

COMMISSION FILE NO: _____ **DATE INTRODUCED:** _____

INTRODUCED BY: _____ Executive Director

REFERRED BY COMMISSION CHAIRPERSON TO: _____ Policy, Finance, and Personnel Committee

RELATING TO: Request for Authorization for a Public Hearing Regarding Proposed Amendments to MMSD Rules, Chapter 3, *Management, Operations, and Maintenance of Tributary Sewers*

SUMMARY:

The Milwaukee Metropolitan Sewerage District proposes to amend MMSD Rules, Chapter 3, *Management, Operations, and Maintenance of Tributary Sewers* to add requirements to disconnect roof drains from combined sewers within the City of Milwaukee and the Village of Shorewood. The District requests authorization for a public hearing for these amendments, according to Wis. Stats. sec. 200.45(1)(c).

In general, the revised Rule will require that roof drains in Milwaukee and Shorewood be disconnected from the combined sewers prior to the year 2025. This Rule is consistent with the disconnection criteria of voluntary programs currently in effect in both municipalities. In some areas, this work may require case-by-case analysis of the impacts of the disconnected roof drains.

ATTACHMENTS: **BACKGROUND** ☒ **KEY ISSUES** ☐ **RESOLUTION** ☒
 FISCAL NOTE ☐ **S/W/MBE** ☐ **OTHER** ☐ _____

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11-19-13

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BACKGROUND

Request for Authorization for a Public Hearing Regarding Proposed Amendments to MMSD Rules, Chapter 3, *Management, Operations, and Maintenance of Tributary Sewers*

The Milwaukee Metropolitan Sewerage District's 2035 Vision aims to achieve no combined sewer overflows and no basement backups. To support these goals, the District needs to take a variety of actions to reduce peak flows. One of these actions is reducing the number of roof drains connected to combined sewers.

Currently, tributary municipalities must have a Capacity Management Operations and Maintenance (CMOM) program, and this program must include an infiltration and inflow reduction program (MMSD Rules, sec. 3.105). The District is proposing to expand the infiltration and inflow reduction program to reduce the number of roof drains connected to combined sewers.

In some cases, existing buildings are surrounded by enough pervious space to allow roof drainage to infiltrate into the soil. Also, redevelopment provides an opportunity to implement green infrastructure to manage roof drainage. Proposed sec. 3.105(1)(m)6 requires governmental units with combined sewers to identify disconnection opportunities for all types of development and redevelopment. Governmental units would report progress in their annual CMOM reports. The District would review these reports to ensure diligent progress. Generally, the particular actions taken and their schedule would be at the discretion of the governmental unit. The District would allow governmental units to use funding from the District's Private Property Infiltration and Inflow Reduction Program to support roof drain disconnection.

Residential structures comprise a large fraction of the structures with connected roof drains and are commonly within areas of pervious surface. For residential structures, voluntary disconnection programs have occurred in Milwaukee and Shorewood. The disconnection criteria developed for these programs provide the basis for the requirements in the proposed rules. To promote continued progress and to prevent backsliding, the proposed amendments would require residential structures to disconnect before 2025, unless disconnection would cause property damage or unsafe conditions (Proposed sec. 3.107(3)).

Existing MMSD Rules prohibit connecting new roof drains to a combined sewer if a storm sewer is available. In contrast, if the storm sewer was constructed after the structure, then current rules allow the roof drain to remain connected to the combined sewer (MMSD Rules, sec. 3.107(2)). Amended sec. 3.107(2)(b) would require all types of structures to disconnect by 2025 when a storm sewer is available.

BACKGROUND (Cont'd)

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Residential work will require detailed analysis of individual circumstances for a very large number of structures in a large area. Where pervious surface is limited, this analysis needs to evaluate whether green infrastructure, such as rain gardens or rain barrels, would facilitate disconnection. This work will take much time. No regulatory deadlines apply to this work. To allow enough time for this work to occur and attenuate budget and workload effects, the compliance date is delayed until 2025.

Finally, the District is updating the reference to the Wisconsin Administrative Code in the introduction to sec. 3.107.

The District developed this proposal in consultation with Milwaukee and Shorewood and the District's Technical Advisory Team.

1. Section 3.105(1)(m)6 is created to read:

3.105 Capacity Assurance, Management, Operations, and Maintenance Programs

(1) * * *

(m) * * *

6. establish a roof drain disconnection program for any area served by combined sewers. This program shall commence no later than January 1, 2016. This program shall include:

A. disconnecting roof drains from existing structures;

B. inspecting disconnections to ensure that the receiver is properly capped;

C. preventing the connection of roof drains during redevelopment; and

D. education and technical assistance.

BACKGROUND (Cont'd)

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Sewers*

2. Section 3.107 is amended to read:

3.107 Prohibited Connections

The following connections are prohibited, except where explicitly authorized by ~~Chapter
COMM 82~~, Wis. Adm. Code, ch. SPS 382:

* * *

(2) * * *

- (b) If a roof drain was connected to a combined sewer before the construction of a storm sewer that services the property, then the roof drain may remain connected to the combined sewer until January 1, 2025, unless a governmental unit requires earlier disconnection to reduce inflow or the connection is prohibited by sub. (3).
- (3) (a) For structures that contain up to four residential units, the connection of roof drains to combined sewers is prohibited after January 1, 2025, when the following conditions are present, unless the governmental unit makes an individual finding that disconnection would cause property damage or unsafe conditions.
 - 1. The roof drain is external.
 - 2. Sufficient space is available to locate the discharge point at least:
 - A. five feet away from a basement or foundation wall,
 - B. five feet from property lines other than alleys, and
 - C. two feet from an alley property line.
 - 3. Pervious surface is available at the discharge point.
 - 4. The discharge location is level or slopes away from the structure, but not so steep that the discharge would cause erosion.
 - 5. The discharged water will not create ice on pedestrian walkways.

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- (b) If the conditions in par. (a)2 to 5 are not present, but rain barrels, rain gardens, or other on-site stormwater management techniques could be implemented to prevent property damage or unsafe conditions, then governmental units shall require disconnection and implementation of the on-site stormwater management techniques.
- (c) After disconnection and implementation of all practical on-site stormwater management techniques, if a governmental unit finds that roof drainage will cause property damage or unsafe conditions, then reconnection to the combined sewer is allowed.

RESOLUTION

Request for Authorization for a Public Hearing Regarding Proposed Amendments to
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Sewers*

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that the Executive Director is authorized to publish a public notice, obtain written comments, and hold a public hearing regarding the proposed amendments to MMSD Rules, Chapter 3, according to Wis. Stats. sec. 200.45(1)(c).