

MINUTES

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

PLANNING AND RESEARCH COMMITTEE

November 10, 2009

1:30 p.m.

SEWRPC Office Building
Commissioners' Conference Room
W239 N1812 Rockwood Drive
Waukesha, Wisconsin

Present:

Excused:

Committee Members:

Daniel S. Schmidt, Chairman
Brian Dranzik
Anita M. Faraone
William E. Johnson
John M. Jung
Robert W. Pitts
Nancy Russell
David L. Stroik
Paul G. Vrakas

Susan S. Greenfield
Gregory L. Holden, Vice-Chairman
Mary A. Kacmarcik
Michael J. Miklasevich
Anselmo Villarreal
John F. Weishan, Jr.

Staff:

Kenneth R. Yunker	Executive Director
Elizabeth A. Larsen	Business Manager
Nancy M. Anderson	Chief Community Assistance Planner
William J. Stauber	Chief Land Use Planner
Debra A. D'Amico	Executive Secretary

ROLL CALL

Chairman Schmidt called the meeting to order at 1:30 p.m. Roll call was taken and a quorum was declared present. Mr. Yunker noted for the record that Commissioners Greenfield, Holden, Kacmarcik, Miklasevich, Villarreal and Weishan had asked to be excused.

APPROVAL OF MINUTES OF MEETING OF AUGUST 18, 2009

Chairman Schmidt asked if there were any changes or additions to the August 18, 2009, meeting minutes. Chairman Schmidt noted a correction to the minutes. He stated that the motion made by Mr. Pitts on page 4 of the

minutes to approve the text of Pages 1 through 18 of Chapter 10 "Recommended Water Supply Plan" was seconded by Mr. Stroik, and not by him.

On a motion by Ms. Faraone, seconded by Mr. Stroik, and carried unanimously, the minutes of the meeting of August 18, 2009, were approved as amended.

CONSIDERATION OF AMENDMENT TO THE REGIONAL WATER QUALITY MANAGEMENT PLAN

Sewer Service Area Plan for the City of New Berlin (copy attached to Official Minutes)

Chairman Schmidt asked Mr. Yunker to review with the Committee a proposed amendment to the adopted regional water quality management plan pertaining to the sanitary sewer service area for the City of New Berlin. A copy of the preliminary draft of a SEWRPC Staff Memorandum dated December 2009, concerning this matter had been provided to the Committee members for review prior to the meeting.

Mr. Yunker indicated that by letter dated August 4, 2009, the City of New Berlin requested that the Commission amend the City of New Berlin sanitary sewer service area tributary to the Milwaukee Metropolitan Sewerage District (MMSD). That area is currently documented in SEWRPC Community Assistance Planning Report No. 157, *Sanitary Sewer Service Area for the City of New Berlin, Waukesha County, Wisconsin*, dated November 1987, as amended. The purpose of this amendment would be to include within the planned New Berlin sewer service area certain lands located outside the currently adopted sewer service area.

Mr. Yunker directed the attention of the Committee members to Map 1 of the memorandum document, indicating that the proposed amendment involves the addition of the site encompassing the New Berlin West High School campus, located at 18695 W. Cleveland Avenue in the City of New Berlin. He noted that Map 2, an aerial photo, shows the subject site encompassing 56 acres, which is essentially fully developed. The high school currently relies upon an onsite sewage disposal system. The proposed addition to the sewer service area includes the Cleveland Avenue right-of-way between the high school and the currently adopted sewer service area, the expected alignment of the connecting sewer. This satisfies a MMSD requirement that sanitary sewer service area additions be contiguous with the currently adopted sewer service area.

Mr. Yunker noted that the proposed sewer service area amendment was the subject of a public hearing held before the City of New Berlin Plan Commission on October 5, 2009. No opposition to the proposed amendment was expressed at the hearing. The City of New Berlin Common Council approved the amendment on October 13, 2009. He added that the subject site is included in the MMSD planned area for wastewater treatment as defined in the MMSD facilities plan completed in 2007. The wastewater flows from the site were taken into account in the wastewater flow allocations for the City of New Berlin under that facilities plan. He then indicated the proposed amendment is consistent with regional plans and the Commission staff recommends approval of the proposed amendment.

