



March 8, 2022

DNR Project No. DC0216

Mr. Mike Rupiper, PE
Director of Environmental Resources Planning
Capital Area Regional Planning Commission
100 State Street, Suite 400
Madison, WI 53703

Subject: Amendment Request to the [Central Urban Service Area](#) for the City of Fitchburg – Edgewood College Athletic and Wellness Campus CARPC #2108 –DNR DC0216

Dear Mr. Rupiper:

We have completed our review of the subject sewer service area amendment request from the City of Fitchburg submitted to the Department February 10, 2022. This administrative decision letter conveys DNR's approval of the [CUSA-Fitchburg amendment request](#).

Amendment Area

This request from the City of Fitchburg adds 42 acres of land south of Lacy Road, and immediately west of the Badger State Trail, a portion of the North Stoner Prairie Neighborhood for the Edgewood College Athletic and Wellness Campus. The proposed amendment area is in the Story Creek watershed (HUC 12: 070900040501). The existing zoning for the project site is Exclusive Agriculture on the City of Fitchburg Official Zoning Map. The proposed land use is G/I (Government / Institutional) Use in the City of Fitchburg Comprehensive Future Land Use Plan.

Wastewater Treatment

Wastewater from the amendment area will be treated at the Madison Metropolitan Sewerage District (MMSD) Wastewater Treatment Facility. The treated effluent is discharged to Badfish Creek and Badger Mill Creek, bypassing the Yahara chain of lakes. There is sufficient existing treatment plant system capacity at MMSD and sufficient existing or planned wastewater collection system capacity to serve the proposed amendment area.

Environmentally Sensitive Areas

The site topography generally falls from west to east with wetlands centrally located on the east side. A majority of the site is existing agricultural fields with emergent/wet meadow wetlands taking up a large portion of the east half of the site. A wetland delineation report (2019) characterized 12.48 acres of emergent / wet meadow wetland in the eastern portion of the amendment area, west of the Badger State Trail. As noted in the CARPC staff report, this wetland with a minimum 75' vegetated buffer will be designated as environmental corridor per the adopted policies and criteria for environmental corridors.

Edgewood College proposes to restore the low quality farmed wetland with native wetland species. The wetland will be used as "outdoor laboratory" for students and will be accessible to the public for interpretive/ passive recreational opportunities. The restored wetland area, associated buffer, and stormwater management areas in the northeastern corner of the amendment area totals 16.8 acres.

The City of Fitchburg proposes to mitigate the urban nonpoint source impacts of the proposed development by requiring the implementation of stormwater best management practices that are designed and constructed to meet

current Dane County standards for pollutant reduction, runoff volumes, peak flows, water temperature, and groundwater recharge to address the potential urban nonpoint source impacts of the proposed development on the receiving waters.

Local Review & Public Involvement

In the [CARPC technical review report](#), the analyses found the amendment 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. The Capital Area Regional Planning Commission held a public hearing on the proposal on January 13, 2022 and on February 10, 2022 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 which are listed below.

Administrative Decision and Conditions

The Department finds the amendment consistent with water quality standards under section 281.15, Wis. Stats., and is hereby approved, noting the state and local requirements and recommendations by the Capital Area Regional Planning Agency 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 Fitchburg 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 Fitchburg 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, without exemptions, in accordance with the Dane County Stormwater Ordinance. Furthermore, City of Fitchburg ordinance requires post-development infiltration (stay-on) volume as close to 100% as practicable of the average annual pre-development infiltration (stay-on) volume, for the amendment area since it is within a closed basin.
 - e. Adequate storage is required within the closed basin watershed area for the runoff volume from back-to-back, 100-year 24-hour design storms, in accordance with the Dane County Stormwater Ordinance.
 - f. Development of an emergency drawdown or pumping plan is required, in accordance with the Dane County Stormwater Ordinance.
 - g. Oil and grease control are required that treats the first one-half inch of runoff using best management practices at commercial and industrial sites, in accordance with the City of Fitchburg and Dane County Stormwater Ordinances.

- h. 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 (a range of 10 to 11 inches/year for the amendment area or by a site specific analysis), when required by the City of Fitchburg 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 include the restored wetland, required buffers, and stormwater management areas to meet the Environmental Corridor Policies and Criteria adopted in the Dane County Water Quality Plan.

