



August 14, 2023

DNR No. DC0225

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

Subject: [CARPC Sewer Service Area Plan Amendment Request #2304 for Stoughton USA](#)

Dear Mr. Bower:

On July 13, 2023, the Wisconsin Department of Natural Resources (DNR) received the proposed Sewer Service Area (SSA) Plan Amendment Request #2304 from the Capital Area Regional Planning Commission (CARPC) for the City of Stoughton, originally submitted on May 12, 2023.

Amendment Area

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 and Town of Dunkirk. The amendment area is southeast of the City and contiguous to the east with the existing sewer service area (SSA) boundary. The proposed amendment is within the City of Stoughton-Yahara River watershed (HUC 12: 070900020903) and the Town of Dunkirk-Yahara River watershed (HUC 12: 070900020904). It includes the addition of approximately 130 acres of land, including approximately 18 acres of existing development and 34 acres of proposed environmental corridors, for a net of approximately 75 developable acres to the Stoughton Urban Sewer Service Area. Development in the requested amendment area is predominantly single-family residential with some two-family residential, multifamily residential, and commercial/mixed-use.

Environmentally Sensitive Areas and Water Quality Concerns

A wetland delineation was conducted by Heartland Ecological Group, Inc. in July 2020. The site investigation and field delineation determined that there were two wetlands within the study area. Wetland 1 is located within the amendment area and Wetland 2 is located within the existing urban service area just north of Wetland 1. Wetland 1 is 1.55 acres, of which the northeastern 0.99 acres may have a DNR approved non-federal wetland exemption once wetland mitigation credits have been purchased. The remainder of Wetland 1, with a minimum 75' vegetated buffer, is required to be designated as Environmental Corridor.

The proposed amendment area includes a total of approximately 33.8 acres of Environmental Corridor. This will include delineated wetlands with associated buffers and proposed stormwater management, park, and open space areas in accordance with the Environmental Corridor Policies and Criteria adopted in the *Dane County Water Quality Plan*.

A detailed stormwater management plan review and approval is required prior to beginning any development construction. The plan will be required to meet all stormwater management and performance standards of the City of Stoughton, Dane County, and DNR current at the time of development.

Wastewater Collection and Treatment System

Sanitary sewer service will be provided to the amendment area by connection to the City's sanitary sewer collection and treatment system. The northern portion of the amendment area will connect to a proposed 12-inch interceptor along Vernon Street, which will connect to existing sewer on Racetrack Road. The central and southern portions of the amendment area will be served by connection to existing 8-inch sanitary sewer main along Stonecrest Road and Autumn Crest, both of which flow to an existing lift station located north of the intersection of Autumn Crest and Fall Haven. This sewer ultimately connects to the City's Academy Street interceptor, which flows to the City of Stoughton Wastewater Treatment Facility. The exact distribution of flows from the amendment area going to the existing 8-inch sewer compared to flows going to the future interceptor is not known. Documentation has been requested to demonstrate that there will be no capacity issues with the lift station and the Academy Street Interceptor and that all downstream sewers will not exceed the Stoughton Utilities requirement to operate at no more than 80 percent of pipe-full capacity.

The City estimates that the amendment area will generate an annual average of approximately 76 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 305 gpm.

The Stoughton Wastewater Treatment Facility (WWTF) will provide wastewater treatment for the amendment area. The WWTF discharges to the Yahara River within the City of Stoughton-Yahara River watershed. The average annual design flow of the facility is 1.65 million gallons per day (MGD). With the additional anticipated flows from the proposed amendment area and two recent amendments (51 West and Magnolia Springs), the average annual loading is expected to reach approximately 1.33 MGD. The existing capacity of the WWTF is anticipated to support the additional wastewater flows from the proposed amendment area, although the WWTF is expected to exceed 80% of its average annual flow capacity once the recent developments are built out. Stoughton Utilities recognizes the potential need to increase capacity to support additional future development.

Local Review & Public Involvement

The amendment request was reviewed by CARPC technical staff; [the report indicates](#) that the amendment is consistent with water quality standards under section 281.15, Wis. Stats., 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 June 8, 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. Commissioner questions and comments were addressed at the public hearing and in the [Staff Report](#). The meeting audio and video

can be found on the [CARPC website](#). At the July 13, 2023 RPC meeting, CARPC voted to recommend approval of this amendment to DNR 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 ch. NR 121, Wis. Adm. Code, 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 the following conditions:

- 1) That sufficient documentation be provided to CARPC and the department by September 1, 2023 to demonstrate that the Academy Street Interceptor and all downstream sewers have sufficient capacities to receive the projected additional peak flow rates in addition to existing peak flow rates without exceeding the Stoughton Utilities requirement to operate at no more than 80 percent of pipe-full capacity, and that the lift station will have sufficient capacity to receive the projected peak flow rates in addition to existing peak flow rates. If such documentation is not submitted to CARPC by September 1, 2023 or if CARPC responds in writing to the applicants and the department that any of the aforementioned infrastructure lacks sufficient capacity to receive the projected flows, this approval shall become null and void.
- 2) All considerations recommended by CARPC in their July 2023 transmittal letter, number 2304 ([see CARPC WQM Letter](#)).

In addition, please note the state and local requirements and recommendations by the Capital Area Regional Planning Agency from their July 2023 transmittal letter, 2304 ([see CARPC WQM Letter](#)) and are listed below.

State and Local Requirements

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 that achieves at least 80% sediment control for the amendment area based on the average annual rainfall, with a minimum of 60% of that control occurring prior to infiltration, in accordance with the City of Stoughton and Dane County Stormwater Ordinances.
 - d. Runoff volume control is required that maintains 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 City of Stoughton and Dane County Stormwater Ordinances.

e. Oil and grease control are required that treats 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.

f. Maintaining pre-development 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.

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. Control runoff volume with a goal to maintain the post development stay-on volume to 100% of the pre-development stay-on volume for the average annual rainfall period.
2. Demonstrate that a safe overland flood route is provided to accommodate back-to-back 100-year, 24-hour design storm events.
3. Pursue restoration or improvement of the wetlands located in the southwest corner of the amendment area (not those which receive a DNR exemption) to create an amenity for the surrounding development.

CARPC also recommends that the City of Stoughton pursue the following to further improve water quality and environmental resource management:

- Continue to participate in regional water quality initiatives including Wisconsin Salt Wise, the Madison Area Municipal Storm Water Partnership, and Yahara WINs.
- Field verification for areas of the development site considered suitable for stormwater management including a site assessment for soil contamination, as required by the Wisconsin Department of Natural Resources Conservation Practice Standards 1001 – Wet Detention Pond and 1002 – Site Evaluation for Stormwater Infiltration.
- Encourage the use of native flora favored by the Rusty Patched Bumble Bee in landscaping to provide suitable habitat for this pollinator, where appropriate.

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

e-cc:

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