In response to an inquiry by Mr. Jung regarding whether the property owners adjacent to the sewer service area extended along the Cleveland Avenue right-of-way would have access to sanitary sewer, Mr. Schmidt stated that they would not. Mr. Stauber commented that MMSD requires that sanitary sewer service additions be contiguous with the currently adapted sanitary sewer service area, and the extension of the sewer service area along the Cleveland Avenue right-of-way to the high school satisfies this requirement. He noted that adjacent property owners would not be able to connect to the sewer extension, and stated that this is an unusual situation.

Ms. Russell suggested that this MMSD requirement should be described in the memorandum.

[Secretary's Note:

It is proposed that the following text be inserted after the fifth sentence of the second paragraph on Page 1 of the draft document: "This requirement is unique to MMSD. Other properties located along the Cleveland Avenue right-of-way between the high school and the currently adopted sewer service area would not be able to be connected to the sewerage system without first amending the sewer service area plan."]

There being no further questions and discussion, on a motion by Ms. Faraone, seconded by Mr. Vrakas, and carried unanimously, the SEWRPC Staff Memorandum dated December 2009, was approved and recommended to the Commission for adoption.

Sewer Service Area Plan for the Village of Big Bend and Environs (copy attached to Official Minutes)

Chairman Schmidt asked Mr. Yunker to review with the Committee a proposed amendment to the adopted regional water quality management plan pertaining to the establishment of a sanitary sewer service area for the Village of Big Bend. A copy of the preliminary draft of SEWRPC Staff Community Assistance Planning Report No. 308, *Sanitary Sewer Service Area for the Village of Big Bend and Environs, Waukesha County, Wisconsin*, dated December 2009, concerning this matter had been provided to the Committee members for review prior to the meeting.

Mr. Yunker indicated that in October 2008, the Village of Big Bend requested the assistance of the Commission in establishing a sanitary sewer service area for the Village. He noted that existing development in the Village of Big Bend relies upon onsite sewage disposal systems, with many existing homes and businesses having been constructed on relatively small, urban-density lots. He indicated that the regional water quality management plan envisions that sewage disposal in the Big Bend area would continue to be provided through onsite sewage disposal systems, coupled with appropriate monitoring and maintenance efforts. The regional plan also recommends that detailed local studies be conducted for unsewered urban areas, such as the Village of Big Bend, which have concentrations of onsite disposal systems. He noted that the Village of Big Bend had recently completed a sewerage facilities planning study that recommended a centralized sewerage system for the Big Bend area, with wastewater treatment to be provided at a new treatment plant tributary to the Fox River. He indicated that this would require an amendment to the regional water quality plan, establishing a sanitary sewer service area for the Village and designating the Village as the agency responsible for managing the sewerage system, including a new treatment plant.

Mr. Yunker reviewed with the Committee the proposed sewer service area as shown on Map 2 of the draft report. He noted that the sewer service area encompassed a total of 3.7 square miles, and had a potential build-out resident population of about 3,000 persons. He indicated that, under the plan, the environmental corridors and isolated natural resource areas within the proposed sewer service area shown on the plan map would be substantially protected from intensive urban development. Ms. Russell asked why the proposed sewer service area boundary is so irregular. Mr. Stauber responded that the sewer service area was drawn to include the entirety of the Village—which has very irregular boundaries—as well as adjacent developed portions of the Town of Vernon which could likely be readily served by the Village sewerage system. He added that the proposed sewer service area would accommodate a build-out population similar to the Village facilities plan forecast population.

Mr. Yunker then reviewed Chapter III of the draft report dealing with the preliminary planned sewerage facilities that would serve the area. He noted that three alternative conveyance and treatment options were considered: 1) a sewerage system served by a new extended aeration activated sludge wastewater treatment plant tributary to the Fox River; 2) a sewerage system served by a new aerated lagoon wastewater treatment plant with land application;

and, 3) a sewerage system with wastewater pumped to the Village to the City of Waukesha wastewater treatment plant. He noted that, consistent with the Village's facilities planning study, the Commission analyses as presented in Chapter III demonstrated that the proposed sewer service area for the Village of Big Bend would be served most cost-effectively through the first alternative. He added that the staff did not find any non-monetary considerations that would override the finding that the first alternative is the most cost-effective.

