



January 6, 2021

DNR Project No. SU-0010

Ms. Erin Abramson  
Collection Systems Engineering & Operations Manager  
City of Superior  
51 E. 1<sup>st</sup> Street  
Superior, WI 54880

**Subject:** Areawide Water Quality Management Plan Administrative Decision for the [City of Superior Sewer Service Area 2040 Update](#)

Dear Ms. Abramson,

The Wisconsin Department of Natural Resources (WDNR) has completed our review of the City of Superior's Sewer Service Area (SSA) Plan 2040 Update (received June 24, 2020) and subsequent communication received December 16, 2020.

The Department finds the proposed amendment to the State's Areawide Water Quality Management Plan consistent with water quality standards under section 281.15, Wis. Stats., and approves this plan with the following conditions and commitments from the City of Superior (see Attachment B).

The City will provide an updated document (Sewer Service Area Plan 2040) to address remaining items identified in Attachment B within four (4) months (April 2020).

A final plan will be submitted to DNR to add DOA approved population projections within four (4) months of the final Comprehensive Plan approval by the City of Superior.

This plan replaces the existing Superior SSA Plan 1999 and is a significant element of the city's public facilities management program. The City of Superior's Technical Advisory Committee approved the City of Superior Sewer Service Area 2040 Update on June 12, 2020, and the City of Superior Common Council provided a resolution adopting the plan at its June 16<sup>th</sup> meeting.

**Statewide Areawide Water Quality Management Plan Amendment**

This amendment is a formal update to the state's Areawide 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 integrated analysis action under section NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with chapter NR 150, Wis. Adm. Code, and with section 1.11, Wis. 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.

**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, Chief  
Monitoring Section, Bureau of Water Quality  
Wisconsin DNR

Electronic Copy:

Todd Janigo, Director of Public Works  
Steve Roberts, Environmental Services Director  
Lisa Kosmond Helmuth – Water Resources Management Specialist, DNR  
Eric DeVenecia, Wastewater Engineer, DNR  
Mike Goettel, Wastewater Specialist, ballast water, DNR  
Michelle Balk, Wastewater Field Supervisor, DNR  
Jon Kleist, WQ Biologist, NOR, DNR  
Tom Aartila, Water Resources NOR Field Supervisor, DNR  
Ashley Brechlin - Wastewater Engineer, DNR

## Attachment A: Submittal Letter

**Environmental Services Division  
Public Works Department**

Phone: (715) 394-0392 Ext.1015  
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[abramsone@ci.superior.wi.us](mailto:abramsone@ci.superior.wi.us)

Erin Abramson  
Collection Systems  
Engineering and Operations Manager  
51 E 1<sup>st</sup> Street  
Superior, WI 54880

June 24, 2020

Lisa Helmuth, Water Resources Management Specialist  
Division of Environmental Management  
Wisconsin Department of Natural Resources  
P.O. Box 7921  
Madison, WI 53707-7921

RE: 2040 City of Superior Urbanized Area Sewer Service Plan

Dear Ms. Helmuth:

Please find a copy of the draft 2040 City of Superior Urbanized Area Sewer Service Plan for the Department's administrative review of the update to the City of Superior's Sewer Service Area Plan (SSA Plan). The draft SSA Plan update was approved by the Superior Technical Advisory Committee virtually on June 12, 2020, due to the COVID-19 pandemic. A resolution was approved by the City of Superior Common Council at its June 16, 2020, meeting, approving the update to the SSA Plan and approving submittal to the WDNR for administrative review.

We hope that the Department finds the update to Superior's SSA Plan to be complete as well as logical, specifically in addressing areas that were found lacking in the previously approved SSA Plan; we feel our details regarding Environmentally Sensitive Areas is extensive and appropriate to the region, and the documented procedures for requesting sewer extensions, connections and amendments to the Plan are concise and easy to follow.

If there are any questions regarding this submittal, or if we can provide you additional information to assist in your review, please do not hesitate to contact me at (715) 394-0392 ext. 1015 or via email at [abramsone@ci.superior.wi.us](mailto:abramsone@ci.superior.wi.us). We look forward to hearing from you on this important update to our SSA Plan.

