

RESOLUTION NO. 2018-21

RESOLUTION OF THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION AMENDING THE REGIONAL WATER QUALITY MANAGEMENT PLAN FOR THE REGION, CONSISTING OF THE COUNTIES OF KENOSHA, MILWAUKEE, OZAUKEE, RACINE, WALWORTH, WASHINGTON, AND WAUKESHA IN THE STATE OF WISCONSIN, TO INCORPORATE TOTAL MAXIMUM DAILY LOADS DEVELOPED FOR THE MILWAUKEE RIVER BASIN

WHEREAS, the Southeastern Wisconsin Regional Planning Commission, which was duly created by the Governor of the State of Wisconsin in accordance with Section 66.0309(2) of the *Wisconsin Statutes* on the 8th day of August 1960, upon petition of the Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha, has the function and duty of making and adopting a master plan for the physical development of the Region; and

WHEREAS, the Governor of the State of Wisconsin has designated the seven-county Southeastern Wisconsin Region as an areawide water quality management planning area and the Southeastern Wisconsin Regional Planning Commission (SEWRPC) as the official water quality management planning agency for that area, all in accordance with the procedural requirements set forth in Section 208 of the Federal Water Pollution Control Act as amended (Clean Water Act); and

WHEREAS, SEWRPC on July 12, 1979, adopted a regional water quality management plan, which constitutes an integral part of the master plan for the Region, and which is set forth in the report entitled, SEWRPC Planning Report No. 30, *A Regional Water Quality Management Plan for Southeastern Wisconsin – 2000*; and

WHEREAS, the Milwaukee Metropolitan Sewerage District (MMSD) executed an agreement with the Regional Planning Commission on September 30, 2003, for the development of an update to the regional water quality management plan, leading to recommendations for land use development and regulation; environmental corridor land preservation; abatement of point and nonpoint sources of water pollution; and groundwater quality management in the Greater Milwaukee Watersheds study area (the Kinnickinnic, Menomonee, Milwaukee, and Root River watersheds, the Oak Creek watershed, the Milwaukee Harbor estuary, and the Lake Michigan nearshore area); and

WHEREAS, SEWRPC, pursuant to its function and duty as a regional planning agency and its designation as a water quality management planning agency, prepared an update to the regional water quality management plan set forth in a report entitled, SEWRPC Planning Report No. 50, *A Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds*, published in December 2007 (amended in May 2013); and

WHEREAS, the Advisory Committee for the Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds, an advisory committee to SEWRPC duly constituted pursuant to Section 66.0309(7) of the *Wisconsin Statutes*, held public hearings on the plan update on October 15, 16, and 23, 2007, and unanimously approved the regional water quality management plan update after considering the testimony provided at the hearings, all as presented in the aforementioned report, at its meeting held on October 31, 2007; and

RESOLUTION NO. 2018-21

WHEREAS, SEWRPC on December 5, 2007, adopted a regional water quality management plan update for the greater Milwaukee watersheds, which constitutes an integral part of the master plan for the Region; which is set forth in the report entitled, SEWRPC Planning Report No. 50, *A Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds*, December 2007 (amended in May 2013); and which constitutes an amendment to the regional water quality management plan; and

WHEREAS, MMSD worked to develop third-party total maximum daily loads (TMDLs) for total phosphorus, total suspended sediment, and fecal coliform bacteria in the Milwaukee River Basin in collaboration with a TMDL Development Team, including representatives from U.S. Environmental Protection Agency (USEPA) Region 5, the Wisconsin Department of Natural Resources (WDNR), SEWRPC, the Southeastern Wisconsin Watersheds Trust, Inc., CDM Smith, and several subconsultants; and

WHEREAS, the Milwaukee River Basin is comprised of three of the Greater Milwaukee Watersheds, namely the Kinnickinnic, Menomonee, and Milwaukee River watersheds, and the Milwaukee Harbor estuary; and

WHEREAS, the water quality modeling analyses conducted for the Milwaukee River Basin TMDL study applied the watershed water quality models developed under the SEWRPC regional water quality management plan update for the Greater Milwaukee Watersheds (SEWRPC Planning Report No. 50, December 2007, amended May 2013); and

WHEREAS, USEPA Region 5 determined that the TMDLs in the Milwaukee River Basin meet the requirements of Section 303(d) of the Clean Water Act and USEPA's implementing regulations at 40 Code of Federal Regulations Part 130, and the TMDLs were, therefore, approved by USEPA on March 9, 2018; and

WHEREAS, the Milwaukee River Basin TMDL study was documented in *Final Report – Total Maximum Daily Loads for Total Phosphorus, Total Suspended Solids, and Fecal Coliform – Milwaukee River Basin, Wisconsin*, March 19, 2018, prepared by CDM Smith for USEPA Region 5 on behalf of WDNR and MMSD; and

WHEREAS, implementation of the recommendations of SEWRPC Planning Report No. 50 would represent progress toward meeting the established TMDLs by cost-effectively reducing loads of total phosphorus, total suspended sediment, and fecal coliform bacteria to the waterbodies of the Milwaukee River Basin; and

WHEREAS, Section 283.83(1)(c) of the *Wisconsin Statutes* and Section NR 121.05(1)(e) of the *Wisconsin Administrative Code* call for inclusion of total maximum daily loads for pollutants in areawide water quality management plans; and

WHEREAS, Section NR 212.77(2) of the *Wisconsin Administrative Code* specifies that “[o]nce a TMDL is approved by EPA, the TMDL is automatically incorporated into all applicable areawide water quality management plans”; and

WHEREAS, Section 66.0309(9) of the *Wisconsin Statutes* authorizes and empowers the Regional Planning Commission, as the work of making the region-wide master plan progresses, to amend, extend, or add to the master plan or carry any part or subject thereof into greater detail;

RESOLUTION NO. 2018-21

NOW THEREFORE, BE IT HEREBY RESOLVED:

FIRST: That the TMDL study documented in *Final Report – Total Maximum Daily Loads for Total Phosphorus, Total Suspended Solids, and Fecal Coliform – Milwaukee River Basin, Wisconsin*, March 19, 2018, prepared by CDM Smith for USEPA Region 5 on behalf of the WDNR and MMSD, is hereby in all respects, ratified, approved, and officially incorporated as an amendment to the regional water quality management plan.

SECOND: That a true, correct, and exact copy of this resolution shall be forthwith provided to the Secretary of the WDNR, that the WDNR will issue a letter of recognition and approval to SEWRPC, and that the Secretary of the WDNR will forward the letter of recognition and approval to the USEPA as an update to the State areawide water quality management plan.

The foregoing resolution upon motion duly made and seconded was regularly adopted at the meeting of the Southeastern Wisconsin Regional Planning Commission held on the 5th day of December 2018, the vote being: Ayes 17, Nays 0.



Charles L. Colman, Chairman

ATTEST:



Michael G. Hahn, Deputy Secretary

MGH/
07/18/18, 08/30/18
#242176