



April 15, 2013

Wisconsin DNR Project No. EC-0132

Mr. Eric Fowle, Executive Director
East Central Wisconsin Regional Planning Commission
132 Main Street
Menasha, WI 54952-3100

Subject: City of Oshkosh Sewer Service Area Amendment
Policy I, A – Swap Amendment
(ECWRPC No. 145)

Dear Mr. Fowle:

We have completed our review of the subject amendment request submitted to the Department on April 1, 2013. The Department hereby approves the amendment which removes two parcels of land (169.21 acres) located in the Town of Oshkosh, from the sewer service area, and add two areas (160.93 acres), adjacent to the current sewer service area. All owners of the property removed from the sewer service area were notified. The addition consists of approximately 150 acres of developable vacant land, 12 acres of existing roadways, and less than 1 acre of wetland buffer. The proposed development includes light industrial/commercial parks to serve aviation related businesses (see the attached map).

The amendment becomes part of the Oshkosh 2030 Sewer Service Area Update, approved by the Wisconsin DNR in November 2007, which is a part of the Lower Fox River Basin Integrated Management Plan and the State of the Upper Fox River Basin 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.

The amendment was requested by the City of Oshkosh. The amendment was approved by the East Central Wisconsin Regional Planning Commission's Community Facilities Committee on March 13, 2013.

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.

If you believe that you have a right to challenge this decision, you should know that the 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., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your 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., you have 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,

Thomas J. Muga, P.E., Chief
Wastewater Section
Bureau of Water Quality

cc:

Mark Rohloff, City Manager, City of Oshkosh, PO Box 1130, Oshkosh, WI 54903-1130
Steve Gohde, DPW, City of Oshkosh
Darryn Burich, Planning Director, City of Oshkosh
Jeff Nau, Associate Planner, City of Oshkosh
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