



September 21, 2021

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 Stoughton Urban Service Area – CARPC #2007 – DNR DC-0213](#)

Dear Mr. Rupiper:

We have completed our review of the subject sewer service area amendment request from the City of Stoughton submitted to the Department in August 12, 2021.

Amendment Area

The City of Stoughton 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 Stoughton, Town of Rutland, and Town of Dunkirk, in the Lake Kegonsa-Yahara River (HUC 12: 070900020902) and City of Stoughton-Yahara River (HUC 12: 070900020903) watersheds. It includes the addition of approximately *90.2 acres of land, including approximately 19.9 acres of existing development, and 25.2 acres of proposed environmental corridors for a net of approximately 45.1 developable acres* to the Stoughton Urban Service Area.

Local Review & Public Involvement

The amendment was reviewed by CARPC technical staff; the [report indicates that the 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.

CARPC held a public hearing on the proposal August 12, 2021, at the Regional Planning Commission meeting and voted to recommend approval of this amendment to WDNR based on the land uses and services proposed and state and local requirements ([see CARPC WQM Letter](#)) and an agreement that the City of Stoughton and the development team will pursue the following water resource management measures for the amendment area:

- Peak rates of runoff are required to be controlled for the 200-year 24-hour design storm to “pre-development” levels
- Require no increase in runoff volume for the 1-year through the 200-year, 24-hour design storms.

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

- Encourage the responsible use of deicers and water softeners by participating in the trainings and outreach activities of the Wisconsin Salt Wise Partnership.

Administrative Decision

The Department finds the proposed amendment is consistent with water quality standards under section 281.15, Wis. Stats., and is hereby approved with considerations recommended by CARPC in their August 2021 transmittal letter ([see CARPC WQM Letter](#)).

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,



Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

ecc:

Larry Palm – Executive Chairperson, CARPC

Kris Hampton – Secretary, CARPC

Lisa Kosmond Helmuth – Water Resources Management Specialist, DNR

Jim Amrhein – Water Quality Biologist, Southern District, DNR

Mike Sorge – South Central Water Resources Supervisor, DNR

Tim Ryan – South Central Wastewater Supervisor, DNR

CAPITAL AREA RPC
100 State St Suite 400, Madison, WI 53703



ph: 608.474.6017
info@capitalarearpc.org

August 12, 2021

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 #2007 –
Stoughton USA (City of Stoughton)

Dear Mr. Asplund:

The City of Stoughton 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 Stoughton, Town of Rutland, and Town of Dunkirk, in the Lake Kegonsa-Yahara River (HUC 12: 070900020902) and City of Stoughton-Yahara River (HUC 12: 070900020903) watersheds. It includes the addition of approximately 90.2 acres of land, including approximately 19.9 acres of existing development, and 25.2 acres of proposed environmental corridors for a net of approximately 45.1 developable acres to the Stoughton Urban Service Area. A public hearing was held on the proposed amendment at the July 8, 2021 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 August 12, 2021 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.

Mr. Timothy R. Asplund
August 12, 2021
Page 2

- 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-, and 100-year 24-hour design storms to “pre-development” levels, in accordance with the City of Stoughton 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 Stoughton 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, in accordance with the City of Stoughton and Dane County Stormwater Ordinances.
 - e. Oil and grease control is 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 Stoughton and Dane County Stormwater Ordinances.
 - f. 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 9 to 10 inches/year for the amendment area or by a site specific analysis), when required by the City of Stoughton 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. Stormwater management facilities shall be placed in public outlots whenever feasible and designated as environmental corridor.
 3. Environmental corridors are required to be delineated to include the proposed parks and stormwater management areas to meet the Environmental Corridor Policies and Criteria adopted in the *Dane County Water Quality Plan*.

Mr. Timothy R. Asplund
August 12, 2021
Page 3

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

1. Peak rates of runoff are required to be controlled for the 200-year 24-hour design storm to "pre-development" levels.
2. Require no increase in runoff volume for the 1-year through the 200-year, 24-hour design storms.

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

1. 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.

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

Sincerely,



Larry Palm
Executive Chairperson



Kris Hampton
Secretary

cc: Mr. Rodney Scheel, Director of Planning & Development, City of Stoughton

