



August 23, 2019

DNR Project No. DC-0199

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 Town of Middleton Urban Service Area – CARPC #1903, DNR DC-0199](#)*

Dear Mr. Rupiper:

We have completed our review of the subject sewer service area amendment request from the Town of Middleton to add approximately 128.2 acres to the Central Urban Service Area. The proposed amendment was submitted to the Department in August 2019. We hereby approve of this request.

The proposed amendment is located in the Badger Mill Creek watershed, including approximately 51.8 acres of proposed environmental corridor, for a net of approximately 76.4 developable acres to the Central Urban Service Area.

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 conditions as recommended by CARPC in their August 2019 letter titled: *Water Quality Management Letter for Sewer Service Area Amendment Request #1903 - Central USA - Town of Middleton*:

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

1. Execute an agreement with the City of Madison for the provision of sanitary sewer service to the amendment area.
2. Submit a detailed stormwater management plan for Regional Planning Commission staff review and approval (in conjunction with DCL&WCD and City of Madison staff) prior to any land disturbing activities in the amendment area. The stormwater management plan shall include the following:
  - a. Install stormwater and erosion control practices prior to other land disturbing activities. Protect infiltration practices from compaction and sedimentation during land disturbing activities.
  - b. Control peak rates of runoff for the 1-, 2-, 10-, and 100-year 24-hour design storms to pre-development levels, in accordance with the City of Madison Stormwater Ordinance.
  - c. Provide 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 Madison Stormwater Ordinance.
  - d. 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 City of Madison Stormwater Ordinance.
  - e. Maintain 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 9 to 10 inches/year for the amendment area) or by a site specific analysis, in accordance with the Dane County Stormwater Ordinance.

- f. Include provisions and practices to reduce the temperature of runoff, in accordance with the City of Madison Stormwater Ordinance.
  - g. Meet the City of Madison Stormwater Ordinance requirement for discharge off-site to other private lands.
3. Stormwater management facilities shall be placed in public outlots whenever feasible and designated as environmental corridor. Easements and perpetual legal maintenance agreements with the Town, to allow the Town to maintain stormwater management facilities if owners fail to do so, shall be provided for any facilities located on private property.
  4. Delineate environmental corridors to include delineated wetlands and their buffers, the constructed drainageway and associated floodplain, stormwater management areas and open space to meet the Environmental Corridor Policies and Criteria adopted in the Dane County Water Quality Plan. Submit plats showing environmental corridors for Regional Planning Commission staff review and approval prior to recording.
  5. Including a notice in the Declaration of Covenants and Restrictions for the development that states there is a potential concern with high nitrates in the area and that recommends property owners perform annual testing for nitrates.
  6. Continue to encourage the responsible use of deicers and water softeners by participating in the trainings and outreach activities of the Wisconsin Salt Wise Partnership.

The Department also supports the recommendations that the Town of Middleton pursue the following:

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. Collaborate with watershed-wide efforts to share information on activities and concerns within the Badger Mill Creek watershed and to coordinate efforts.
3. Work with the City of Madison to update the watershed model (XP-SWMM) for this part of the watershed to reflect post -development conditions.
4. Include educational information in Town newsletters about the potential for nitrates in private wells in the Town and encourage residents to test their wells regularly for bacteria and nitrates on a yearly basis, or whenever there are changes in taste, color or odor.

#### 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.

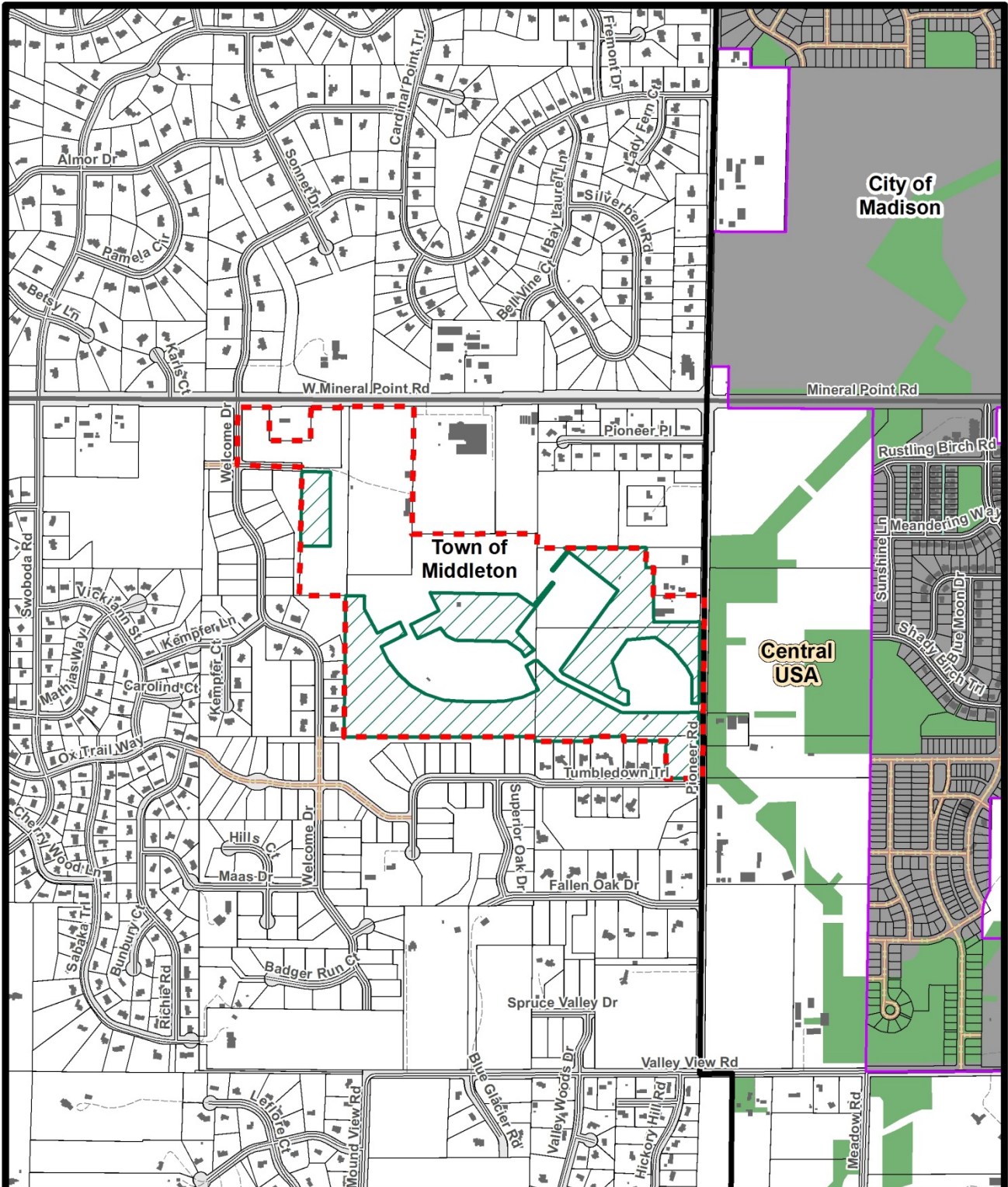
Sincerely,

A handwritten signature in black ink, appearing to read "Tim Asplund", written in a cursive style.

Timothy R. Asplund  
Monitoring Section Chief  
Bureau of Water Quality






cc:

Larry Palm – Executive Chairperson, CARPC  
Kris Hampton – Secretary, CARPC  
Lisa Helmuth – Water Resources Management Specialist, DNR  
Linnea Rock – Water Resources Management Specialist, DNR  
Matt Droese – Wastewater Engineer Trainee, DNR  
Mike Sorge – South Central Water Resources Supervisor, DNR  
Tim Ryan – South Central Wastewater Supervisor, DNR  
Greg DiMiceli – Administrator, Town of Middleton  
Rod Zubella – Vierbicher, Inc.

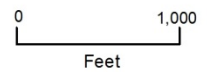


**Map 1 Amendment Area**

Proposed Amendment to the  
 Dane County Water Quality Plan,  
 Revising the Sewer Service Area  
 Boundary and Environmental Corridors  
 in the Central Urban Service Area

-  Service Area to be Added (128.2 acres)
-  Incorporated Area
-  Existing Service Area
-  Environmental Corridor to be Added (51.8 acres)
-  Existing Environmental Corridors

Date: 06/11/2019



Prepared by staff of the CARPC.