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March 17, 2020  
Mr. Mike Rupiper, PE  
Director of Environmental Resources Planning  
Capital Area Regional Planning Commission  
100 State Street, Suite 400  
Madison, WI 53703

DNR Project No. DC-0204 (CARPC 2020-03)

*Subject: Amendment Request to establish policies and criteria for the review of minor SSA Amendments*

Dear Mr. Rupiper:

We have completed our review of the proposed amendment policies and criteria for the review of minor amendment requests which was received from CARPC to DNR at the end of February. We believe these procedures are practical and will save resources. We approve the addition of these procedures to the Dane County Water Quality Management Plan.

#### 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 environmental corridor 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 "Timothy R. Asplund". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Matt Droese – Wastewater Engineer, DNR

Mike Sorge – South Central Water Resources Supervisor, DNR

Tim Ryan – South Central Wastewater Supervisor, DNR



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**CARPC Resolution No. 2020-03**

**Recommending to the Wisconsin Department of Natural Resources Amendment of the *Dane County Water Quality Management Plan* by Establishing Policies and Criteria for the Review of Minor Sewer Service Area Amendments**

WHEREAS, the Capital Area Regional Planning Commission ("CARPC") is authorized to carry out a range of planning activities, pursuant to Wis. Stats. § 66.0309(8), and contracts with the Wisconsin Department of Natural Resources (WDNR) to conduct area-wide water quality management planning, pursuant to Chapter NR 121 Wis. Adm. Code, for the Dane County region; and

WHEREAS, the *Dane County Water Quality Management Plan* is the approved areawide water quality management plan for the Dane County region; and

WHEREAS, the Capital Area Regional Planning Commission has adopted, reaffirmed, and recommended amendment of the *Dane County Water Quality Management Plan*; and

WHEREAS, the *Policies, and Criteria for the Review of Sewer Service Area Amendments* were last updated and adopted in 2017; and

WHEREAS, a streamlined and simplified process for minor amendments, where there are no environmentally sensitive areas or other potential concerns, results in a more cost-effective sewage collection system; and

WHEREAS, a public hearing was held during the Regional Planning Commission meeting on February 13, 2020, to take testimony on the proposed policies and criteria for the review of minor sewer service area amendments.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Wis. Stats. § 66.0309, and Sec. 208 of Public Law 92-500, the Capital Area Regional Planning Commission recommends the amendment of the *Dane County Water Quality Plan* by establishing the proposed policies and criteria for the review of minor sewer service area amendments.

February 13, 2020  
Date Adopted

\_\_\_\_\_  
Larry Palm, Executive Chairperson

\_\_\_\_\_  
Kris Hampton, Secretary

# Capital Area Regional Planning Commission

## Policies and Criteria for the Review of Minor Sewer Service Area Amendments to the Dane County Water Quality Plan

February 13, 2020

### 1. Policies and Criteria for Minor Sewer Service Area Amendments

Requests for minor sewer service area additions must comply with ALL of the following policies and criteria:

- A. Minor amendments are limited to existing buildings or the comparable replacement of existing buildings (i.e. properties currently on septic systems, existing buildings where only part of the parcel is in the sewer service area, buildings already connected to sanitary sewer but currently outside of the approved sewer service area) in existence as of the date of adoption of these policies.
- B. The building must be able to be served by a lateral connection to an existing sanitary sewer main (i.e. no sanitary sewer main extension).
- C. The amendment area cannot contain any environmentally sensitive areas (environmental corridors) as defined by NR 121.
- D. Additions to a sewer service area must be contiguous with existing sewer service areas.
- E. Adequate treatment capacity must be available in wastewater treatment facilities that receive the expected volume of wastewater.
- F. Sewer service area additions must be cost-effective (as defined in NR 110) and environmentally sound expansion of public sewerage facilities.
- G. Amendments to service areas must be sponsored by the local unit of government (municipality) to ensure that designated local management agencies in charge of pollution prevention are in support of the expansion. Where service is to be provided by a separate sanitary or sewerage district, they must also demonstrate support of the amendment.
- H. A public hearing will be set for the next Commission meeting. All affected local units and their respective county board supervisors will be notified by at least thirty (30) days prior to the public hearing. Any opposition before or at the public hearing will be reviewed by the Commission and may result in the Commission sending the amendment through the standard process and schedule for sewer service area amendments.
- I. Requesting units of government must notify neighboring or affected units of government of their intent to expand the service area.

## **2. Submittal Requirements for Minor Sewer Service Area Amendments**

Requests for minor sewer service area additions must be accompanied by specific plans for provision of sanitary sewer service to the proposed addition, which include the following elements:

- A. A description of the need for the sewer service area expansion.
- B. A site plan and description of proposed amendment area, which is specific enough to enable the determination area proposed to be included in the service area. Amendment area should generally follow parcel boundaries or specific dimensions along parcel boundaries.
- C. A specific plan for providing sanitary sewer service to the area, both public sewage collection and treatment systems (layout, facilities, capacity).
- D. A statement and any necessary supporting documentation to show that the amendment area does not contain any environmentally sensitive areas, which are to be protected from urban development, and that would require designation in environmental corridors consistent with CARPC and DNR policies and criteria.
- E. Complete applications must be submitted at least 30 days prior to the Commission meeting at which the public hearing and Commission action will take place.

## Process for Minor Sewer Service Area Plan Amendments

