



August 18, 2021

DNR Project No. DC-0212

Mr. Mike Rupiper, PE
Deputy Agency Director
Capital Area Regional Planning
100 State Street, Suite 400
Madison, WI 53703

Subject: [Dane County WQ Program: Sun Prairie USA \(C. Sun Prairie\) SSA Amendment CARPC #2102 DNR DC-0212](#)

Dear Mr. Rupiper:

We have completed our review and approve of the subject sewer service area amendment request from the City of Sun Prairie (CARPC #2102) submitted to the Department on July 8, 2021.

Amendment Area and Public Involvement:

The City of Sun Prairie requested a sewer service area amendment to the Dane County Water Quality Plan. The amendment area is in the City of Sun Prairie, in the Token Creek (HUC 12: 070900020503) watershed. The amendment request involves the addition of 35.2 acres of land and 17.5 acres of proposed environmental corridors for a net of approximately 17.7 developable acres to the Sun Prairie Urban Service Area.

CARPC held a public hearing on the proposal July 8, 2021, at the Regional Planning Commission meeting and voted to recommend approval of this amendment to WDNR based on the land uses and services proposed, state and local requirements ([see CARPC WQM Letter](#)), and an agreement that the City of Sun Prairie will pursue the water quality measures for the amendment area including: 1. Achieving peak rates of runoff control for the 200-year 24-hour design storms to “pre-development” levels, and 2. Placement of vegetated swales behind lots 9-11, 14, and 17-24 to receive and filter backyard runoff.

CARPC also recommends the City of Sun Prairie pursue the following to further improve water quality and environmental resource management:

1. Require a Phase I Archaeological Survey of the amendment area be conducted by a qualified archaeologist in advance of any ground disturbance, as recommended by the Wisconsin Historical Society and take necessary protection measures if artifacts are found.
2. Request a formal Endangered Resources Review by the WDNR or one of their certified reviewers for potential impacts to endangered resources like rare plants, animals and natural communities and take necessary habitat protection measures if species are found.
3. Continue to foster the responsible use of chlorides by encouraging the best practices for salt use recommended by Wisconsin Salt Wise.
4. Continue to work with the Madison Area Municipal Storm Water Partnership on information & education for residents on best practices for lawn pesticide and fertilizer use.
5. Continue to work with Drainage Districts 8 and 9 and the Friends of Koshkonong Creek to maintain the capacity of Koshkonong Creek downstream of the Sun Prairie wastewater treatment plant.

Administrative Decision

The Department finds the proposed amendment is consistent with water quality standards under section 281.15, Wis. Stats., and is hereby approved with considerations recommended by CARPC in their July 2021 transmittal letter ([see CARPC WQM letter](#)). Note that if any of the provisions included in the approval are not able to be met prior to construction of the sanitary sewer, the City of Sun Prairie should initiate a formal plan amendment process with CARPC reflecting any necessary changes.

Statewide AWQM Plan Amendment

This amendment is a formal update to the state's Areawide Water Quality Management Plan and the *Dane County Water Quality 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. 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 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,



Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

Attachments:

[July 8, 2021, CARPC Transmittal Letter Requesting Amendment to the Dane County WQM Plan](#)
[CARPC Staff Report for the City of Sun Prairie Amendment Request](#)
[City of Sun Prairie Amendment Request](#)

ecc:

Larry Palm – Executive Chairperson, CARPC
Kris Hampton – Secretary, CARPC
Todd Schmidt -- Village of Waunakee Administrator
Lisa Helmuth – Water Resources Management Specialist, DNR
Kimberly Kuber – Water Quality Biologist, DNR
Mike Sorge – South Central Water Resources Supervisor, DNR

Tim Ryan – South Central Wastewater Supervisor, DNR

CAPITAL AREA RPC
100 State St Suite 400, Madison, WI 53703



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July 8, 2021

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 #2102 – Sun Prairie USA (City of Sun Prairie)

Dear Mr. Asplund:

The City of Sun Prairie has submitted a request for a sewer service area amendment to the *Dane County Water Quality Plan*. The proposed amendment is currently in the City of Sun Prairie, in the Token Creek (HUC 12: 070900020503) watershed. It includes the addition of approximately 35.2 acres of land and 17.5 acres of proposed environmental corridors for a net of approximately 17.7 developable acres to the Sun Prairie Urban Service Area. A public hearing was held on the proposed amendment at the June 10, 2021, Regional Planning Commission meeting. The City'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. Additional actions have also been recommended below to further improve water quality and environmental resource management.