Additional Agreements for the Amendment Area

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

1. Develop and implement a wetland restoration plan for the wetland within the amendment area, including the use of native vegetation in the wetland buffer areas where appropriate.
2. Continue to foster the responsible use of chlorides by encouraging Edgewood College to become Salt Wise certified or use winter maintenance companies who have attended the winter salt certification classes offered by Wisconsin Salt Wise.

Recommendations

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

1. 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.
2. 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.

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 dark ink, appearing to read 'Tim Asplund', with a stylized, flowing script.

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

ecc:

David Pfeiffer –Chairperson, CARPC

Kris Hampton – Secretary, CARPC

Lisa Helmuth – South Central Water Resources Specialist, DNR

Kimberly Kuber – Water Quality Biologist, DNR

Mike Sorge – South Central Water Resources Supervisor, DNR

Tom Bauman - South Central Wastewater Supervisor, DNR



February 10, 2022

Mr. Timothy R. Asplund
Monitoring Section Chief
WDNR – Bureau of Water Quality
101 S. Webster Street
Madison, WI 53707-7921

RE: Water Quality Management Letter for Sewer Service Area Amendment Request #2108 – Central USA (City of Fitchburg)

Dear Mr. Asplund:

The City of Fitchburg 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 Fitchburg, in the Story Creek (HUC 12: 070900040501) watershed. It includes the addition of approximately 42.3 acres of land, including approximately 1.1 acres of existing road right-of-way, and 17 acres of proposed environmental corridors for a net of approximately 24.2 developable acres to the Central Urban Service Area. A public hearing was held on the proposed amendment at the January 13, 2022, Regional Planning Commission meeting. The City's application and the Commission staff's analysis report of the proposed amendment have been submitted to the Department's Surface Water Integrated Monitoring System.

It is the Capital Area Regional Planning Commission staff's opinion that the proposed 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.

At our February 10, 2022, meeting, the Capital Area Regional Planning Commission voted to recommend approval of this amendment to the Wisconsin Department of Natural Resources, based on the land uses and services proposed, and in recognition of the state and local requirements for the following:

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 Fitchburg 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 Fitchburg 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, without exemptions, in accordance with the Dane County Stormwater Ordinance. Furthermore, City of Fitchburg ordinance requires post-development infiltration (stay-on) volume as close to 100% as practicable of the average annual pre-development infiltration (stay-on) volume, for the amendment area since it is within a closed basin.
 - e. Adequate storage is required within the closed basin watershed area for the runoff volume from back-to-back, 100-year 24-hour design storms, in accordance with the Dane County Stormwater Ordinance.
 - f. Development of an emergency drawdown or pumping plan is required, in accordance with the Dane County Stormwater Ordinance.
 - g. Oil and grease control are required that treats the first one-half inch of runoff using best management practices at commercial and industrial sites, in accordance with the City of Fitchburg and Dane County Stormwater Ordinances.
 - h. 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* (a range of 10 to 11 inches/year for the amendment area or by a site specific analysis), when required by the City of Fitchburg 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 include the restored wetland, required buffers, and stormwater management areas 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 Fitchburg and the development team have agreed to pursue the following water resource management measures for the amendment area:

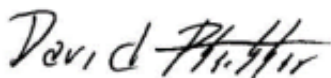
1. Develop and implement a wetland restoration plan for the wetland within the amendment area, including the use of native vegetation in the wetland buffer areas where appropriate.
2. Continue to foster the responsible use of chlorides by encouraging Edgewood College to become Salt Wise certified or use winter maintenance companies who have attended the winter salt certification classes offered by Wisconsin Salt Wise.

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

1. 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.
2. Encourage the use of native flora favored by the Rusty Patched Bumble Bee in landscaping to provide suitable habitat for this pollinator, where appropriate.

If you have any questions regarding this matter, please do not hesitate to contact Mike Rupiper, the Commission's Deputy Agency Director.

Sincerely,



David Pfeiffer
Chairperson



Kris Hampton
Secretary

cc: Mr. Wade Thompson, Community Development Planner, City of Fitchburg

Amendment Area Maps:

