permit requires the City to reduce the amount of TSS and Phosphorus reaching local waterways per the pollutant reductions listed in the TMDL. The City's 2014 Storm Water Quality Master Plan estimated the cost of compliance with the TMDL at well over \$13 million dollars (in 2014 dollars) unless an alternative approach was used. Since then, the City has determined that a Water Quality Trading program implemented within two local subwatersheds would be the best option for a more cost effective way to meet the TMDL pollutant reductions as compared to strictly using traditional stormwater management practices.

Engineering Division staff began working with the Jefferson County Land & Water Conservation Department (County) and the Rock River Coalition (RRC) early in 2022 to develop a Water Quality Trading program to meet the City's TMDL requirements in the MS4 Permit. This partnership will lean heavily on the vast expertise and experience of both the County staff and the RRC regarding nonpoint source runoff best management practices, in-field assessments and site conditions, modeling, documentation, outreach, communications and more. Funds were approved in the 2023 Stormwater Utility budget to begin Water Quality Trading in 2023, and an Intergovernmental Agreement has been drafted and reviewed by staff and both the County and City attorneys. This Intergovernmental Agreement is currently presented to the Public Works Commission for review and approval.

The City's long-term TMDL compliance approach will continue to include a variety of options, with Water Quality Trading and strategic stormwater BMP installations being the primary means of permit compliance.

Enclosed:

- Intergovernmental Agreement for Water Quality Trading between Jefferson County and City of Watertown