



July 7, 2014

DNR File No. DC-0155

Mr. Kamran Mesbah, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Subject: Amendment to the *Dane County Water Quality Plan*, Updating Appendix D
"Urban Nonpoint Source Analysis"

Dear Mr. Mesbah:

We have completed our review of the subject amendment request that was submitted to the Department on December 13, 2011 by the Capital Area Regional Planning Commission (CARPC). The Department hereby approves the Amendment to the *Dane County Water Quality Plan*.

We would like to emphasize that, in cases where the Plan recommends stricter standards than those found in ch. NR 151, Wis. Adm. Code, the Department is unable to enforce those higher standards, and approval of this Plan does not imply that we will do so. We applaud the Planning Commission's efforts to partner with local communities and to advise them on best management practices so that municipalities will be motivated to enact locally enforceable ordinances.

The amendment updates the previous report on this topic prepared by the Dane County Regional Planning Commission in 1979. The update includes an in depth assessment and analysis of the current state of urban nonpoint source pollution issues and management issues in the region. A technical Advisory Committee, including regional staff from the Wisconsin Department of Natural Resources, reviewed the document and their comments were incorporated into the report. In March 2011, the report was sent to all municipalities in the region for their review and comment. No comments were received.

A public hearing was held on May 12, 2011. At the June 9, 2011 meeting, CARPC staff provided the written responses to public comments from May and described the revisions suggested by the Commissioners. The Capital Area Regional Planning Commission adopted the amendment per Resolution 2011-9 at the June 9, 2011 meeting.

This amendment becomes a part of the *Dane County Water Quality Management 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 equivalent 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, Stats.

The approval of this 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.

If you believe that you have a right to challenge this decision, you should know that the 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., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your 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., you have 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,



Thomas J. Muga, P.E., Chief
Wastewater Section
Bureau of Water Quality

cc:

Eric Rortvedt – WDNR – SCR - Fitchburg
Lisa Helmuth – WDNR – WQ/3
Fran Keally – WDNR - WQ/3