



August 11, 2017

DNR File No. RC-007

Mr. Colin Byrnes, Director
Rock County Planning & Development Agency
51 South Main Street
Janesville, WI 53545

Subject: Text Amendment to the Janesville Area Point Source Water Quality Management Plan (A Resolution Recommending the Adoption of an Amendment to Implementation Section (Chapter 6) of the Janesville Area Point Source Water Quality Management Plan

Dear Mr. Byrnes:

We have completed our review of the June 20th submittal to the Wisconsin DNR requesting an amendment to the implementation section (Chapter 6) of the Janesville Area Point Source Water Quality Management Plan to accommodate new procedures and criteria for the review of conventional and mound systems outside of the city limits but inside the planning area. The DNR approves this criteria and chapter plan update.

The Janesville Area Point Source Water Quality Management Plan is formally updated with the proposed update to clarify the evaluation of placement of onsite septic systems within the existing sewer service boundary. This new guidance supports improved water quality management planning at the local level to respond to landowner requests to the County Health Department to construct conventional or mound systems as needed in the Janesville area within Rock County.

We appreciate that MPO took on this timely and locally critical issue with the Rock County Planning Agency, following the established procedures for this area designated through agreement with the Department of Natural Resources in the early 1980s. The technical team work on this issue was thorough and facilitated consensus on this potentially difficult issue. This collective effort by all those involved in the review/permitting process and elected policy makers resulted in consensus vote of approval (see the attached Resolution 2017-1).

The Wisconsin Department of Natural Resources (WDNR) received the proposed request on June 20th, 2017 via email subsequent to the Janesville Area WQ Metropolitan Planning Organization Policy Board meeting May 22, 2017, and now approves of this request. This administrative decision letter will be transmitted to your office as well as the City of Janesville electronically and the approval will subsequently be stored on the DNR's [website for the Janesville SSA Plan](#). The plan update will be advanced 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, Stats. The approval of this plan update 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 sections 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,

A handwritten signature in black ink, appearing to read "Timothy R. Asplund".

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

EC:

Lisa Helmuth, WDNR- WY/3

Sharon Gayan, WDNR – WY/3

Greg Searle, WDNR – WY/3

Duane Cherek, Manager of Planning Services at City of Janesville

Rick Weitersen, Rock County Health Department

Doug Marklein, MPO Policy Board Chair.