During the discussion which followed, Mr. Jung raised concerns about water quality impacts of the first alternative. He asked whether SEWRPC could recommend more stringent effluent standards than required by the Wisconsin Department of Natural Resources (WDNR), and, if so, how might this affect the cost-effectiveness of the first alternative. He questioned the meaning of the text at the top of Page 23, which indicates that WDNR effluent limits "are designed to not result in a significant lowering of water quality in the receiving water." He asked about the cumulative effect of continuous discharge of phosphorous within the permitted levels. Mr. Yunker responded that, in its advisory capacity, the Commission could recommend, but not require, more stringent effluent limits, adding that the Commission staff would check to see whether there is any basis in the regional water quality management plan for more stringent effluent limits. He noted that the staff would respond to these matters in a secretary's note in the minutes.

[Secretary's Note:

The issues regarding whether 1) SEWRPC could recommend more stringent effluent limits than required by WDNR, and 2) there is any basis in the regional water quality management plan for more stringent effluent limits are interrelated. Phosphorus effluent limits are addressed in detail on pages 122 through 127 and pages 247 through 257 of SEWRPC Planning Report No. 30 (PR No. 30), *A Regional Water Quality Management Plan for Southeastern Wisconsin—2000*, Volume Three, "Recommended Plan," 1979. The initial recommended plan called for phosphorus effluent limits of 0.1 milligrams per liter (mg/l) at 18 of the 41 public wastewater treatment plants envisioned to exist in the Region as of the design year (2000). The initial plan also recommended a conventional level of phosphorus treatment (effluent limit of 1.0 mg/l) at 30 wastewater treatment plants, or discharge of sewage effluent through land irrigation at 21 of those plants. Within the Fox River watershed, seven wastewater treatment plants were initially recommended to have effluent limits of 0.1 mg/l. Those included the Brookfield, Waukesha, Mukwonago, Norway, Eagle Lake, Burlington, and Salem Utility District No. 2 plants. The Commission staff and the Technical Advisory Committee for the regional water quality management plan made the recommendation calling for the more stringent phosphorus effluent limits at selected wastewater treatment plants because it was determined that such limits were necessary for the recommended surface water use objectives to be attained. The plan also recommended adoption by the WDNR of an instream phosphorus standard of 0.1 mg/l.

During the public information period for review of the regional water quality management plan, the more stringent phosphorus effluent limit as initially recommended generated considerable opposition from certain wastewater treatment plant operators and communities based on cost, technical feasibility, and increased energy use. The recommendation was supported by nine environmental interest groups and six individual citizens. On pages 250 and 251 of PR No. 30, it is stated that "to assure a plan that was politically

implementable,” the following recommendations were made:

- Phosphorus should be recognized as an important indirect pollutant.
- The recommended phosphorus concentration for streams of 0.1 mg/l, measured as total phosphorus, should be retained, subject, however, to a redetermination on a reach-by-reach basis based upon more detailed instream water quality studies to be conducted by the WDNR and the Regional Planning Commission.
- Having determined a more precise instream standard on a reach-by-reach basis, the studies proposed would further determine to what extent any contributing wastewater treatment facilities must provide an effluent discharge having a phosphorus concentration more stringent than the 1.0 mg/l standard.
- A schedule for undertaking the necessary instream water quality studies with regard to phosphorus should be jointly developed by the WDNR and the Commission.
- Actual implementation of any subsequent recommendations for the discharge to streams of a treated effluent with a phosphorus concentration more stringent than 1.0 mg/l should be contingent upon a discovery that there exists a proven, reliable wastewater treatment technology capable of being implemented in both small and large communities.
- Pending the results of the instream water quality studies, all wastewater treatment plants within the Region, except those that provide for the discharge of sewage effluent to land, should provide an effluent having a phosphorus concentration of 1.0 mg/l.