Sincerely,

Erin Abramson  
Collection Systems Engineering & Operations Manager

Cc: Todd Janigo, Director of Public Works; Steve Roberts, Environmental Services Director

## Attachment B: City of Superior Conditional Plan Approval Comments


**Environmental Services Division  
Public Works Department**

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Erin Abramson  
 Collection Systems  
 Engineering and Operations Manager  
 51 E 1<sup>st</sup> Street  
 Superior, WI 54880

December 16, 2020

Timothy R. Asplund  
 Chief, Water Resources Monitoring Section  
 Bureau of Water Quality  
 Wisconsin Department of Natural Resources  
 101 S. Webster St.  
 Madison, WI 53707

RE: 2040 City of Superior Urbanized Area Sewer Service Plan Update

Dear Mr. Asplund,

Please accept this letter and attached documents as the City of Superior's response to the email dated November 16, 2020, and conference call on November 18, 2020, regarding the draft update to the City's Sewer Service Area Plan (SSAP), submitted to the Wisconsin DNR on June 24, 2020. The responses in this letter will address the items in the order received via email.

1. Show map of Superior SSA with:
  - Parkland SD,
  - Village of Superior, and
  - Three industrial wastewater facilities.

Response: Map 1-2, Map 6-1, Map 6-2 and Map 6-3 will be updated to include the three existing industrial wastewater facilities located within the City of Superior's physical boundaries. Discussion regarding the inclusion of the Village of Superior and Parkland SD is included in a later section of this letter.

2. Provide updated (DOA Approved) population projections for 40 year scenario. Northwest RPC projections through 2040, then get them DOA approved.

Response: The City of Superior is in the process of updating its Comprehensive Plan, which will include DOA approved population projections. We will update the City's SSAP with the population projections from the Comprehensive Plan within four (4) months of approval of the final document by the City of Superior.

3. Discuss short and long term WW Capacity given
  - Anticipated changes in growth of local communities (SD's and Village)
  - Potential connections and capacity impacts based on regionalization scenarios.



Response: As discussed in Section 4.1 of the updated SSAP, the City of Superior owns and maintains four (4) wastewater treatment plants, with actual average annual flow at the main wastewater treatment facility of 4.072 MGD of its permitted 7.6 MGD. Anticipated growth of local communities will most likely be included in the City's updated Comprehensive Plan (see 2.). Regionalization of the City's treatment facilities has not been discussed or contemplated at this time; discussion of potential capacity impacts for specific instances is included under 4. below.

4. Provide more detail on capacity impacts relating to:

- Parkland Growth
- Village of Superior Connection possibility and growth
- Midwest Energy Resources Company – scenario with large rain events and discharges away from ponds to Superior Plant (potential).
- Superior Refining discharges (plans underway to discharge to Superior WWTP versus Newton Creek)

Response: Potential capacity impacts of the areas listed are as follows:

- Parkland

The City of Superior has an agreement with the Parkland Sanitary District #1 (PSD) that allows the discharge of their wastewater to the City's wastewater collection system and treatment at the City's POTW. The agreement is included as an attachment to this letter for reference; the agreement will be included as an appendix to the SSAP document. Per the agreement, PSD is limited in daily and annual flows discharged to the City. There are also procedures detailed within the agreement in regards to notification of connections, approval of non-domestic waste, SSA amendments within the Town of Parkland, and required reporting.

Per the agreement, PSD has a contracted flow volume of 36,500,000 gallons annually (0.1 MGD average daily flow), with flows over this amount being charged appropriate excess flow charges. Flows for the past five years, through 2019, have not come close to this contracted flow volume and are listed below:

Year	Total Gallons	Average Flow (MGD)
2019	9,235,000	0.025
2018	9,031,000	0.025
2017	10,045,000	0.028
2016	10,318,000	0.028
2015	9,606,000	0.026

In 2011, the year after PSD started discharging to the City of Superior, there were 325 connections to the PSD collection system. At the end of 2019, there were 335 connections.

