

Runoff and Flooding:

Government Roles & Regulations:

State regulations for runoff focus on managing water quality. DNR Stormwater permits are typically required for land disturbance of 1 acre or greater.

What does the law say?

A series of court decisions make up the law regarding surface water flooding. In 1974, the Wisconsin Supreme Court ruled that a person who diverts surface waters onto the property of another is liable for damages where the diversion is intentional and unreasonable, unintentional but due to negligence or recklessness, or creates extremely dangerous conditions (State of Wisconsin v. Deetz, 66 Wis. 2d 1 {1974}).

There are no state laws or regulations that can be enforced concerning diffuse run-off. The decision above is the basis for many civil lawsuits.



Surface water flooding consists of water from rainfall, springs or melting snow that lies on or flows across the ground surface but which isn't part of a watercourse or lake. As land is disturbed and buildings are constructed, surface drainage is often redirected and runoff often increases in volume, frequency or duration. Wet basements, erosion gullies, and standing water are typical results of changes in surface drainage. Although there are no statewide regulations that impact how one neighbor changes drainage to another, the civil court process can provide recourse for property damage shown to result from surface drainage changes.

Landowner Options:

- On your own property you can create or maintain rain gardens, keep culverts clear, protect wetlands, and ensure projects are compliant with local storm water ordinances.
- If problems develop, work with a consultant to help understand why there is a problem and to design any solutions. It may benefit you as a landowner to document the damages on your property (for example, with photographs, survey conditions before and after work is done or receipts from repair supplies and services) and clearly outline solutions that are available to resolve the impact.
- Communicate the changes that have occurred, describe how you are being affected by the changes to their property, and offer potential solutions available to resolve the impact to your neighbor. If an agreement can't be reached, you may choose to use a mediation service or you may decide to contact an attorney.
- Conflicts about diffuse surface water impacts can often be resolved through negotiation, mediation, or civil lawsuit between concerned parties.

Possible reasons water is collecting:

1. Riverine Flooding: is a waterway over-topping its banks and inundating adjacent lands. Counties, cities, and villages have ordinances that regulate the area flooded by the 1% chance flood. You can find more information to determine if you are in a mapped floodplain at FEMA.gov. Flood insurance is available even outside a mapped floodplain.
2. Nearby Development: can create changes to the nearby landscape that increase paved surfaces or result in grade changes. These projects can impact where water is absorbed and/or flows.
3. High Groundwater: is water that exists beneath the surface of the ground like a large underground lake. This water supplies seeps, springs, and wetlands. High ground water is often the most difficult type of flooding to remedy.
4. Precipitation: storm events that bring heavy rain and/or snow melts, especially coupled with a high ground water table or already soaked ground, can cause full wetlands, high-water levels in lakes and ponds, and ponded water in ditches and other low-lying areas.