



June 14, 2024

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 #2405 – Central USA (Town of Middleton – “Bala Property”)

Dear Mr. Asplund:

The Town 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 Town of Middleton, and within the Badger Mill Creek watershed (HUC 12: 070900040201). It includes the addition of approximately 2 acres of land (all of which is developable) to the Central Urban Service Area. A public hearing was held on the proposed amendment at the May 9, 2024, Regional Planning Commission meeting. The Town’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. In addition to the existing state and local requirements, the Town of Middleton and development team have agreed to pursue additional water resource management measures for the amendment area, identified below. Additional actions have also been recommended below to further improve water quality and environmental resource management.

At our June 13, 2024, meeting, the Capital Area Regional Planning Commission voted to recommend approval of this amendment to the Wisconsin Department of Natural Resources in recognition of the state and local requirements for the following:

1. Environmental Corridors are required to be delineated to meet the Environmental Corridor Policies and Criteria adopted in the *Dane County Water Quality Plan*.
2. Sediment 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.

3. 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. Peak runoff rate control is required for the 1-, 2-, 10-, 100-, and 200-year, 24-hour design storms to limit post-development runoff to “pre-development” levels, in accordance with Dane County Stormwater Ordinances.
 - b. Sediment control is required to achieve at least 80% sediment control for the amendment area based on the average annual rainfall period, with sediment control pretreatment occurring prior to infiltration for runoff from parking lots and new road construction within commercial, industrial, and institutional land uses, in accordance with Dane County Stormwater Ordinances.
 - c. Runoff volume control is required to maintain the post-development infiltration (stay-on) volume to at least 90% of the pre-development infiltration (stay-on) volume for the average annual rainfall period, without exception for sites determined to be within a closed basin watershed, in accordance with Dane County Stormwater Ordinances.
 - d. Maintain predevelopment groundwater recharge rates (approximately 9.5 inches/year for the amendment area) determined 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”*, or by a site-specific analysis, if allowed by ordinance as an elective alternative to meeting the 90% stay-on requirement if more than two percent (2%) of the site is required to be used as effective infiltration area, in accordance with Dane County Stormwater Ordinances.
 - e. Thermal control is required to reduce the temperature of stormwater runoff from development sites within thermally sensitive watersheds, in accordance with Dane County Stormwater Ordinances.
 - f. Oil and grease control are required to treat the first 0.5 inches of runoff using best management practices at commercial and industrial sites and any other uses where the potential for pollution by oil or grease, or both, exists, in accordance with Dane County Stormwater Ordinances.
4. Easements and perpetual legal maintenance agreements with the Town, to allow the Town to maintain stormwater management facilities if owners fail to do so, are required for any facilities located on private property.

In addition to the existing state and local requirements, the Town of Middleton and development team have agreed to pursue the following measures for the amendment area:

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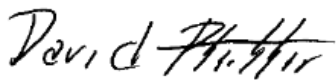
1. Comply with provisions of the *Agreement for Provision of Sanitary Sewer Service Between the City of Madison and Town of Middleton*, including *Amendment No. 1* and additional mutually agreed upon amendments thereof, including:
 - a. Cap on wastewater discharge from the amendment area of 750 gallons per acre per day.
 - b. Require developments in the amendment area to submit and obtain approval of a stormwater management plan by the City of Madison.

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

1. Include a notice in the Declaration of Covenants and Restrictions, Site Plan Review, or similar mechanism, for the development that states there is a potential concern with high nitrates in the area and that it is recommended that property owners perform annual testing for nitrates.
2. Continue to participate in regional water quality initiatives, such as Wisconsin Salt Wise, the Madison Area Municipal Storm Water Partnership (MAMSWaP), and Yahara WINS.
3. Encourage the removal and control of invasives and the use of native flora favored by the federally endangered Rusty Patched Bumble Bee in landscaping to provide suitable habitat for this pollinator, where appropriate, for the entire amendment area within the High Potential Zone for the bee.

If you have any questions regarding this matter, please do not hesitate to contact Nick Bower, the Commission's Senior Environmental Engineer.

Sincerely,



David Pfeiffer
Executive Chairperson



Kris Hampton
Secretary

cc: Mr. Rod Zubella, Town Engineer, Vierbicher
Ms. Barbara Roesslein, Town Clerk