Per information in the latest Comprehensive Plan, in conversations with representatives with the Town of Parkland, and included in Section 5 of the submitted draft SSAP, the Town of Parkland, similar to the City of Superior, is experiencing a decline in population. All zoning and building permits within the Town of Parkland are approved by Douglas County; PSD sewer use ordinance dictates which properties are required to connect to the PSD collection



system. Future land use within the Town of Parkland, and specifically within the City's SSA within the Town of Parkland, is determined by the zoning of the parcel.

Based upon the information in the agreement between the City of Superior and PSD, the following areas of the City's SSA plan will be updated:

Sections 1.4, 3.1, 4.1.4, 5.2, 6, 7.1, 7.3, 7.5

Maps 1-2, 5-1, 6-1, 6-2, 6-3

The agreement does not give any authority to PSD in updating or dictating sewer use outside the area of the SSA that is within the Town of Parkland; as such, a representative of the PSD will be added to the Technical Advisory Committee (defined in Section 7.1 of the draft SSA Plan) in an advisory and non-voting capacity.

- Village of Superior

The Village of Superior is located south of the City of Superior, adjacent to Sanitary District 5. Sanitary District 5 is a combined sanitary district and has sewers sized appropriately to this flow. Additionally, areas of Sanitary District 5 have been part of separation projects, including areas directly adjacent to the Village of Superior. Per the conference call discussion, the Village of Superior currently has average wastewater flows of less than 1000 gallons per day; the trunk sewers in Sanitary District 5 have available capacity to receive these flows.

If the Village of Superior were to connect to the City's wastewater collection system and have treatment of their wastewater at the City's wastewater treatment facilities, the City would enter into an agreement with the Village similar to that with Parkland Sanitary District #1. The City will submit an amendment request to the DNR in this eventuality.

- Midwest Energy Resources Company

Midwest Energy Resources Company (MERC) is located within Sanitary District 6 along St. Louis Bay. Sanitary District 6 is a combined sanitary district and has sewers sized appropriately to this flow. As the City has not received any information regarding the potential of accepting flows from this facility during large rain events, it is difficult to say with any certainty the potential impacts of this connection. The City would treat this connection similarly to the Superior Refinery, requiring a pretreatment permit in order to discharge with specific terms included within the permit. This facility would need to pump the wastewater uphill a minimum of approximately 0.5 miles, crossing at least one set of railroad tracks, to get to the nearest existing public sanitary sewer main, making connection to the City's public sanitary sewer system expensive and unlikely.

- Superior Refining

The City is currently working with Superior Refining on its pretreatment permit in order to discharge to the City's collections system and have the wastewater treated at the main wastewater treatment facility. Current projections have the Superior Refinery discharging to the City's collection system starting Q2 of 2021 of just treated stormwater, with projected Refinery restart in Q3 of 2022. Average effluent to POTW after refinery restart is projected to be 220 gallons per minute; the interceptor where this flow will connect has sufficient capacity to accept the flow, as it generally operates at one quarter of its maximum capacity. Total projected annual flow after refinery restart is 0.3 MGD, which the main treatment facility can accommodate (see 3. above).

5. Make the following map page 4-3 more legible by making the title smaller and the legend much larger or putting labels of key dischargers on the map (not discussed during conference call, but included in document provided by email on 11/16/2020).

Response: Map 4-3 will be updated per request.

The City of Superior is formally requesting conditional approval of the update of the 2040 City of Superior Urbanized Area Sewer Service Plan based on previously submitted documents and the information included in and with this letter. The City will provide an updated document, less items listed under Item 2 of this letter, within four (4) months of the date of this letter. The SSA Plan will be updated with DOA approved population projections within four (4) months of approval of the final Comprehensive Plan by the City of Superior.

Attachment: Wastewater Services Agreement between City of Superior, Wisconsin and Town of Parkland Sanitary District #1

Cc: Lisa Helmuth, WDNR; Andrew Dutcher, WDNR; Michelle Balk, WDNR; Ashley Brechlin, WDNR; Jason Knutson, WDNR; Steve Roberts, City of Superior; Todd Janigo, City of Superior; John Rose, Parkland Sanitary District #1