



October 13, 2023

DNR No. DC0228

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 #2301 for Oregon USA](#)

Dear Mr. Bower:

On September 19, 2023, the Wisconsin Department of Natural Resources (DNR) received the proposed Sewer Service Area (SSA) Plan Amendment Request #2301 from the Capital Area Regional Planning Commission (CARPC) for the Village of Oregon.

Amendment Area

The Village of Oregon 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 Towns of Oregon and Rutland, in the Oregon Branch sub watershed (HUC 12: 070900020801). It includes the addition of approximately 48 acres of land, including approximately 1 acre of existing development and right-of-way, and 17 acres of proposed environmental corridors, for a net of approximately 30 developable acres to the Oregon Urban Service Area.

Environmentally Sensitive Areas and Water Quality Concerns

The proposed amendment area includes a total of approximately 16.9 acres of Environmental Corridor. This will include 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*.

According to the Village'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. Conceptual stormwater management areas are proposed along the eastern and southeastern edges of the Phase 3 area and within the northeastern quadrant of the Phase 5 area. The plan will be required to meet all stormwater management and performance standards of the Village of Oregon, Dane County, and the Department, current at the time of development, as well as any additional or more protective standards made a condition of the approval of this proposed amendment. 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's sanitary sewer collection and treatment system. The amendment area is comprised of Phases 3 and 5 of the Autumn Ridge development. Majority of the residential lot's wastewater flows will go to the existing sewer located on Lexington Drive and the rest will flow to the existing sewer located on Foxboro Drive. Both existing sewers ultimately flow to the Park Street Interceptor and to the Village of Oregon Wastewater Treatment Facility.

The proposed Autumn Ridge development consists of single-family residential land uses contributing to wastewater flows. The Village's application estimates that the amendment area will generate an annual average flow of approximately 30,750 gallons per day (gpd) of wastewater. This assumes 2.5 persons per single-family dwelling unit and an average wastewater generation rate of 100 gallons per capita per day (gpcd) for residential land uses. 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 123,000 gpd. The proposed 8-inch sanitary sewers are each anticipated to have a capacity of 332 gpm which have sufficient capacity to serve the amendment area.

The Oregon Wastewater Treatment Facility (WWTF) will provide wastewater treatment for the amendment area. The rated average annual design flow of the facility is 1.8 million gallons per day (MGD) and the rated monthly design flow capacity is 1.80 MGD. In the year 2022, the facility received an average monthly influent hydraulic loading of 1.17 MGD (65% of the design monthly capacity). The Village did not have any issues meeting its WPDES permit.

Local Review & Public Involvement

The amendment was reviewed by CARPC technical staff; [the report](#) indicated that the amendment is consistent with water quality standards under s. 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 August 10, meeting of the Capital Area Regional Planning Commission. Representatives from the Village of Oregon spoke in favor of the amendment. There were no registrants opposed to the amendment. The meeting audio and video can be found on the [CARPC website](#). At the September 14, 2023, CARPC meeting, CARPC voted to recommend approval of this amendment to the Department, 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 ch. NR 121, Wis. Adm. Code, and s. 283.83, Wis. Stats. Additionally, the proposed amendment is consistent with water quality standards under s. 281.15, Wis. Stats., and is hereby approved with considerations recommended by CARPC in their August 2023 transmittal letter, 2301 ([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. Sediment 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 runoff rate control is required for the 1-, 2-, 10-, 100-, and 200-year, 24-hour design storms to limit post-development runoff to pre-development levels, in accordance with Dane County Stormwater Ordinances. In addition, peak runoff rate control is required to limit the 10-year, 24-hour design storm to the pre-development level of the 2-year event, and the 100-year, 24-hour design storm to the pre-development level of the 10-year event, in accordance with the Village of Oregon Stormwater Ordinance.
 - c. TSS control is required to achieve at least 80% TSS control for the amendment area based on the average annual rainfall period, with TSS 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 Oregon 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 Oregon and Dane County Stormwater Ordinances.
 - e. Maintain predevelopment groundwater recharge rates from the WGNHS 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 in lieu of meeting stay-on standards in accordance with the Village of Oregon and Dane County Stormwater Ordinances.
 - f. 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 Oregon and Dane County Stormwater Ordinances, 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.
2. Easements and perpetual legal maintenance agreements with the Village of Oregon, 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 Oregon and development team have agreed to pursue the following water resource management measures for the amendment area:

1. Provide post-development runoff volume control for the 1-, 2-, 10-, and 50-year, 24-hour design storms (using NRCS MSE4 storm distributions) to limit post-development runoff to pre-development levels for the Phase III area; and provide the same level of volume control to the maximum extent practicable for Phases IV & V.

It is also recommended that the Village of Oregon 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, due to the amendment area being within the High Potential Zone for the federally endangered Rusty Patched Bumble Bee.
3. Request an archaeological survey to be performed by a qualified archaeologist for the amendment area, if 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.

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 s. 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 s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. 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:

Gunilla Goulding, P.E. – Wastewater Engineer, DNR Madison
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