At our July 8, 2021 meeting, the Capital Area Regional Planning Commission voted to recommend approval of this amendment to the Wisconsin Department of Natural Resources, based on the land uses and services proposed, and in recognition of the state and local requirements for the following:

1. 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. Stormwater 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.

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- b. Peak rates of runoff are required to be controlled for the 1-, 2-, and 100-year 24-hour design storms to “pre-development” levels, in accordance with the City of Sun Prairie and Dane County Stormwater Ordinances. In addition, the City of Sun Prairie Ordinance requires peak runoff rate control to limit the 10- and 25-year, 24-hour design storms to the “pre-development” level of the 5-year event.
 - c. Sediment control is required that achieves at least 80% sediment control for the amendment area based on the average annual rainfall, with a minimum of 60% of that control occurring prior to infiltration, in accordance with the City of Sun Prairie and Dane County Stormwater Ordinances.
 - d. Runoff volume control is required that maintains the post development stay-on volume to at least 90% of the pre-development stay-on volume for the average annual rainfall period, in accordance with the City of Sun Prairie and Dane County Stormwater Ordinances.
 - e. Maintaining pre-development groundwater recharge rates 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* (a range of 9 to 10 inches/year for the amendment area or by a site specific analysis, when required by the City of Sun Prairie and Dane County Stormwater Ordinances.
 - f. Thermal control is required that reduces the temperature of runoff, in accordance with the City of Sun Prairie and Dane County Stormwater Ordinances.
2. Environmental corridors are required to be delineated to include the stream, floodplain, wetlands, required buffers, and stormwater management areas to meet the Environmental Corridor Policies and Criteria adopted in the *Dane County Water Quality Plan*. Stormwater management facilities shall be placed in public outlots.
 3. Any potential wetland impacts, including the proposed extension of Lonnie Lane, require prior review and permit decisions by the Wisconsin Department of Natural Resources, in accordance with NR 103 and NR 117.

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In addition to the existing state and local requirements the City of Sun Prairie and the development team have agreed to pursue the following water quality measures for the amendment area:

1. Peak rates of runoff are required to be controlled for the 200-year 24-hour design storms to "pre-development" levels.
2. Vegetated swales behind lots 9-11, 14, and 17-24 to receive and filter backyard runoff.

It is also recommended that the City of Sun Prairie pursue the following to further improve water quality and environmental resource management:

1. Require a Phase I Archaeological Survey of the amendment area be conducted by a qualified archaeologist in advance of any ground disturbance, as recommended by the Wisconsin Historical Society and take necessary protection measures if artifacts are found.
2. Request a formal Endangered Resources Review by the WDNR or one of their certified reviewers for potential impacts to endangered resources like rare plants, animals and natural communities and take necessary habitat protection measures if species are found.
3. Continue to foster the responsible use of chlorides by encouraging the best practices for salt use recommended by Wisconsin Salt Wise.
4. Continue to work with the Madison Area Municipal Storm Water Partnership on information & education for residents on best practices for lawn pesticide and fertilizer use.
5. Continue to work with Drainage Districts 8 and 9 and the Friends of Koshkonong Creek to maintain the capacity of Koshkonong Creek downstream of the Sun Prairie wastewater treatment plant.

If you have any questions regarding this matter, please do not hesitate to contact Mike Rupiper, the Commission's Deputy Agency Director.

Sincerely,



Larry Palm
Executive Chairperson



Kris Hampton
Secretary

cc: Mr. Scott Kugler, Community Development Director, City of Sun Prairie

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