



May 17, 2022

DNR Project No. DC-2103

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

Subject: [SSA Amendment Request #2103 – CUSA - Middleton / Belle Farms Amendment](#)

Dear Mr. Rupiper:

We have completed our review and approve of the subject sewer service area amendment request from the City of Middleton (CARPC #2103) submitted to the Department on April 14, 2022.

Amendment Area & Consistency with Local Plans

The City of Middleton is requesting amendment to the Central USA. The requested amendment area is in the northeastern corner of the Central USA and contiguous along three sides to the existing USA. The area is adjacent the Town of Springfield (north) and is bounded by Parmenter Street (west) and Springton Court (south). It is bounded to the east/southeast by Graber Pond and surrounding green space and to the north by the Foxfire Trail subdivision in the Town. The amendment area is 44 acres -- 17 acres of environmental corridor and 27 acres of developable land.

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.

Public Involvement

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). Additional actions have also been recommended below to further improve water quality and environmental resource management.

1. Require an archaeological survey be performed by a qualified archaeologist for the amendment area as recommended by the Wisconsin Historical Society and take necessary protection measures if artifacts are found.
2. Implement the recommended and required actions listed in the WDNR Bureau of Natural Heritage Conservation's Endangered Resources Review to protect any occurrences of rare plants, animals, and natural communities.
3. Encourage the use of native flora favored by the Rusty Patched Bumble Bee in landscaping to provide suitable habitat for this pollinator, where appropriate.
4. Continue to foster the responsible use of chlorides by collaborating with Wisconsin Salt Wise.

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.

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:

[CUSA Project – DNR Website](#)
[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



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 #2103 – Central USA (City of Middleton / Belle Farms)

Dear Mr. Asplund:

The City of Middleton 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 Middleton, in the Pheasant Branch (HUC 12: 070900020603) watershed. It includes the addition of approximately 44 acres of land, including approximately 17 acres of proposed environmental corridors for a net of approximately 27 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.
 - 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 Middleton 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 Middleton and Dane County Stormwater Ordinances.
 - d. Runoff volume control is required that maintains the post development stay-on volume to at least 100% of the pre-development stay-on volume for the average annual rainfall period, in accordance with the City of Middleton Stormwater Ordinance requirements for closed basins.
 - 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 Middleton 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 Middleton 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. Environmental corridors are required to be delineated to meet the Environmental Corridor Policies and Criteria adopted in the *Dane County Water Quality Plan*. A 100’ buffer is being provided for wetland W-1 per the 2006 Graber Pond Master Plan.

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

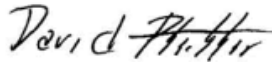
1. Require an archaeological survey be performed by a qualified archaeologist for the amendment area as recommended by the Wisconsin Historical Society and take necessary protection measures if artifacts are found.
2. Implement the recommended and required actions listed in the WDNR Bureau of Natural Heritage Conservation’s Endangered Resources Review to protect any occurrences of rare plants, animals, and natural communities.

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3. Encourage the use of native flora favored by the Rusty Patched Bumble Bee in landscaping to provide suitable habitat for this pollinator, where appropriate.
4. Continue to foster the responsible use of chlorides by collaborating with Wisconsin Salt Wise.

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: Ms. Abby Attoun, Director of Planning & Community Development, City of Middleton

