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June 7, 2017

DNR File No. DC-0185

Mr. Steve Steinhoff, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Subject: Policies and Criteria for Review of Updates and Amendments to the Dane County WQM plan

Dear Mr. Steinhoff:

We have completed our review of the revisions to the policies and criteria for the review of urban service area updates and amendments to the Dane County WQM Plan. These changes implement the 2015 Wis. Act 55 requirements which made several changes to the Dane County Water Quality Management Plan amendment process as established in Wis. Stat. § 283.83(1m). The Department hereby approves this update to the Dane County WQM Plan.

CARPC held a public hearing on April 13th 2017 and no comments were received at that time (CARPC resolution 2017-06 attached). This change is an update to the *Dane County Water Quality Management Plan* and will be forwarded to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217), and outlined in the federal regulations 40 CFR, Part 35.

This review is an integrated analysis action under s. NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Stats. The approval of this update does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities.

Appeal Rights:

Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy R. Asplund'.

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

cc:

Mike Szabo – WDNR –LS/8

Greg Searle - WDNR - SCR - Fitchburg

Lisa Helmuth - WDNR - WQ/3



CARPC Resolution No. 2017-06

Recommending to the Wisconsin Department of Natural Resources Amendment of the *Dane County Water Quality Management Plan* by Revising the Policies and Criteria for the Review of Sewer Service Area Amendments

WHEREAS, In March 1975, Dane County was designated by the Governor of Wisconsin as an area having substantial and complex water quality control problems, and certified such designation to the federal Environmental Protection Agency; and

WHEREAS, the Capital Area Regional Planning Commission is a duly created regional planning commission under Wis. Stats. § 66.0309; and

WHEREAS, the CARPC has an agreement with the Wisconsin Department of Natural Resources (WDNR) to provide water quality management planning assistance to the WDNR; and

WHEREAS, the *Dane County Water Quality Plan* is the approved areawide water quality management plan for the Dane County region; and

WHEREAS, the Capital Area Regional Planning Commission has adopted, reaffirmed, and recommended amendment of the *Dane County Water Quality Plan*; and

WHEREAS, the Capital Area Regional Planning Commission's *Urban and Limited Service Area Policies, Environmental Corridor Policies, and Criteria for the Review of Urban and Limited Service Area Amendments* were last updated and adopted in February 2008; and

WHEREAS, In 2015, Wis. Act 55 made several changes to the Water Quality Management Plan amendment process as established in Wis. Stat. § 283.83(1m); and

WHEREAS, the Capital Area Regional Planning Commission has revised the policies and criteria for the review of sewer service area amendments to reflect these changes; and

WHEREAS, a public hearing was held during the Regional Planning Commission meeting on April 13, 2017, to take testimony on the policies and criteria for the review of sewer service area amendments.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Wis. Stats. § 66.0309, and Sec. 208 of Public Law 92-500, the Capital Area Regional Planning Commission recommends the amendment of the *Dane County Water Quality Plan* by revising the policies and criteria for the review of sewer service area amendments.

April 13, 2017
Date Adopted

Larry Palm, Chairperson

Kris Hampton, Secretary

Capital Area Regional Planning Commission

**Policies and Criteria for the Review of Sewer Service Area Amendments
to the *Dane County Water Quality Plan***

Approved by CARPC - April 13, 2017

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I. Sewer Service Area Policies

