

2018 National Storm Water Roundtable Atlanta, Georgia

Efficient and Effective
Oversight of MS4 Programs
Thursday February 22

Jim Bertolacini
Storm Water Program Coordinator
Wisconsin DNR



This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

Efficient

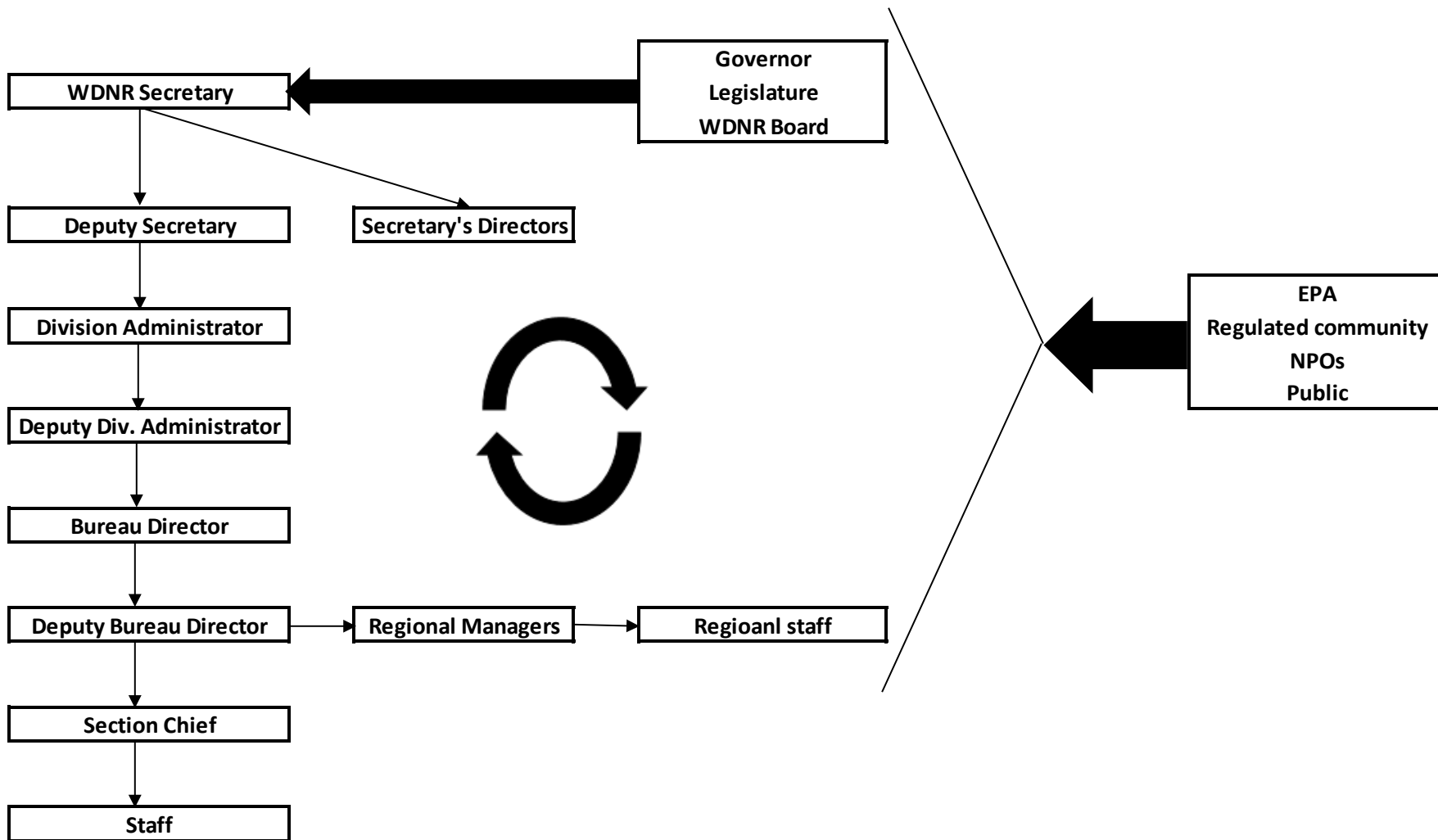
Performing or functioning in the best possible manner with the least waste of time and effort



