

RESOLUTION NO. 2018-20

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 ROCK 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*, as amended; and

WHEREAS, U.S. Environmental Protection Agency Region 5 and the Wisconsin Department of Natural Resources worked with the Cadmus Group, Inc. to develop total maximum daily loads (TMDLs) for total phosphorus and total suspended sediment in the Rock River Basin; and

WHEREAS, the Rock River Basin TMDL study was documented in the report entitled *Total Maximum Daily Loads for Total Phosphorus and Total Suspended Solids in the Rock River Basin, Columbia, Dane, Dodge, Fond du Lac, Green, Green Lake, Jefferson, Rock, Walworth, Washington, and Waukesha Counties, Wisconsin*, July 2011, prepared by the Cadmus Group, Inc. for USEPA Region 5 and WDNR; and

WHEREAS, USEPA Region 5 determined that the TMDLs in the Rock 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 September 28, 2011; and

WHEREAS, SEWRPC prepared the watershed protection plans for the Jackson Creek and Mason Creek watersheds, both of which are located in the Rock River Basin, as documented in:

- SEWRPC Planning Community Assistance Planning Report No. 320, *Jackson Creek Watershed Protection Plan, Walworth County, Wisconsin*, June 2017; and
- SEWRPC Planning Community Assistance Planning Report No. 321, *Mason Creek Watershed Protection Plan*, June 2018; and

RESOLUTION NO. 2018-20

WHEREAS, implementation of the recommendations of the regional water quality management plan, documented in SEWRPC Planning Report No. 30, as amended, would represent progress toward meeting the established TMDLs by cost-effectively reducing loads of total phosphorus and total suspended sediment to the waterbodies of the Rock River Basin; and

WHEREAS, the Jackson Creek and Mason Creek watershed protection plans (documented in SEWRPC Community Assistance Planning Report Nos. 320 and 321, respectively) provide frameworks for communities to work together to protect and improve land and water resources and meet the established TMDLs within a portion of the Rock 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;

NOW THEREFORE, BE IT HEREBY RESOLVED:

FIRST: That the TMDL study documented in the report entitled *Total Maximum Daily Loads for Total Phosphorus and Total Suspended Solids in the Rock River Basin, Columbia, Dane, Dodge, Fond du Lac, Green, Green Lake, Jefferson, Rock, Walworth, Washington, and Waukesha Counties, Wisconsin*, July 2011, prepared by the Cadmus Group, Inc. for USEPA Region 5 and WDNR, 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