1. Planning Requirements

- A. Service area boundaries must be delineated for the provision of sewer services with a 20-year planning horizon.
- B. Delineation must be based on the official 20-year population projection for the region generated by the State DOA.
- C. The regional population projection must be allocated to individual service areas based on WDOA-approved population projection methodology, and density assumptions acceptable to the respective municipality.
- D. Service areas must be delineated in a manner to ensure adequate treatment capacity in wastewater treatment facilities that receive the expected volume of wastewater.
- E. Service areas must be delineated to ensure the cost-effective (as defined in NR 110) and environmentally sound expansion of public sewerage facilities.
- F. Creation of new service areas must meet the requirements and conditions of NR 110 regarding new treatment facilities to serve new and existing residential and non-residential development, and the state anti-degradation policy (NR 207, which prevents the unnecessary creation of new point-sources of wastewater discharge on water bodies).
- G. Service area expansion requests containing over 100 acres of developable land should include 10-year staging boundaries. Staging boundaries are also encouraged in smaller expansion requests.
- H. Amendments to service areas must be sponsored by the unit of government planning to provide the services or by the CARPC, to ensure that designated local management agencies in charge of pollution prevention (both point- and non-point source) are in support of the expansion.
- I. Plans should be prepared and adopted with meaningful public participation. A public hearing will be set for the next CARPC meeting unless the DNR determines it will hold the hearing at a time and place it deems appropriate in accordance with the contractual agreement between DNR and CARPC. The DNR may petition the circuit court for an order extending the time to act on the proposed amendment in accordance with Wis. Stat. § 283.83(1m)(c)(2). All affected local units and their respective county board supervisors will be notified by letter at least thirty (30) days prior to the public hearing. The 30-day notification period may be waived by the CARPC if the supporting unit can demonstrate that other affected units of government have been consulted and there are no unresolved issues.
- J. Requesting units of government must notify neighboring or affected units of government of their intent to expand the service area. The CARPC will notify all the units of government in the Central Urban Service Area and invite them to comment if a request within the CUSA contains more than 300 developable acres.

2. Criteria for the Review of Sewer Service Area Amendments

- A. Additions to the Central Urban Service Area should be contiguous with existing urban service areas.
- B. Contiguity to urban infrastructure.

It is the policy of the CARPC to seek the efficient use of existing capacity in urban infrastructure (roads and streets, sewerage systems, water systems, parks and open space, etc.), and to give priority to areas that can best utilize such existing capacity of urban service areas.

- C. Infill, redevelopment, density, and needs assessment.

It is the policy of the CARPC to seek efficient use of land through higher densities of development, mixed use infill development and redevelopment within the urban cores of the region, and the use of existing vacant developable lands within urban service areas prior to expansion into new areas.

Generally, if there is a 20-year supply of developable land in the current USA (or a portion of the USA available to the respective unit of government; this is based on official land demand calculations derived from official population projections without flexibility margins), priority should be given to developing the existing developable lands within the USA. Special consideration would be given to adding developable land for under-represented land uses (such as industrial development in a service area with inadequate industrial development or available land).

- D. The minimum requirement (related to water quality planning) for services which should be provided initially in urban service area expansions are the following:
 - 1. public sewage collection and treatment systems (layout, facilities, capacity);
 - 2. publicly managed urban storm drainage system layout and standards. Stormwater management measures should be aimed at mitigating to the maximum extent practicable the cumulative and incremental adverse impacts of development on surface water and groundwater quality and quantity and associated ecological functions. Such impacts include, but are not limited to, increases in off-site erosion and flooding, increases in pollution, reductions in stream baseflow, reductions in groundwater recharge, lowering of groundwater levels and groundwater quality, reductions in flows to and from springs, drying up of wetlands, and reductions in the ecological health of aquatic habitats. The extent of practicability and likelihood of success of proposed mitigation measures will be determined by CARPC staff based on site specific and land use specific characteristics, in the context of the best possible management practices and technology, and in consultation with municipal, county, and WDNR technical staff and the CARPC Natural Resources Technical Advisory Committee. Any appeal of such a determination would be to the CARPC. It is understood that appropriate mitigation of some adverse impacts may require reduced levels of development, a change in the type of development, or off-site mitigation and remediation.
 - 3. water supply and distribution system layout and facilities, for potable water.

3. Submittal Requirements

- A. Requests for urban service area additions must be accompanied by specific plans for development and provision of urban services to the proposed addition, which include the following elements:
1. A plan and description of proposed development, land use and major facilities in the area, which is specific enough in terms of type and densities of land use to enable the determination of long-range urban service needs and impacts of development;
 2. identification of environmental corridors and other environmentally sensitive areas, consistent with CARPC and DNR criteria, which are to be protected from urban development, and a description of local policies, ordinances and other measures to protect such areas;
 3. a specific plan for providing sanitary sewer services to the area;
 4. an analysis of the infill and redevelopment potential in the existing urban service area and a description of the need for the urban service area expansion.