Effective

Success in producing a desired or intended outcome





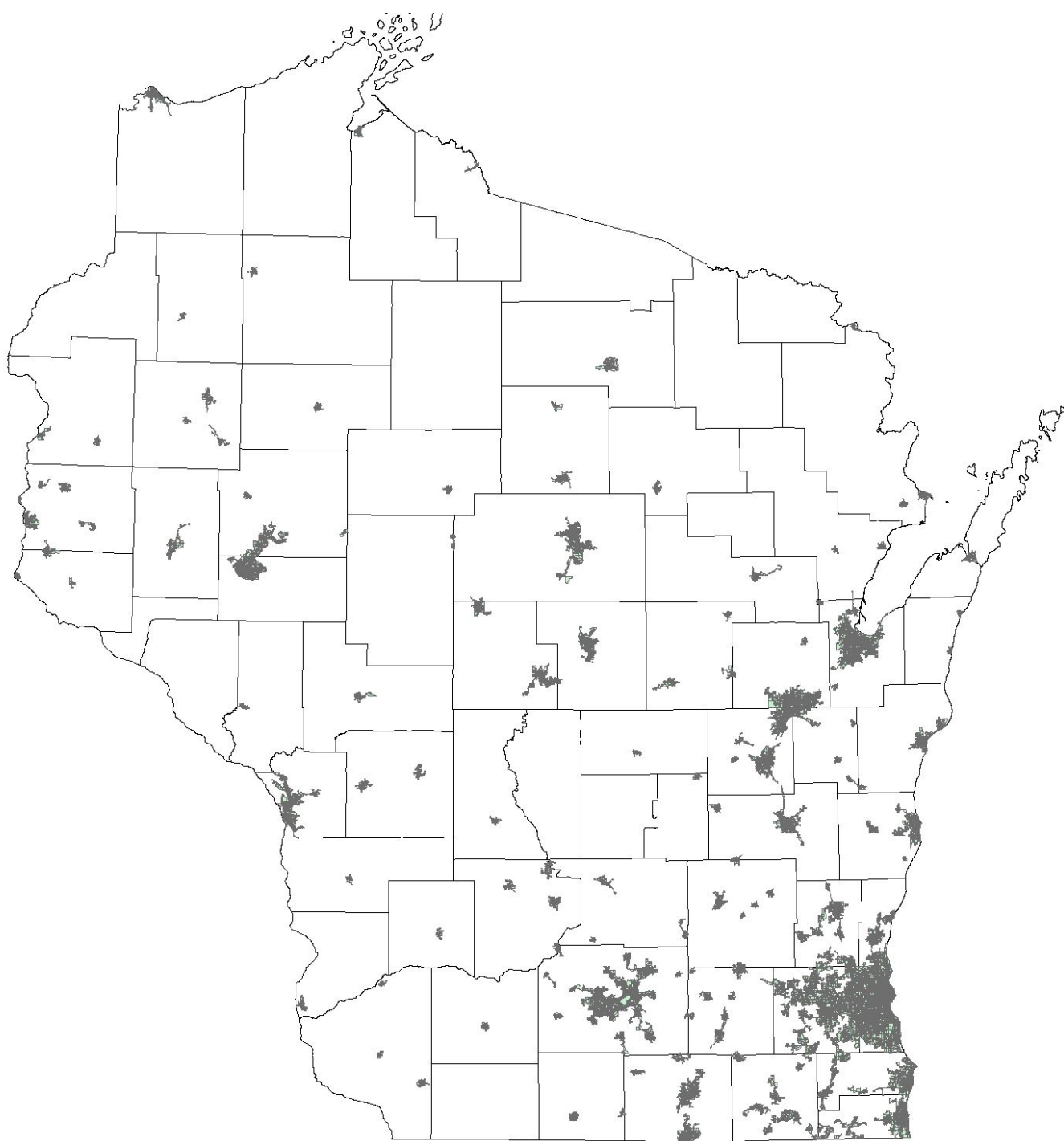
WDNR Storm Water Program Organization

- Central Office in Madison
 - 4 staff responsible for policy, guidance, coordination, outreach
- Five regional offices
 - 21.5 staff (FTE & LTE)
 - Implementation, application intake & review, permitting, inspections, compliance, enforcement
- Management team, program attorney, enforcement support