The regional water quality management plan continues to provide the option of conducting site specific, or areawide, studies to establish a basis for selective application of a phosphorus effluent limit more stringent than the 1.0 mg/l limit established by WDNR under WPDES permits for wastewater treatment plants. However, in the absence of the reach-by-reach instream studies recommended under the plan, the generally-recommended effluent concentration remains 1.0 mg/l. That limit is generally reflected in the Wisconsin Pollutant Discharge Elimination System (WPDES) permits for the wastewater treatment plants in the Region. In the vicinity of the Village of Big Bend, those plants include the City of Waukesha, the Village of Mukwonago, the Western Racine County Sewerage District, and Town of Norway Sanitary District No. 1.

The WDNR is currently developing State-wide instream phosphorus standards. Although those standards have not yet been promulgated, it is our understanding that the current draft standards call for wadable (smaller)

streams to have an instream phosphorus concentration of 0.075 mg/l, and for non-wadable (larger) streams, such as the Fox River in the vicinity of the Village of Big Bend, to have an instream phosphorus concentration of 0.1 mg/l. Those criteria are reasonably consistent with the recommendation of the 1979 regional water quality management plan. The WDNR effluent limits analysis, which are included in the Village of Big Bend facilities plan, notes that “[i]t is unknown at this time whether the implementation of water quality-based limits for phosphorus would require a limit for Village of Big Bend in the future, or whether the development of water quality criteria would mean that the effluent standard of 1.0 would no longer apply.” The effluent limit narrative also raises the possibility that a more restrictive water quality criterion for lakes could result in a lower future phosphorus effluent limit for the Village of Big Bend wastewater treatment plant. The draft WDNR phosphorus criterion for lakes such as the Waterford Impoundment, which is located on the Fox River downstream of Village of Big Bend, is 0.03 mg/l. If a more stringent effluent limit were to be imposed on a possible future Village of Big Bend wastewater treatment plant, it is reasonable and logical to assume that more stringent limits would also be imposed on other wastewater treatment plants discharging to the Fox River.

Given, the foregoing, and considering that the larger treatment plants in the vicinity of the proposed Village of Big Bend plant have 1.0 mg/l effluent limits, it is possible that the proposed State instream phosphorus criteria would lead to lower phosphorus effluent limits for those wastewater treatment plants. Depending on the timing of design and construction of a new plant for the Village of Big Bend relative to promulgation of a final rule, WDNR may establish more stringent effluent limits for that plant. Because the rule establishing instream phosphorus criteria would guide the establishment by WDNR of more stringent phosphorus effluent limits for wastewater treatment plants, and because the actual instream phosphorus concentration criteria will not be known until the rule is promulgated, there is no need for the Commission to preempt the process and recommend a more stringent effluent limit for the Village of Big Bend at this time. If more stringent instream phosphorus criteria are adopted, it would likely be necessary for other, larger wastewater treatment plants discharging to the Fox River to achieve lower phosphorus discharge concentrations as specified in revised effluent limits before significant reductions in instream phosphorus concentrations would be realized.

Commissioner Jung also inquired regarding the impact of more stringent phosphorus effluent limits on the cost-effectiveness analysis. The level of phosphorus removal by wastewater treatment plants is generally somewhat greater than required to just meet the 1.0 mg/l effluent limit, with annual average phosphorus effluent concentrations ranging from about 0.2 mg/l to 0.7 mg/l for selected plants in the Fox River watershed. In the near future, as the State law mandating use of low-phosphorus dishwasher detergents takes effect, phosphorus concentrations in wastewater treatment plant influent would decline, further enhancing the ability to treat to a lower concentration.

It would be expected that the provision of phosphorus removal at a possible future Village of Big Bend plant would also achieve an average phosphorus effluent concentration less than 1.0 mg/l. Thus, the additional cost to achieve more stringent effluent limits would not be as great as if the plant were just achieving a concentration of 1.0 mg/l. In recent years, the City of Waukesha wastewater treatment plant has achieved an average phosphorus effluent concentration of about 0.2 mg/l. Therefore, the incremental cost assigned to the Village of Big Bend to achieve an even lower concentration if the Village were served by the Waukesha plant as called for under facilities plan Alternative No. 3, might be somewhat less than the additional cost for the Village to upgrade its proposed plant to meet a more stringent phosphorus effluent limit. However, it would not be expected that the difference would be significant enough to change the conclusion of the cost-effectiveness analysis.]

