



December 9, 2020

DNR Project No. DC-0209

Mr. Mike Rupiper, PE
Director of Environmental Resources Planning
Capital Area Regional Planning Commission
210 Martin Luther King Jr. Blvd., Room 362
Madison, WI 53703

Subject: [Amendment Request to the City of Middleton Central Urban Service Area – CARPC #2006 DNR DC-0209](#)

Dear Mr. Rupiper:

We have completed our review of the subject sewer service area amendment request from the City of Middleton. The proposed amendment was submitted to the Department in November 12, 2020. We hereby approve of this request.

The proposed amendment is in the City of Middleton, in the Upper Black Earth Creek (HUC12: 070700050501) watershed. It includes the addition of approximately 1.2 acres of land, including approximately 0.8 acres of existing development, for a net of approximately 0.4 developable acres to the Central Urban Service Area. A public hearing was held on the proposed amendment at the October 8, 2020, Regional Planning Commission meeting.

The Department finds that the proposed amendment is consistent with water quality standards under section 281.15, Wis. Stats., and is hereby approved with the following condition as recommended by CARPC in their November 2020 letter titled: *Water Quality Management Letter for Sewer Service Area Amendment Request #2006 – Central USA (Middleton)*

The City of Middleton will demonstrate continued commitment to pursue the following:

Work with the property owners to encourage the design and installation of a rain garden or other onsite stormwater management practice to provide water quality and infiltration for the amendment area or consider improvements to the city's existing regional dry detention facility to provide the same.

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 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 'Tim Asplund', with a stylized, cursive script.

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

ecc:

Larry Palm – Executive Chairperson, CARPC

Kris Hampton – Secretary, CARPC

Lisa Helmuth – Water Resources Management Specialist, DNR

Kimberly Kuber – Water Quality Biologist, DNR

Matt Droese – Wastewater Engineer Trainee, DNR

Mike Sorge – South Central Water Resources Supervisor, DNR

Tim Ryan – South Central Wastewater Supervisor, DNR

