



January 27, 2015

Mr. Joe Parisi
Executive, Dane County
City-County Building, Room 421
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703

Subject: City of Fitchburg Request for Review of NE Neighborhood Amendment

Dear Mr. Parisi:

Thank you for your letter of January 8, 2015 regarding DNR's review of the City of Fitchburg Northeast Neighborhood Urban Service Area proposal. The Department received a request for review of CARPC's recommendation to the DNR on the proposed amendment to the Dane County WQM Plan from the City of Fitchburg on January 7th (see attached). We responded to the City of Fitchburg on January 9th (also attached).

As indicated in the letter from DNR to Fitchburg, we requested materials necessary to review this amendment based on science, plan guidelines and policies, and water quality protection. DNR will apply objective scientific data for decision making within the scope of the policies and procedures of the Dane County WQM Plan which is the controlling document for this Sewer Service Area amendment.

DNR received these materials from the City of Fitchburg (as well as the approved minutes of CARPC's November meeting) on January 14th. We have initiated a review consistent with professional procedures under the Areawide Water Quality Management Plan Program. These procedures will involve a technical review, public input and evaluation and administrative decision. Our staff is developing, and will soon share, a proposed timeline for the administrative decision process. We will provide updates and information online, supporting a transparent decision making process.

In addition, you requested clarification of the state's Areawide Water Quality Planning Program process. The Department's goal has consistently been to implement the Water Quality Planning Program in an efficient and effective manner.

Finally, I wish to mention the DNR's concerns with the inability of CARPC to complete its reviews of municipal Urban Service Amendments to the Dane County Water Quality Plan in a timely manner. As you know, WDNR contracts with CARPC annually for more than \$75,000 to carry out the Dane County WQM Planning Program, and we desire reviews to be completed in a more expeditious manner. In an effort to maintain consistency, and to have CARPC timelines more closely mirror those of other regional planning commissions in the state, the Department will request a meeting with CARPC Board members in the near future to discuss the process for amendment reviews.

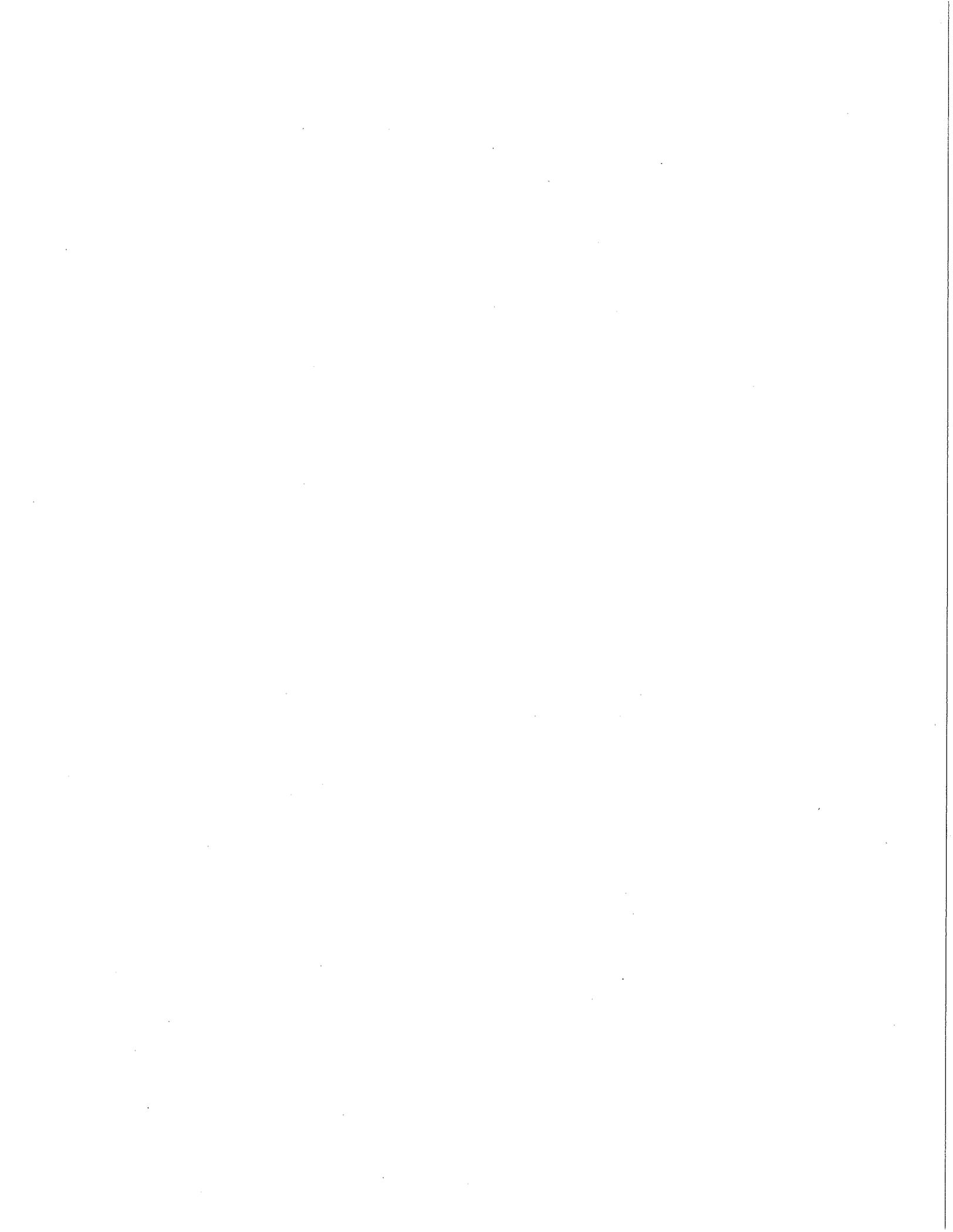
If you have questions please contact Susan Sylvester, Director of the Water Quality Bureau.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Moroney". The signature is written in a cursive style with a large initial "M".