[Secretary's Note:

The second sentence in the last partial paragraph on page 22 of the preliminary draft sanitary sewer service area report for the Village of Big Bend was revised to read as follows to clarify the significance of the phrase "significant lowering of water quality" (changes are indicated in bold type, but will not appear as bold in the report):

"Limits were established for biochemical oxygen demand, total suspended solids, dissolved oxygen, pH, ammonia nitrogen, total phosphorus, pathogens, and total residual chlorine **consistent with** Chapter NR 207, "Water Quality Antidegradation," of the *Wisconsin Administrative Code*, **which requires that effluent limits be** designed to not result in a significant lowering of water quality in the receiving water."]

Mr. Jung expressed concern about the impacts of the first alternative on groundwater levels, a concern also voiced by Ms. Russell. Ms. Russell cited Lake Geneva as an example of a sewerage system which was designed to discharge to groundwater. Mr. Yunker agreed that potential impacts on groundwater levels attendant to systems that discharge to surface water are always a concern. He noted that the issue is complex and highly localized. He added that the Lake Geneva wastewater treatment system while using seepage lagoons, discharges to the groundwater, which then relatively directly discharges to a stream.

Mr. Yunker stated that a public hearing sponsored by the Village and SEWRPC was held on the proposed sewer service area plan on November 4, 2009. He noted that a number of concerns were raised at the hearing which need to be addressed prior to any approval of the proposed plan. Among the issues to be addressed, he cited the following: the possibility of wastewater treatment through the Western Racine County Sewerage District treatment facility; the possible inclusion of additional developed areas of the Town of Vernon in the proposed sewer service area; the interest expressed by some Town of Waukesha residents in the potential of connecting to a force main from the Village of Big Bend to the City of Waukesha under the second conveyance and treatment system alternative; and groundwater level impacts of discharging to surface waters. He added that some communities in the vicinity had indicated that they may want to comment on the proposed plan. He noted that the Village and SEWRPC had agreed to keep the hearing record open for additional comments until November 23rd.

Mr. Yunker indicated that, given the issues to be resolved and additional issues which may be raised during the comment period, the staff would not recommend any action on the proposed plan by the Committee at this time.

There was a consensus among the Committee members that all remaining issues should be addressed prior to a Committee recommendation on the proposed plan. A motion by Mr. Stroik that all concerns be addressed prior to any approval of this proposed plan, was seconded by Mr. Pitts, and carried unanimously.

CONSIDERATION OF SEWRPC PLANNING REPORT NO. 54, A REGIONAL HOUSING PLAN FOR SOUTHEASTERN WISCONSIN: 2035, CHAPTERS I AND II

Chairman Schmidt asked Mr. Yunker to review with the Committee Chapters 1 and 2 of the Regional Housing Plan (copies attached to Official Minutes). Mr. Yunker stated that the Advisory Committee to the Commission on regional housing planning has been meeting and reviewing materials for the forthcoming regional housing plan. He stated that Chapters 1 and 2 of the plan have been approved by the Advisory Committee with minor changes.

Mr. Yunker indicated that Chapter 1 of the regional housing plan is an introduction to the plan that provides an overview of the Commission's past efforts relative to regional housing planning, a summation of the scope of work for the plan, the organizational structure of the study advisory committee, the public involvement process, and a scheme of presentation of the subsequent plan chapters.

Mr. Yunker then reviewed Chapter 2 which presents regional housing objectives, principles and standards which will guide the development and evaluation of the plan recommendations.

During Mr. Yunker's presentation, the following questions and comments were made and addressed:

1. In response to an inquiry by Mr. Stroik, Mr. Yunker stated that the text on page 2 describing housing problems would be reorganized.

