



September 14, 2023

DNR No. DC0227

Mr. Nick Bower, PE Environmental Engineer
Capital Area Regional Planning Commission
100 State Street; Suite 400
Madison, WI 53703

Subject: [CARPC Sewer Service Area Plan Amendment Request #2306 for Stoughton USA](#)

Dear Mr. Bower:

On June 14, 2023, the Wisconsin Department of Natural Resources (DNR) received the proposed Sewer Service Area (SSA) Plan Amendment Request #2306 from the Capital Area Regional Planning Commission (CARPC) for the City of Stoughton.

Amendment Area (WQM Letter)

The City of Stoughton has submitted a request for a sewer service area amendment to the Dane County Water Quality Plan. The proposed amendment is currently in the City of Stoughton, Town of Dunn, and Town of Pleasant Springs, in the Lake Kegonsa-Yahara River (HUC 12: 070900020902) and City of Stoughton-Yahara River (HUC 12: 070900020903) sub-watersheds. The amendment area is contiguous to the south and east with the existing sewer service area (SSA) boundary. The SSA Plan Amendment includes the addition of approximately 279 acres of land, including approximately 8 acres of existing development and 99 acres of proposed environmental corridors, for a net of approximately 172 developable acres to the Stoughton Urban Service Area.

Environmentally Sensitive Areas and Water Quality Concerns

The proposed amendment area includes approximately 99 acres of Environmental Corridor, including delineated wetlands with associated buffers and proposed stormwater management, park, and open space. A wetland delineation was conducted by TRC Environmental Corporation, Inc. in May 2022 on the portion of the amendment area east of USH 51. The site investigation and field delineation determined that there were four wetlands within the study area. Disturbance/fill is proposed for portions of Wetlands 1 and 3 and the entirety of Wetland 2. The City is pursuing a nonfederal wetland exemption for these wetlands. The remainder of Wetlands 1 and 3 and the entirety of Wetland 4, with a minimum 75' vegetated buffer, are required to be designated as environmental Corridor. Inclusion of these areas are in accordance with the Environmental Corridor Policies and Criteria adopted in the *Dane County Water Quality Plan*.

A conceptual stormwater management plan has been prepared for the development within the area east of USH 51. This plan proposes a series of wet detention and infiltration basins mostly located within the center of the site nearby the existing wetlands to treat stormwater for the proposed development. The conceptual plan is designed to provide stormwater management for the entire development east of USH 51 as well as an additional 201 acres from offsite sources, including the 87 acres within the amendment area west of USH 51 and additional lands to the north, east, and south. The proposed drainage conditions will generally match existing conditions. According to the City's application, development within the amendment area will meet or exceed current stormwater regulations for peak rate control and attenuation, water quality (TSS reduction), volume control (infiltration), and oil/grease control.

Wastewater Collection and Treatment System

The amendment area will be provided sewer service by connection to the City's sanitary sewer collection and treatment system. Approximately 10 proposed single-family lots will be served by gravity, while the remaining amendment area will be served by a proposed lift station located west of the proposed intersection of Kings Lynn Road and Greenbriar Drive. The proposed sewers and lift station will be sized to have capacity for potential additional future development to the north and west. The entire amendment area will flow to an existing 18-inch interceptor sewer located at the north end of Kings Lynn Road. The Kings Lynn Road Interceptor (KLR Interceptor) is part of the City's "West" interceptor, which flows to the City of Stoughton Wastewater Treatment Facility.

The proposed development within the amendment area consists of single-family residential, two-family residential, multifamily residential, and commercial land uses contributing to wastewater flows. Nine existing single-family residential units are included within the amendment area and are included in the wastewater loading calculations. The City estimates that the amendment area will generate an annual average of approximately 311,000 gallons per day (gpd) or 216 gallons per minute (gpm) of wastewater. Utilizing a peaking factor of 4 for residential land uses and 2.5 for commercial land uses, the City estimates that the amendment area will generate a peak daily flow rate of approximately 762 gpm. The City reports that the existing KLR Interceptor currently receives a peak daily flow of approximately 600 gpm and has a total capacity of 1,764 gpm. All segments of the "West" Interceptor downstream of the amendment area were evaluated by the City and found to have adequate capacity to serve the proposed amendment area.

The Stoughton Wastewater Treatment Facility (WWTF) will provide wastewater treatment for the amendment area. The average annual design flow of the facility is 1.65 million gallons per day (MGD) and the rated monthly design flow capacity is 2.06 MGD. In 2021, the facility received an average monthly influent hydraulic loading of 1.14 MGD. With the additional anticipated flows from the proposed amendment area and recent development in the City, the average loading is expected to approach the rated inflow capacity of the plant; however, given previous improvements made and ongoing assessment, Stoughton Utilities does not foresee an issue with providing wastewater treatment to the proposed amendment area. The City did not have any issues meeting its WPDES permit.

Local Review & Public Involvement (18-19) WQM Letter

The amendment was reviewed by CARPC technical staff; [the report indicates that the amendment](#) is consistent with water quality standards under Wis. Stat. § 281.15, and the adopted Policies and Criteria for the Review of Sewer Service Area Amendments to the Dane County Water Quality Plan, by meeting state and local requirements and agreements identified below. Additional actions have also been recommended below to further improve water quality and environmental resource management.

