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November 28, 2022

DNR No. SE0170

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 City of Mequon and Village of Thiensville, Ozaukee County, Wisconsin](#)

Dear Mr. Dietl:

On September 28, 2022, the Wisconsin Department of Natural Resources (DNR) received the proposed Sanitary Sewer Service Area (SSA) Plan Amendment from the Southeastern Wisconsin Regional Planning Commission (SEWRPC or the Commission) for the City of Mequon and Village of Thiensville, Ozaukee County, Wisconsin. The SSA Plan Amendment is identified by SEWRPC number 263493.

Amendment Area

The City of Mequon has submitted a request for a sewer service area amendment to the regional water quality management plan as refined and detailed in SEWRPC Community Assistance Planning Report No. 188, *Sanitary Sewer Service Area for the City of Mequon and the Village of Thiensville, Ozaukee County, Wisconsin*, dated January 1992. The subject area represents an increase in the planned sewer service area of less than 1 percent and encompasses about 93 acres located immediately adjacent to, but outside, the currently adopted sewer service area. The amendment area is located north of County Line Road, south of Donges Bay Road, east of Granville Road, and west of Swan Road, in U.S. Public Land Survey Section 32, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin. Under the City's comprehensive plan, the subject area is recommended to be developed for low-density residential uses. The subject area also includes two existing homesites along the west side of Swan Road.

Environmentally Sensitive Areas

The subject area contains approximately seven acres of environmentally significant lands, consisting of several sections of primary environmental corridor (including approximately four acres of wetlands) and one section of secondary environmental corridor. There are also two small, isolated wetlands outside of the primary and secondary environmental corridors that combined encompass approximately one-quarter of an acre. The regional land use plan recommends preserving primary environmental corridors and that consideration be given to preserving secondary environmental corridors and isolated natural resource areas.

Wastewater Collection and Treatment

The area proposed to be added to the planned sewer service area would be tributary to Sewershed ME 3009 of the Milwaukee Metropolitan Sewerage District (MMSD). The MMSD 2050 Facilities Plan, based

on peak hourly flow, has allocated 168,000 gallons per day (gpd) for new development within Sewershed ME 3009. The proposed 93-acre planned development would contribute a peak hourly flow of approximately 293,200 gpd. While this would exceed the available capacity in Sewershed ME 3009, it can be noted that Sewershed ME 3009 combines with Sewershed ME 3013 at the District's Metropolitan Interceptor Sewer (MIS), and together these sewersheds have a combined peak hourly flow allocation of 3.66 mgd. Based on the aforementioned data, MMSD staff verified that there is sufficient planned capacity available for the proposed area to be added to the SSA.

The addition of the proposed area will require an upgrade to the Tamerlane Drive Lift Station "O" owned and operated by the City of Mequon. The upgrade includes replacing two pumps and constructing an additional forcemain. The necessary work is anticipated to be completed by Spring 2023.

Local Review & Public Involvement

SEWRPC determined from their evaluation that the proposed sewer service area amendment is consistent with recommendations of the regional land use plan and regional water quality management plan as well as provisions of Chapter NR 121 Wisconsin Administrative Code. All the Commission's procedural requirements have been met for this amendment and SEWRPC recommends approval to formally amend the City of Mequon sanitary sewer service area.

Sponsored by the City of Mequon and SEWRPC, a public hearing was held on August 29, 2022 at the Mequon City Hall to receive comments on the proposed sewer service area amendment. No objections to the proposed amendment were expressed at the hearing. The Mequon Common Council approved the sewer service area amendment following the public hearing on August 29, 2022. The SSA Plan amendment to the regional water quality management plan was adopted by SEWRPC on September 14, 2022.

Administrative Decision

The Department finds the proposed amendment is consistent with water quality standards under section 281.15, Wis. Stats., and is hereby approved.

Statewide AWQM Plan Amendment

This amendment is a formal update to the state's Areawide Water Quality Management Plan and the Community Assistance Planning Report No. 188, *Sanitary Sewer Service Area for the City of Mequon and the Village of Thiensville, Ozaukee County, Wisconsin*, dated January 1992, 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 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.

Sincerely,



Tim Asplund
Monitoring Section Chief
Bureau of Water Quality



Jason Knutson, P.E.
Wastewater Section Chief
Bureau of Water Quality

e-cc:

BetsyJo Howe – Water Resources Management Specialist, DNR Madison
Gunilla Goulding, P.E. – Wastewater Engineer, DNR Madison
Michael Sorge – Water Resources Field Supervisor, DNR Fitchburg
Bryan Hartsook – Wastewater Field Supervisor, DNR Milwaukee



U.S. Public Land Survey Section 32
Township 9 North, Range 21 East



Photography Date: April 2020

-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  SANITARY SEWER SERVICE AREA BOUNDARY
-  WETLANDS AND SURFACE WATER AREAS LESS THAN 5 ACRES IN SIZE OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  PLANNED SANITARY SEWER SERVICE AREA

RESTRICTIONS ON SEWERED DEVELOPMENT

-  PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, RIPARIAN BUFFERS, AND ADJACENT STEEP SLOPES.
-  PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF FLOODPLAINS, WETLANDS, RIPARIAN BUFFER AND/OR ADJACENT STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

NOTE: This map replaces a portion of Map 2-8, page 13, of SWAPC report, Amendment to the Regional Water Quality Management Plan for the Fox River Basin, Outagamie County, Wisconsin, prepared 2010.