[Secretary's Note: The text on page 2 through the fourth complete paragraph has been rewritten as follows:

The following components of the regional housing problem were identified through input received from concerned public officials, housing advocates, homebuilders, and public review of the regional housing plan scope of work:

- An imbalance between jobs and housing in sub-areas of the Region and the Region as a whole, particularly an adequate supply of affordable, or "workforce," housing near employment centers;
- Challenges faced in sustaining the present supply of subsidized housing stock in the Region;
- A need for accessible housing stock to accommodate persons with disabilities;
- Housing discrimination;
- Concentration of low-income and minority populations in the Region's central cities;

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- The need to encourage sustainable, or environmentally responsible, residential development practices;
 - The national economic recession and related housing crises beginning in 2007, which has resulted in falling home prices, restrictions on credit for home mortgages, foreclosures and abandoned homes in many neighborhoods, and a lack of funding for affordable housing financed through tax credit programs.]
2. In response to an inquiry by Mr. Vrakas, Mr. Yunker stated that sub-regional housing analysis areas were designed to facilitate data collection and analyses with respect to the type of housing provided in subareas of the region, particularly affordable housing.
 3. Mr. Jung commented on the second bulleted item on page II-6, “the concentration of low-income and minority populations in the Region’s central cities coincides with concentrations of high unemployment.” He suggested that this be restated in the context of housing. Mr. Jung also suggested that on page II-7, alternatives to the terms “slums” and “blight” be considered in the third regional general development objective.

[Secretary’s Note: The second bullet point on page II-6 was revised as follows: “The concentration of low-income and minority populations in the Region’s central cities coincides with concentrations of lower quality and lower cost housing.”

The third general development objective on page II-7 is from the year 2035 Regional Land Use Plan adopted in 2006. Consideration will be given to rewording the objective in the next update of the Regional Land Use Plan; however, the terms “slum” and “blight” are used and defined in Chapter 66 of the Wisconsin Statutes with regard to Tax Increment Financing (TIF) Districts and Redevelopment and Community Development Authorities.]

4. In response to an inquiry by Mr. Dranzik, Ms. Anderson stated that the senior population will be a demographic group specifically considered and addressed in the housing plan. Ms. Russell also commented that the needs of the growing elderly population must be specified in the plan report.

[Secretary’s Note: The last standard under Objective No. 1 in Table II-2 (page II-12b) was revised as follows:

“2. An adequate number of housing choices to address the projected increase in the number and percentage of elderly persons in the Region should be provided throughout the Region near public transit and support services, such as shopping and health care centers. The increase in elderly residents may result in an increased demand for supportive housing such as independent senior living communities, residential care apartment complexes (RCAC), assisted living communities, and nursing homes, as well as an increased demand for multi-family housing units and smaller single-family homes on smaller lots.”]

There being no further questions or comments, it was moved by Ms. Russell, seconded by Ms. Faraone and carried unanimously, to approve these chapters as amended.

CONSIDERATION OF DRAFT OF THE COMMISSION 2010 OVERALL WORK PROGRAM

Chairman Schmidt noted that copies of the 2010 Overall Work Program (OWP) draft for the Commission had been provided to all Committee members for review prior to the meeting. He asked Mr. Yunker to briefly review the document with the Committee.

Mr. Yunker then led the Committee through a review of the Overall Work Program, calling particular attention to several major projects identified in the document. These projects include the completion of the regional water supply plan, continuing work on storm water and flood land management planning, and short-range transit plans for the region's transit operators. Also, a major review and update of the regional transportation and land use will begin, with new aerial orthophotography to be obtained in 2010. Mr. Yunker stated the work program calls for a level of effort very close to that envisioned when the 2010 budget was approved in June.

At the conclusion of his remarks, Mr. Yunker noted that the Overall Work Program was reviewed by representatives of the Federal and State transportation funding agencies at an intergovernmental agency staff meeting held on October 8, 2009.

There being no questions or comments, it was moved by Mr. Pitts, seconded by Mr. Stroik, and carried unanimously, to recommend approval of the 2010 Overall Work Program to the Commission.

CORRESPONDENCE/ANNOUNCEMENTS

Chairman Schmidt asked Mr. Yunker if there was any correspondence or announcements. Mr. Yunker noted that the Full Commission Quarterly Meeting will be held on Wednesday, December 2, 2009, in Milwaukee County.

ADJOURNMENT

There being no further business to come before the Committee, on a motion by Mr. Pitts, seconded by Mr. Jung, and carried unanimously, the meeting was adjourned at 3:31 p.m.

Respectfully submitted,

Kenneth R. Yunker
Deputy Secretary