

The attached “TMDL Guidance for MS4 Permits – Addendum B (Internally Drained Areas)” guidance was developed to inform both internal staff and municipal storm water permittees as to how to factor internally drained areas into the MS4 TMDL annual average compliance analysis.

We are now soliciting comments from the public on this guidance. Once the 21 day notice period is complete, all comments will be considered, revisions will be made to the guidance documents as needed, and final guidance will be made available to internal and external stakeholders.

Comments related to this draft guidance document should be sent to:

DNRtechnicalstandards@wisconsin.gov

DRAFT



BUREAU OF WATERSHED MANAGEMENT PROGRAM GUIDANCE

Storm Water Management Program

TMDL Guidance for MS4 Permits: Planning, Implementation, and Modeling Guidance

Addendum B (Internally Drained Areas)

Effective: XXX 2016
Guidance #: 3800-2016-XX

Notice: This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

APPROVED:

Pam Biersach, Director
Bureau of Watershed Management

Date

A. Statement of Problem

Permitted Municipal Separate Storm Sewer Systems (MS4s) will be subject to an annual average reduction for the discharge of a pollutant of concern to a surface water that has an approved TMDL. It is not clear in the MS4 TMDL guidance, dated October 2014, as to how an MS4's discharge to an internally drained area factors into compliance with a MS4 TMDL annual average percent reduction.

B. Background

At the time of TMDL development, there commonly is not sufficient information to separate out areas that may be internally drained. Additionally, due to underground storm sewer systems and pumping of runoff from an otherwise internally drained area; the surface drainage area does not necessarily match with the MS4 drainage area. An MS4 will need to determine its actual MS4 drainage areas that are to be assessed for compliance with TMDL annual average reductions.

C. Discussion

At first it may seem appropriate to just not include the internally drained area from the MS4 TMDL analysis. However, internally drained areas may change over time due to storm sewers or even pumping of water from the internal drainage area to control the water level. If the TMDL was based on the internal area draining to the surface waterbody, it may seem appropriate to give pollutant removal credit for the storm water that does not reach the waterbody for which the TMDL was designed. However, treatment credit within a wetland or navigable water is generally not allowed as wetlands and navigable water warrant protection from stormwater pollutant discharges.

D. Guidance

Based on an annual average hydrologic condition, an internally drained area within a permitted MS4 is recommended to have its MS4 TMDL percent reduction analysis evaluated as follows:

Gravity versus Pumped Discharge from Internally Drained Area

1. If storm water discharges from a prior internal drained area by gravity-flow, the storm water discharge is included in the MS4 TMDL analysis and modeled accordingly.
2. If storm water discharges from an internal drained area by means other than gravity-flow, modeling the situation would be case specific. The appropriate DNR storm water engineer should be contacted to help determine a representative modeling or other methodology in order to factor the discharge into the MS4 TMDL percent reduction analysis if appropriate. Depending upon the mass of discharged pollutants of concern from the internally drained area; it might be reasonable to remove the drainage area from the MS4 TMDL analysis area. For instance, if the mass of pollutant(s) of concern pumped out of the internally drained area is less than the TMDL WLA for that size of drainage area then removing the internal drainage area and its pumped discharge from the analysis would be acceptable.

Whether Navigable Water or Wetland Affected within Internally Drained Area

3. Except as allowed under condition 4 below, if runoff from an internally drained area will not enter surface water for which the TMDL was developed to protect, then the drainage area should be completely removed from the MS4's TMDL percent reduction analysis. In this case, the storm water pollutant discharge and potential treatment in this internally drained area does not factor into the MS4 TMDL percent reduction analysis.

4. If storm water runoff in the internally drained area does not enter a wetland or navigable water, then the MS4 may take treatment credit for the internally drained area following the Department's Internally Drained guidance memo, dated April 6, 2009.

CREATED:

Eric S. Rortvedt, Water Resource Engineer
On Behalf of the MS4 Liaison Team

Date

APPROVED:

Kevin Kirsch, Water Resource Engineer
TMDL Development Coordinator

Date

Mary Anne Lowndes, Chief
Runoff Management Section

Date

Runoff Management Policy Management Team approved on _____ (date).