



September 18, 2023
DNR No. DC0226

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 #2208 for Deforest 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 #2208 from the Capital Area Regional Planning Commission (CARPC) for the Village of Deforest.

Amendment Area

The Village of DeForest has submitted a request for a sewer service area amendment to the Dane County Water Quality Plan. The proposed amendment area is currently in the Town of Burke, a portion of which is being annexed to the Village of DeForest, in the Token Creek (HUC 12: 070900020503) and the Cherokee Lake-Yahara River (HUC 12: 070900020504) watersheds. It includes the addition of approximately 93 acres of land, including approximately 11 acres of existing development and 20 acres of proposed environmental corridors, for a net of approximately 62 developable acres to the Northern Urban Service Area.

Environmentally Sensitive Areas and Water Quality Concerns

The proposed amendment area includes a total of approximately 20 acres of Environmental Corridor. This will include delineated wetlands with associated buffers and proposed stormwater management, park, and open space areas. A wetland delineation was conducted by Ruekert & Mielke, Inc. in October 2021 within the amendment area. The site investigation and field delineation determined that there was one wetland within the study area. A strip of the wetland along a fence along the 1-39/90/94 corridor received an artificial wetland exemption (EXE-SC-2023-13-00317). The remainder of the delineated wetland, with a minimum 75' vegetated buffer, is required to be designated as Environmental Corridor per the adopted Policies and Criteria for Environmental Corridors, as part of the *Dane County Water Quality Plan*.

According to the Village's application, new 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), thermal control, and oil/grease control. A conceptual stormwater management plan has been prepared for the 53-acre site owned by Likewise Partners. The preliminary results indicate that the development site will meet all applicable stormwater management requirements. The proposed drainage conditions will generally match existing conditions.

Wastewater Collection and Treatment System

Sanitary sewer service will be provided to the amendment area by connection to the Village of DeForest sanitary sewer collection and treatment system. The proposed development will be served by a proposed

private lift station within the development and force main which will connect to existing sanitary sewer along Daentl Road, east of the amendment area. The existing sanitary sewer gravity flows to the existing Village of DeForest Daentl Road Lift Station, which then pumps into the Madison Metropolitan Sewerage District's (MMSD's) Northeast Interceptor – Highway 19 Extension. From there, wastewater flows via the Northeast Interceptor – DeForest Extension to Pump Station 14 within the MMSD system, and eventually to the Nine Springs Treatment Facility.

The proposed development within the amendment area consists of approximately 57 acres of industrial land uses (including 8 acres of existing development) contributing to wastewater flows. The Village estimates that the amendment area will generate an annual average of approximately 23,100 gallons per day (gpd) of wastewater. This assumes 2.67 persons per single-family dwelling unit and an average wastewater generation rate of 85 gallons per capita per day (gpcd) for residential land uses. For industrial land uses, this assumes 400 gallons per acre (gal/ac). Using a peaking factor of 4 for all land uses, the Village estimates that the amendment area will generate a peak daily flow rate of approximately 92,430 gpd. The total anticipated peak flow in the receiving Daentl Road sewer and lift station is approximately 197 gpm, which is less than the capacity of the lift station (400 gpm) and less than the pipe capacity of the existing 8-inch sewer main on Daentl Road (332 gpm). The MMSD interceptor sewers have sufficient capacity to serve the amendment area.

Madison Metropolitan Sewerage District (MMSD) will provide wastewater treatment for the amendment area at the Nine Springs Wastewater Treatment Facility (WWTF). The rated monthly design flow capacity of the facility is 56.0 million gallons per day (MGD) and the maximum daily design flow capacity is 68.6 MGD. In the year 2021, the facility received an average monthly influent hydraulic loading of 36.4 MGD (65% of the design capacity). MMSD staff were contacted regarding this amendment and do not have concerns with the District serving this additional area. MMSD did not have issues meeting its WPDES permit limits.

Local Review & Public Involvement

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 Village of DeForest spoke in favor of the amendment. There were no registrants opposed to the amendment. Commissioner Wallner inquired about the Town of Burke cooperative boundary agreement, to which Mark Roffers, Village Planning Consultant, addressed during the meeting. 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, 2208 ([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-, 5-, 10-, 25-, 100-, and 200- year 24-hour design storms to pre-development levels, in accordance with the Village of DeForest 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 Village of DeForest 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, in accordance with the Village of DeForest and Dane County Stormwater Ordinances.
 - e. 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 Village of DeForest and Dane County Stormwater Ordinances.
 - f. Thermal control is required to reduce the temperature of stormwater runoff from development sites within thermally sensitive watersheds, in accordance with the Village of DeForest 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 Village of DeForest and Dane County Stormwater Ordinances.
2. Easements and perpetual legal maintenance agreements with the Village, to allow the Village 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 Village of DeForest and development team have agreed to pursue the following water resource management measures for the amendment area:

1. Conduct a safe overflow analysis along the southern end of the amendment area to demonstrate a safe flow route exists overtop Daentl Road without increased flooding potential for existing or proposed improvement.

It is recommended that the Village of DeForest 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. 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.
3. Pursue restoration and/or planting vegetative buffers along fringes of the wetlands located in the northern end of the amendment area (not those which have received a DNR exemption) to restore natural wetland hydrology and improve water quality in the Yahara Watershed.

4. Request an archaeological survey to be performed by a qualified archaeologist for the amendment area as recommended by the Wisconsin Historical Society and take necessary protection measures if artifacts are found.

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



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

for

e-cc:

BetsyJo Howe – Water Resources Management Specialist, DNR Madison
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