A public hearing was held on the proposed amendment at the July 13, 2023, meeting of the Capital Area Regional Planning Commission. Representatives from the City of Stoughton spoke in favor of the amendment. There were no registrants opposed to the amendment. One letter received prior to the public hearing (Attachment 1 of [CARPC's Staff Analysis](#)) and other Commissioner comments were discussed during the public hearing and have been expanded on within the staff analysis report. The meeting audio and video can be found on the [CARPC website](#). At the August 10, 2023 RPC meeting, CARPC voted to recommend approval of this amendment to WDNR based on the land uses and services proposed, and in recognition of the state and local requirements ([see CARPC WQM Letter](#)).

Administrative Decision

The Department finds the proposed amendment is consistent with adopted policies and procedures of the Areawide Water Quality Management Plan under NR121 and section 283.83, Wis. Stats. Additionally, the proposed amendment is consistent with water quality standards under section 281.15, Wis. Stats., and is hereby

approved with considerations recommended by CARPC in their August 2023 transmittal letter, 2306 ([see CARPC WQM Letter](#)).

1. State and local review and approval of stormwater management plan(s) is required, including Regional Planning Commission staff review and approval as part of the sewer extension review process.
 - a. Stormwater and erosion control practices are required to be installed prior to other land disturbing activities. Infiltration practices are required to be protected from compaction and sedimentation during land disturbing activities.
 - b. Peak rates of runoff are required to be controlled for the 1-, 2-, 10-, 100-, and 200-year, 24- hour design storms to pre-development levels, in accordance with the City of Stoughton and Dane County Stormwater Ordinances.
 - c. Sediment control is required to achieve at least 80% sediment control for the amendment area based on the average annual rainfall period, with sediment control pretreatment occurring prior to infiltration for runoff from parking lots and new road construction within commercial, industrial, and institutional land uses, in accordance with the City of Stoughton and Dane County Stormwater Ordinances.
 - d. Runoff volume control is required to maintain the post-development stay-on volume to at least 90% of the pre-development stay-on volume for the average annual rainfall period, without exemption for the area within a closed basin watershed, in accordance with the City of Stoughton and Dane County Stormwater Ordinances.
 - e. For areas within a closed basin watershed, it is required to provide adequate storage capacity for back-to-back 100-year, 24-hour storms, a stable overflow outlet, and an emergency drawdown or pumping plan, in accordance with the City of Stoughton and Dane County Stormwater Ordinances.
 - f. Maintain predevelopment groundwater recharge rates from the Wisconsin Geological and Natural History Survey's 2012 report, "*Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model*", for the amendment area (a range of 9 to 10 inches/year) or by a site-specific analysis, when required by the City of Stoughton and Dane County Stormwater Ordinances.
 - g. Oil and grease control are required to treat the first 0.5 inches of runoff using best management practices at commercial and industrial sites and any other uses where the potential for pollution by oil or grease, or both, exists, in accordance with the City of Stoughton and Dane County Stormwater Ordinances.
2. Easements and perpetual legal maintenance agreements with the City, to allow the City to maintain stormwater management facilities if owners fail to do so, are required for any facilities located on private property.
3. Environmental Corridors are required to be delineated to meet the Environmental Corridor Policies and Criteria adopted in the *Dane County Water Quality Plan*.

In addition to the existing state and local requirements, the City of Stoughton and development team have agreed to pursue the following water resource management measures for the amendment area:

1. Provide post-development infiltration (stay-on) volume of 100% of the pre-development infiltration (stay-on) volume for the average annual rainfall period.

2. Provide post-development runoff volume control for the 1-, 2-, 10-, 100-, and 200-year, 24-hour design storms (using NRCS MSE4 storm distributions) to match pre-development runoff volumes. *For the area east of USH 51*, provide post-development runoff volume control to reduce the pre-development runoff volumes by 10%.
3. Pursue restoration or improvement of the wetlands located in the area east of USH 51 (not those which receive a DNR exemption or fill permit) to create an amenity for the surrounding development.

It is also recommended that the City of Stoughton pursue the following to further improve water quality and environmental resource management:

1. Continue to participate in regional water quality initiatives including Wisconsin Salt Wise, the Madison Area Municipal Storm Water Partnership, and Yahara WINs.
2. Encourage the removal and control of invasives and the use of native flora favored by the Rusty Patched Bumble Bee in landscaping to provide suitable habitat for this pollinator, where appropriate, for the portion of the amendment area within the High Potential Zone for the federally endangered Rusty Patched Bumble Bee.
3. Request a formal Endangered Resources Review by the WDNR or one of their certified reviewers for potential impacts to endangered resources like rare plants, animals, and natural communities, and take necessary habitat protection measures if species are found, based on the results of screening conducted.

Statewide AWQM Plan Amendment

This amendment is a formal update to the state's Areawide Water Quality Management Plan and the Dane County Water Quality 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, Wis. Stats. The approval of this sewer service area amendment does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities. The City of Stoughton consultants, and contractor should be aware of potential regulations and jurisdictional activities related to DNR program permitting, including but not limited to Ch. 30 waterway, wetlands, and stormwater.

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 ss. 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,



Tim Asplund
Monitoring Section Chief
Bureau of Water Quality

 for

Jason Knutson, P.E.
Wastewater Section Chief
Bureau of Water Quality

e-cc:

BetsyJo Howe – Water Resources Management Specialist, DNR Madison
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