Matt Moroney, Deputy Secretary
Wisconsin Department of Natural Resources

c. Russ Rasmussen, Administrator, Water Division
Susan Sylvester, Director, Bureau of Water Quality
Mike Szabo, Attorney, DNR Legal Services
Anthony D. Roach, City Administrator, Fitchburg
Kamran Mesbah, Deputy Director, CARPC





Administrative Offices

5520 Lacy Road
Fitchburg, WI 53711-5318
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January 7, 2015

Mr. Tim Asplund, Section Chief
Wisconsin Department of Natural Resources
Central Office
101 S. Webster Street
P. O. Box 7921
Madison, WI 53707-7921

RE: City of Fitchburg North East Neighborhood Urban Service Area Amendment Request

Dear Mr. Asplund:

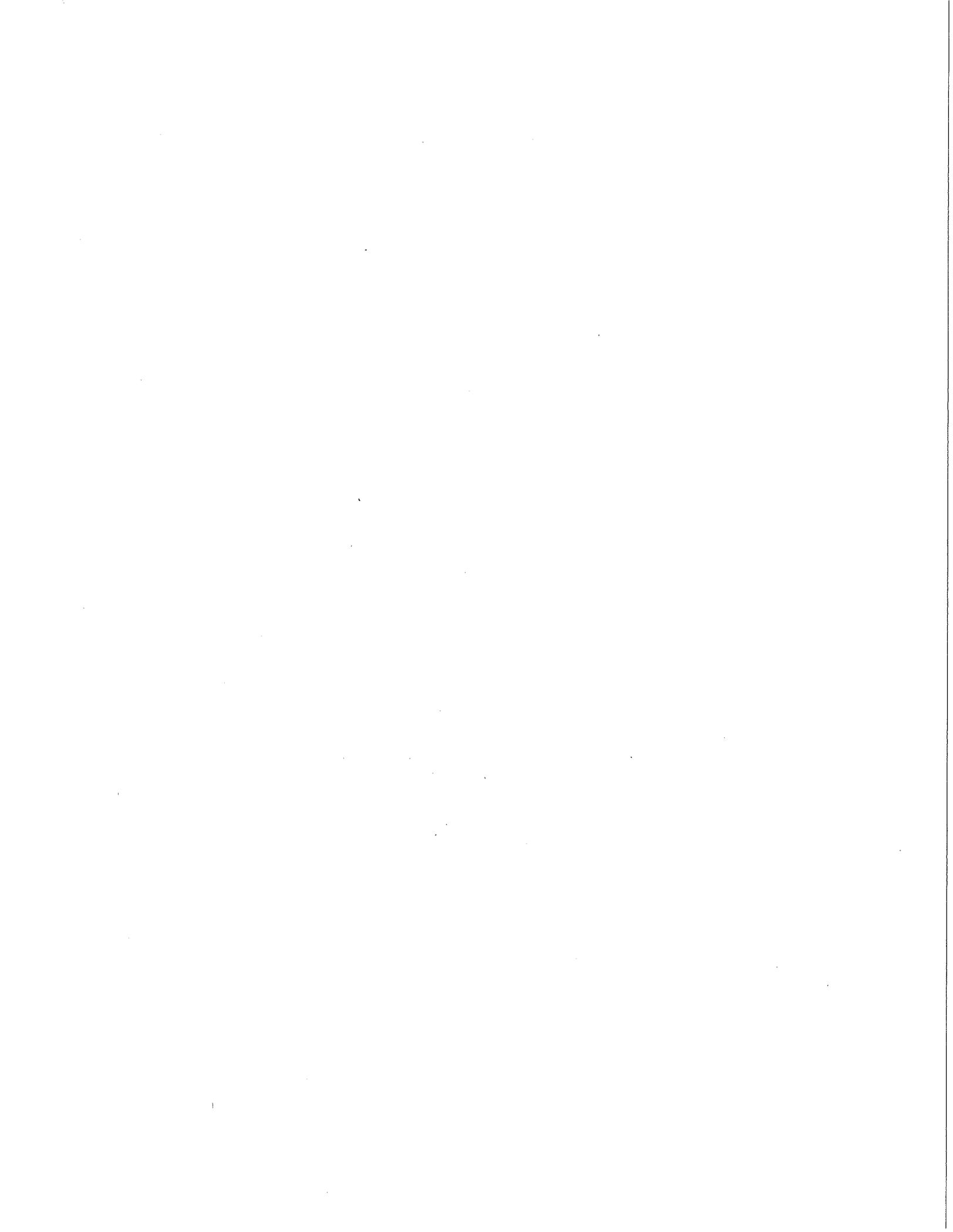
It has been the City's understanding that in regard to requests for Urban Service Area Amendments and pursuant to the Dane County Circuit Court case, *Village of Mazomanie v. WDNR 09-CV-6397*, "the DNR makes all decisions on amendments, not CARPC". See Page 9 of the *Mazomanie* decision. However, you have indicated that you have so many recommendations by RPCs that the DNR from a practical standpoint cannot make an independent review of all of them. Therefore you would like the City to request that the DNR conduct a full review of the City's application for the North East Neighborhood Urban Service Area Amendment.

