



May 17, 2022

DNR Project No. DC-2205

Mr. Mike Rupiper, PE
Deputy Agency Director
Capital Area Regional Planning
100 State Street, Suite 400
Madison, WI 53703

Subject: [CUSA Urban Service Area Amendment – Northeast Neighborhood - DC2205 \(2022\)](#)

Dear Mr. Rupiper:

We have completed our review and approve of the subject [sewer service area amendment request from the City of Madison \(CARPC #2205\)](#) submitted to the Department on April 14, 2022.

Amendment Area & Consistency with Local Plans

The amendment area is in the Starkweather Creek (HUC 12: 070900020701) and Door Creek (HUC 12: 070900020901) watersheds. This 407 acre amendment south of Lien Road and east of Interstate 39 in the City of Madison and the Town of Burke is addressed in the Madison Northeast Neighborhood Development Plan and the Regional Development Framework's 2035 and 2050 growth scenarios. The land, most of which is in Town of Burke, includes open land, agriculture, and rural residential and commercial. All town land in the expansion area will be incorporated into the city pursuant to the City of Madison-City of Sun Prairie-Village of DeForest-Town of Burke Cooperative Plan no later than 2036. Planned land use includes residential (density from six units per acre to 35 units per acre).

Environmentally Sensitive Areas

One emergent wet meadow wetland is located along the northeast edge of the amendment area west of Reiner Road (WWI); a certified wetland delineation is required prior to earth moving activity. Additional open water, forested, scrub / shrub and emergent / wet meadow wetlands associated with Starkweather Creek are located to the north/northwest of the amendment area and emergent / wet meadow and forested wetlands associated with Door Creek to the east of the amendment area.

Wastewater Treatment

Wastewater will be treated at the Madison Metropolitan Sewerage District (MMSD) Wastewater Treatment Facility and discharged to Badfish Creek and Badger Mill Creek, bypassing the Yahara chain of lakes. Currently, about 3 acres of the amendment area are within the city. The full range of urban services, including public sanitary sewer and water, will be provided to properties within the City of Madison. The 404 acres in the Town of Burke will receive town and county services until 2036, which is when the Cooperative Plan (2007) stipulates the amendment area will be under city jurisdiction.

Public Involvement

On January 4, 2022, the City of Madison Common Council adopted a resolution that authorizes the city to submit a CUSA amendment application to the Capital Area Regional Planning Commission. The resolution includes a finding that the proposed use of the amendment area is consistent with the City of Madison

Northeast Neighborhoods Development Plan and the City of Madison Comprehensive Plan. The Town of Burke has been notified of this CUSA amendment.

CARPC held a public hearing on the proposal March 10, 2022, at the Regional Planning Commission meeting and voted to recommend approval of this amendment to WDNR based on the land uses and services proposed (state and local requirements) and the following recommendations for the City of Madison.

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. Encourage the use of native flora favored by the Rusty Patched Bumble Bee in landscaping to provide suitable habitat for this pollinator, where appropriate.
3. Continue to foster the responsible use of chlorides by collaborating with Wisconsin Salt Wise and working to implement the Starkweather Creek Chloride Management Plan

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 April 14, 2022, transmittal letter. Note that if any of the provisions included in the approval are not able to be met prior to construction of the sanitary sewer, the City of Madison should initiate a formal plan amendment process with CARPC reflecting any necessary changes.

Statewide AWQM Plan Amendment

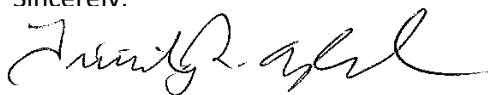
This amendment is a formal update to the state's Areawide Water Quality Management Plan and the *Dane County Water Quality Plan* and will be forwarded to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) 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

Attachments:

[CARPC Transmittal Letter \(WQM Plan Letter\) to DNR](#)

[CARPC Staff Report](#)

ecc:

David Pfeiffer – Executive Chairperson, CARPC
 Kris Hampton – Secretary, CARPC
 Lisa Helmuth – Water Resources Management Specialist, DNR
 Camille Bruhn – Water Quality Biologist, DNR
 Mike Sorge – South Central Water Resources Supervisor, DNR
 Tom Bauman -- South Central Wastewater Supervisor, DNR
 Laura Bub – South Central Stormwater Management Supervisor, DNR
 Andrew Dutcher --- Wastewater Engineer, Facility Plan Review, DNR

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



ph: 608.474.6017
 info@capitalarearpc.org

April 14, 2022

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 #2105 – Central USA (City of Madison / Northeast Neighborhood)

Dear Mr. Asplund:

The City of Madison has submitted a request for a sewer service area amendment to the *Dane County Water Quality Plan*. The proposed amendment is currently in the Town of Burke and the City of Madison, in the Starkweather Creek (HUC 12: 070900020701) and Door Creek (HUC 12: 070900020901) watersheds. It includes the addition of approximately 407 acres of land, including approximately 129 acres of existing development and road right-of-way, and 64 acres of proposed environmental corridors for a net of approximately 214 developable acres to the Central Urban Service Area. A public hearing was held on the proposed amendment at the March 10, 2022, 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 April 14, 2022, 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
 April 14, 2022
 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-, 100-, and 200-year 24-hour design storms to "pre-development" levels, in accordance with the City of Madison 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 Madison 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 Madison and Dane County Stormwater Ordinances.
 - e. Oil and grease control are 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 Madison 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 Madison 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.
 3. Field verification for areas of the development site considered suitable for infiltration including a site assessment for karst features is required by the Wisconsin Department of Natural Resources Conservation Practice Standard 1002 - Site Evaluation for Stormwater Infiltration.
 4. Environmental corridors are required to be delineated to meet the Environmental Corridor Policies and Criteria adopted in the *Dane County Water Quality Plan*.

