

# Memo



To: Legislative Committee  
From: Tom Harrigan, Village Manager  
Date: February 11, 2026  
Re: Review of Meeting Items for February 12, 2026

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### **3. Review and possible action on amendments to Village Code of Ordinances Chapter 325 *Water Control*.**

At its February 9<sup>th</sup> meeting, the Public Works and Utilities Committee referred the proposed amendments to Chapter 325, *Water Control*, to the Legislative Committee for review and action. If the Legislative Committee is satisfied with the structure and form of the amendments, they shall be returned to the Public Works and Utilities Committee for final review before being recommended to the Village Board of Trustees for approval.

Below is an outline of the proposed amendments to Village of Elm Grove Ordinance Chapter 325 – *Water Control*, based on the redlined MS4 compliance revisions contained within your meeting materials.

The MS4 permit (Municipal Separate Storm Sewer System permit) is a federal and state regulatory requirement under the Clean Water Act, administered in Wisconsin by the Department of Natural Resources, that governs how municipalities manage stormwater runoff discharged from public storm sewer systems to rivers, lakes, wetlands, and groundwater. Because the Village of Elm Grove owns and operates a municipal storm sewer system within a regulated urbanized area, it must comply with MS4 permit conditions by implementing programs such as construction-site erosion control, post-construction stormwater management, pollution prevention, and public education, all intended to reduce pollutants in runoff to the maximum extent practicable and protect water quality; the proposed amendments to Chapter 325 are designed to ensure the Village remains in compliance with these regulatory obligations and maintains local authority to manage stormwater impacts.

### **Summary of Proposed Amendments Village of Elm Grove – Chapter 325: *Water Control***

#### **I. Purpose of the Amendments**

The proposed revisions to Chapter 325 are intended to:

- Ensure continued compliance with Wisconsin Department of Natural Resources (WDNR) MS4 stormwater regulations and associated technical standards.
- Strengthen local authority to regulate construction-site erosion, post-construction stormwater management, and surface drainage impacts.

- Protect waters of the state, groundwater quality, drainage infrastructure, and public safety from sediment, pollutants, and unmanaged runoff.
- Modernize ordinance language, definitions, and performance standards to reflect current engineering practice and regulatory expectations.

These amendments collectively reinforce the Village’s responsibility to prevent erosion, sediment discharge, pollutant loading, and excessive runoff associated with land disturbance and development.

## **II. Structural Organization of Chapter 325**

Chapter 325 remains organized into three regulatory articles:

1. Article I – Construction Site Erosion and Sediment Control
2. Article II – Surface Drainage Management
3. Article III – Stormwater Management (Post-Construction Runoff)

Each article is revised to align with WDNR administrative code requirements and MS4 permit obligations.

## **III. Key Amendments by Article**

### **A. Article I – Construction Site Erosion and Sediment Control**

Primary Updates

- Clarifies applicability to land-disturbing construction activity and expands Village authority where runoff threatens drainage capacity, causes erosion, or increases pollution.
- Updates definitions, BMP standards, and technical references consistent with NR 151 and modern soil-loss prediction tools.
- Establishes detailed erosion and sediment control performance standards for sites  $\geq 1$  acre, including:
  - Prevention of sediment discharge to streets, inlets, waterways, and drainageways.
  - Sediment load limitation of 5 tons per acre per year (or maximum extent practicable).
  - Mandatory stabilization timelines and inspection requirements.
- Formalizes permitting procedures, surety requirements, inspection authority, enforcement mechanisms, and appeals process.

These provisions strengthen regulatory oversight of construction-related erosion and pollutant discharge.

### **B. Article II – Surface Drainage Management**

Primary Updates

- Reaffirms Village authority over drains, culverts, and drainage structures affecting public health, safety, and welfare.
- Requires permits for obstruction, alteration, or installation of drainage structures.
- Establishes:
  - Application requirements and nominal permit fee.
  - Enforcement procedures, appeal rights, and penalties.
  - Village authority for emergency removal of obstructions and cost recovery through special charge.

These revisions preserve existing drainage protections while clarifying enforcement and recovery mechanisms.

### **C. Article III – Stormwater Management (Post-Construction)**

## Primary Updates

This article contains the most substantial regulatory modernization, including:

### 1. Expanded Purpose and Applicability

- Recognizes impacts of uncontrolled runoff on stream stability, groundwater, wetlands, pollutant loading, and public infrastructure.
- Applies to post-construction sites disturbing  $\geq 1$  acre or smaller sites with significant runoff impact.

### 2. Updated Definitions and Technical Framework

- Incorporates modern hydrologic terminology (e.g., connected imperviousness, Atlas 14 rainfall, infiltration systems, TMDL, protective areas).
- Aligns modeling and design with NR 151, TR-55, Atlas 14, and MMSD guidance.

### 3. Water Quality Performance Standards

- Requires BMPs to achieve:
  - 80 % TSS reduction for new development.
  - Reduced standards for redevelopment or infill, subject to maximum extent practicable.
  - Phosphorus reduction targets and pollutant-control tables.

### 4. Peak Runoff and Flood-Control Requirements

- Mandates maintenance or reduction of 1-year and 2-year storm peak discharges to pre-development levels.
- Establishes runoff-release-rate limits and watershed-based analysis requirements consistent with **MMSD modeling and approval**.

### 5. Infiltration and Groundwater Protection Standards

- Requires infiltration to 90 %, 75 %, or 60 % of pre-development volume depending on imperviousness.
- Defines pretreatment, exclusions, exemptions, and groundwater protection criteria.

### 6. Protective Area and Environmental Buffer Requirements

- Establishes buffer widths for streams, lakes, wetlands, and resource waters (10–75 feet depending on sensitivity).
- Restricts impervious surfaces and requires vegetative stabilization within protective areas.

### 7. Long-Term Maintenance and Enforcement

- Requires stormwater management plans, maintenance agreements, and corrective action authority.
- Authorizes Village enforcement where systems are not constructed or maintained as approved.

## IV. Overall Regulatory Impact

Collectively, the amendments:

- Bring Chapter 325 into full MS4 regulatory alignment.
- Increase engineering rigor, environmental protection, and enforceability.
- Clarify developer responsibilities and Village oversight authority.
- Reduce long-term flooding, erosion, infrastructure damage, and pollutant loading.

These changes position the Village to maintain WDNR compliance and protect public infrastructure and water resources.

Please reach out with any questions prior to the meeting.