

State of Wisconsin
DEPARTMENT OF NATURAL
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September 7, 2022

DNR No. SE0167

Mr. Joel Dietl, AICP, Chief Land Use Planner
Southeastern Wisconsin Regional Planning Commission
P.O. Box 1607
Waukesha, WI 53187-1607

Subject: Sanitary Sewer Service Area Plan Amendment for the Village of Menomonee Falls, Waukesha County

Dear Mr. Dietl:

On July 12, 2022, the Wisconsin Department of Natural Resources (DNR) received the proposed Sanitary Sewer Service Area (SSA) Plan Amendment for the Village of Menomonee Falls from the Southeastern Wisconsin Regional Planning Commission (SEWRPC) on behalf of the Village of Menomonee Falls. The SSA Plan Amendment is identified by SEWRPC number 263811.

Description of Proposed SSA Amendment Area

The proposed SSA Plan Amendment would amend the regional water quality management plan as refined and detailed in SEWRPC Community Assistance Planning Report No. 208, *Sanitary Sewer Service Areas for the Villages of Lannon and Menomonee Falls, Waukesha County, Wisconsin*, dated July 1993. The SSA Plan Amendment would add to the sanitary sewer service area 421 acres, an increase of over 14 percent. The subject area, immediately adjacent to, but outside, the current SSA, is located generally east of CTH V/Town Line Road, south of STH 74/Main Street, and north of CTH VV/Silver Spring Drive, in U.S. Public Land Survey Sections 19 and 30, Township 8 North, Range 20 East, Village of Menomonee Falls, Waukesha County, Wisconsin.

Environmentally Sensitive Areas

The subject area contains approximately 134 acres of environmentally significant lands, consisting of 57 acres of primary environmental corridor, 52 acres of secondary environmental corridor, 21 acres of isolated natural resource area, and roughly four acres of wetlands. The primary environmental corridor includes the Fox River and its associated 100-year recurrence interval floodplain. Much of that floodplain was used for golf course purposes and may be expected to revert to more natural conditions over time.

Consistency with Local and Regional Plans

Under the Village's comprehensive plan, most of the subject area is recommended to be developed for low density residential uses, at up to two housing units per acre. However, the plan recognizes that higher density residential development may be suitable for some parts of this area, subject to available

sanitary sewer capacity. It is estimated that upon full development, the subject area would accommodate about 613 housing units, with an estimated population of about 1,660 persons. The estimated buildout population of the expanded sewer service area is approximately 6,910 persons, lower than the 2050 population range of 8,940 to 12,030 persons for this area in the regional land use plan.

Water Quality Impacts

It is envisioned that all new urban development within the proposed amendment area would receive sanitary sewer service. Assuming that all applicable Federal, State, and local permits are obtained and that proper site development and construction practices are employed, there should be no significant adverse water quality impacts attributable to the development of the planned sewer service area.

Wastewater Treatment Plan Capacity

The Sussex Wastewater Treatment Facility (WWTF) serves the Village of Sussex and portions of the Village of Lannon, Town of Lisbon, and Village of Menomonee Falls. The plant has a design capacity of 5.1 million gallons per day (mgd) on an average annual basis. A 2019 Intermunicipal Agreement establishes an average annual flow allocation for the Village of Menomonee Falls of 0.55 mgd.

The current (2021) average annual wastewater flow to the Sussex WWTF for the entire service area is about 1.63 mgd. The current (2021) average annual flow from the Village of Menomonee Falls is roughly 0.17 mgd. The estimated wastewater flow from the proposed addition to the SSA would be about 0.21 mgd, for a total flow of 0.38 mgd from the Village of Menomonee Falls.

Therefore, the estimated wastewater flow from the Village of Menomonee Falls would be below the WWTF capacity allocation for the Village as set forth in the 2019 Intermunicipal Agreement, and the total wastewater flow to the Sussex WWTF would be below the plant's design capacity.

Public Involvement

On April 18, 2022, a public hearing sponsored by the Village of Menomonee Falls and SEWRPC was held at the Menomonee Falls Village Hall to receive public input to the proposed SSA amendment. Notice of the public hearing had previously been published on March 30, 2022 and April 6, 2022. A summary of the amendment was presented prior to receiving public comment. No changes were made to the proposed amendment as presented at the public hearing.

Local Action

The SSA Plan Amendment was adopted by the Village of Menomonee Falls on June 2, 2022, adopted by SEWRPC on June 15, 2022, and forwarded to the DNR on July 12, 2022.

Administrative Decision

The Department hereby approves the proposed SSA Plan Amendment with this administrative decision letter.

The Department review constitutes 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 the SSA Plan Amendment does not constitute approval of any other required local, state, or federal permit for sewer construction or associated land development activities.

The Department will send the SSA Plan Amendment to the USEPA 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 Title 40 Code of Federal Regulations, Part 35.

Judicial Review

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 ss. 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.



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e-cc:

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