To accommodate your concerns, the City does request that the DNR complete a full review of the City's request for an Urban Service Area Amendment for the Northeast Neighborhood and make a decision on the request. If you have any additional questions or concerns, please let me know.

Sincerely,

Anthony D. Roach
City Administrator

cc: Shawn Pfaff, Mayor
Mark Sewell, City Attorney





January 9, 2015

Mr. Anthony D. Roach
Administrator, City of Fitchburg
5520 Lacy Road
Fitchburg WI 53711-5318

Subject: City of Fitchburg Northeast Neighborhood Urban Service Area Amendment Request

Dear Mr. Roach:

Thank you for your letter of January 7th 2015 regarding DNR's review of the City of Fitchburg Northeast Neighborhood Urban Service Area Amendment. We appreciate your request for DNR to conduct a review and provide an administrative decision on the NE Neighborhood proposal. To review your amendment, some additional materials may be needed to make a sound administrative decision based on science, plan guidelines and policies, and most importantly water quality protection.

DNR will be utilizing objective, scientific data to evaluate the proposal in the context of the Dane County WQM Plan, which is a formal amendment to Wisconsin's Areawide Water Quality Management Plan. While we have received materials from Capitol Area Regional Planning Commission (CARPC) technical staff, we need to ensure that we have all pertinent materials including:

- The original plan amendment materials that the City would like to have considered as part of this amendment request, including any consultant reports, study designs, water quality analyses, impact assessments, and related materials.
- All pertinent correspondence relating to the proposed amendment request including local and regional public input processes, feedback/comments, public concerns and science based analyses submitted as part of those public input sessions.
- A list of staff or consultant contact names and associated work functions or areas of expertise with regard to the proposed amendment.

When the DNR receives these materials, we will initiate a review consistent with professional procedures under the Areawide Water Quality Management Plan Program. These procedures will involve a technical review, public input and evaluation, and administrative decision. Once we initiate a review, we will develop and share a proposed timeline for the administrative decision.

If you have questions please contact Lisa Helmuth, DNR Water Quality Plan Coordinator, at 266-7768, or Fran Keally, Wastewater Program Review Specialist, (608) 266-3221. Ms. Helmuth and Ms. Keally will provide your staff a point of contact for technical questions related to this amendment request.

Sincerely,

Tim Asplund, Chief of the Monitoring Section
Bureau of Water Quality, Wisconsin Department of Natural Resources

cc.

Susan Sylvester, Director, Water Quality Bureau

Russ Rasmussen, Administrator, Division of Water

Mike Bruhn, DNR Director of Policy

Lisa Helmuth, Areawide WQM Plan Coordinator

Fran Keally, Wastewater Plan Review Coordinator

Greg Searle, Water Resources Supervisor, Southern District

Johanna Lathrop, Water Resources Specialist

Mike Szabo, Attorney, DNR Legal Services