Program Scope

- 244 permitted MS4s (68 IP, 176 GP)
- > 5700 permitted industrial facilities, > 2400 NEC
- 1500 to 1600 construction sites per year
- Internal and external priorities and expectations
- Commitments to EPA (35 on-site MS4 audits/FFY)



WDNR MS4 Evaluation Procedures



BUREAU OF WATERSHED MANAGEMENT PROCEDURAL INSTRUCTIONS RUNOFF MANAGEMENT POLICY AND MANAGEMENT TEAM

Wisconsin Department of Natural Resources
101 S. Webster Street, P.O. Box 7921
Madison, WI 53707-7921

MS4 Permit Program Evaluation Procedures

for DNR Storm Water Program Staff

August 2016

EGAD Number: 3800-2016-05

The Wisconsin Pollutant Discharge Elimination System (WPDES) Municipal Separate Storm Sewer System (MS4) Permit Program Evaluation Procedures is intended to assist Wisconsin Department of Natural Resources (DNR) storm water staff with statewide consistency in assessing MS4 program compliance. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This document does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This document does not create any rights enforceable by any party in litigation with the State of Wisconsin or the DNR. Any regulatory decisions made by the DNR in any matter addressed by this document will be made by applying the governing statutes and administrative rules to the relevant facts.

- Developed using the EPA MS4 Program Evaluation Guidance as a guide along with consultation with other states
- Framework for staff to objectively evaluate permit compliance
- Facilitate consistency and more uniform compliance reporting

Goals

- Determine level of compliance
- Assess program effectiveness
- Identify best practices (implementation procedures, tracking, documentation, etc.)
- Determine where more assistance, training, guidance, etc., may be needed
- Assist recently-permitted municipalities with program development

Benefits

- Strengthen working relationships
- Determine compliance and identify possible changes
- Improve a municipality's understanding of expectations
- Clarify MS4 permit requirements
- Gain knowledge about an MS4's operations
- Improve water quality by improving MS4 programs
- Identify potential permit changes

EVALUATION PROCESS

Process Step	Objective	Approx. Staff Time (hrs)	Total Time
1. Selection	Decide which MS4 permittee and program elements to be evaluated.	2	
2. Screening	Familiarize with permit conditions, program submittals (i.e., legal mechanisms, program procedures, SWPPPs, reports), measurable goals, and compliance history. Discover any gaps in program documentation to request in notification.	8	
3. Notification	Identify scope and purpose, establish date and time of evaluation, and make specific documentation and staff contact requests	2	2 weeks to receive requested information
4. Evaluation Preparation	Obtain and review requested documentation, further refine scope and purpose through internal and external pre-evaluation conference calls, and work out logistics including site inspection selection, travel, lunch, lodging, etc.	4	2 weeks after receiving information
5. Meeting	Complete evaluation through interview and inspection process.	8 - 16	Evaluation occurs at week 4
6. Report	Summarize discussions, detail site observations, and provide findings. Discuss draft with supervisor and supporting staff. Make revisions and send to MS4.	8	1 month to generate report and send to MS4
7. Compliance Determination	Discuss stepped enforcement process with supervisor and complete EE request if observations in report are in violation of permit conditions.	2	1 month to make compliance determination and notify MS4

Tips and Tools

- Develop formal evaluation procedures but keep it an iterative process
- Identify priorities and goals
- Develop and provide templates to staff
 - Evaluation checklist
 - Standardized letter for meeting with MS4
 - Sample agenda
 - Worksheet to document results
 - Template letter to summarizing findings to MS4

Common Themes

Good

- Strong partnerships
- Collaboration/sharing
- Familiarity with WDNR
- Knowledgeable staff
- Established training
- Community engagement
- Inventory of BMPs
- Maintenance procedures
- Open to innovation

Not so good

- No program
- Disengaged
- Poor communication
- Insufficient staff/funding
- Lack of training
- Little local support
- Inadequate tracking
- Lack of maintenance
- Low priority

Lessons Learned

- MS4s need assistance, training, and ideas
- Routine interaction with MS4s is most effective
- Lack of familiarity with the permit
- Issues with metrics, measurable goals, and tracking
- Common barriers: funding, other priorities, local “culture” and parochialism

Jim Bertolacini
Storm Water Program Coordinator
WDNR

P.O. Box 7921

Madison, WI 53707-7921

608/264-8961

jim.bertolacini@wisconsin.gov



dnr.wi.gov