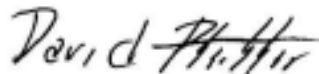
It is also recommended that the City of Madison pursue the following to further improve water quality and environmental resource management:

Mr. Timothy R. Asplund
April 14, 2022
Page 3

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. Encourage the use of native flora favored by the Rusty Patched Bumble Bee in landscaping to provide suitable habitat for this pollinator, where appropriate.
3. Continue to foster the responsible use of chlorides by collaborating with Wisconsin Salt Wise and working to implement the Starkweather Creek Chloride Management Plan.

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

Sincerely,

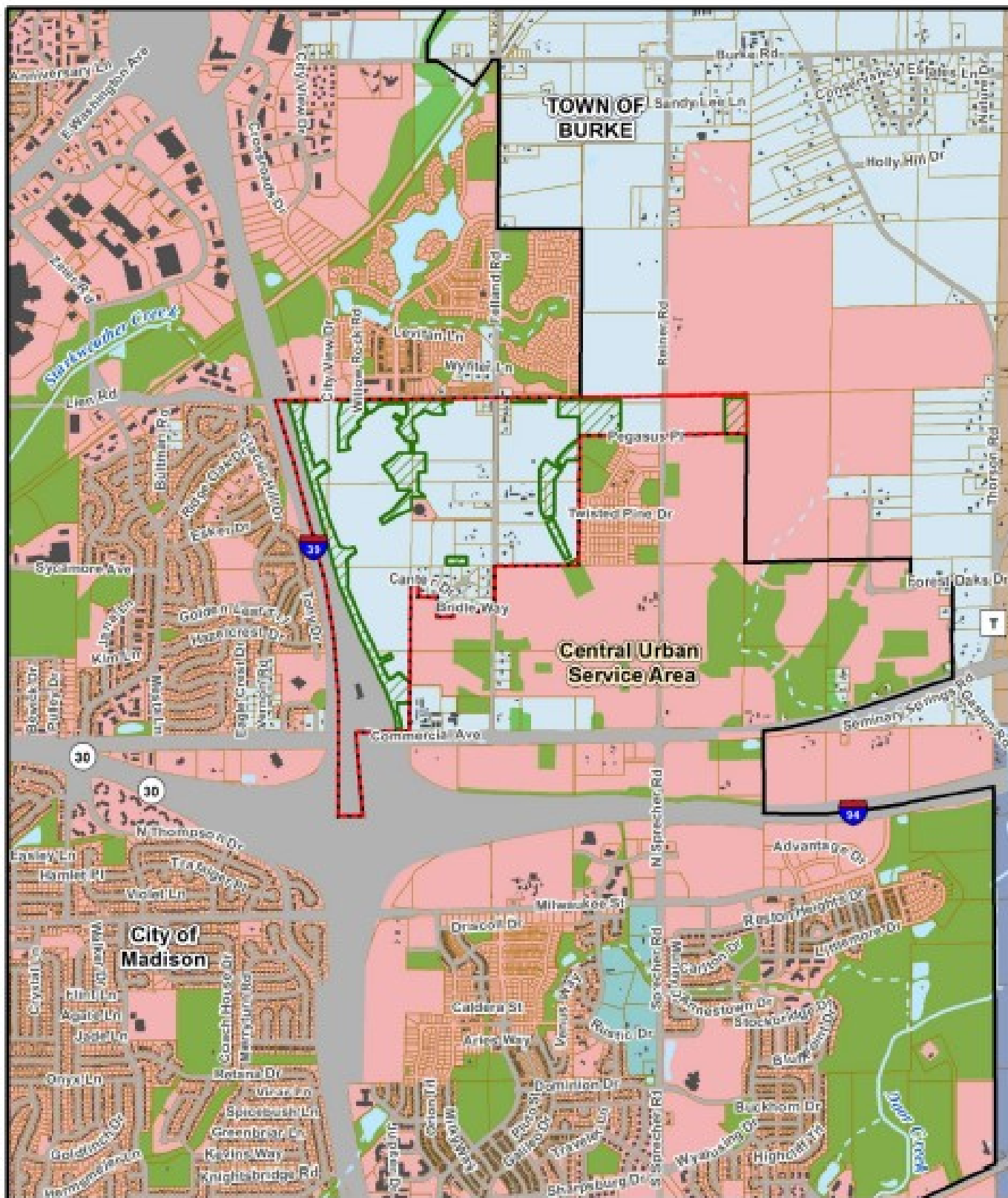


David Pfeiffer
Chairperson



Kris Hampton
Secretary

cc: Mr. Jeff Greger, Planner, City of Madison




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

-  Existing Service Area
-  Service Area To Be Added (~407 acres)
-  Existing Environmental Corridors
-  Environmental Corridor To Be Added (~64 acres)

Date: 4/4/2022

0 2,000
 Feet



Proposed Land Use Map

from City of Madison application, 2022

