



October 9, 2014

DNR File No. DC-0159

Mr. Kamran Mesbah, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Subject: Amendment to the *Dane County Water Quality Plan*,
Updating Appendix B "Surface Water Quality Conditions"

Dear Mr. Mesbah:

We have completed our review of the subject amendment request that was submitted to the Department on April 15, 2014 by the Capital Area Regional Planning Commission (CARPC). The Department hereby approves this amendment to the *Dane County Water Quality Management Plan*, entitled "Appendix B "Surface Water Quality Conditions".

The amendment updates the previously published report on surface water conditions prepared by the Dane County Regional Planning Commission in 1992 and, as such, provides supplementary information to the Wisconsin Department of Natural Resources' ongoing statewide Areawide Water Quality Management Planning Program. This update provides an overview of water quality conditions in the county including the importance and relationship of land use in the watershed and its effect on aquatic health, Dane County's interpretation of statewide water quality standards and monitoring protocols, and surface water condition descriptions for individual waters in the county. This report also proposes expanding monitoring programs for Dane County to fill data gaps and direct future efforts.

Assistance for this update was provided by staff from the Wisconsin Department of Natural Resources, the Madison Metropolitan Sewerage District, the Dane County Land and Water Resources Department and Agrecol Environmental Consulting. In October 2012 the report was sent to all municipalities in the region for their review and comment. Subsequently, a public hearing was held on February 14, 2013 and the Capital Area Regional Planning Commission adopted the amendment per Resolution 2013-1.

While the Department is approving this amendment, please be aware that data, condition assessments, assessment protocols, and recommendations in this report are to be used as informational in nature. It should not be interpreted as superseding or replacing WDNR decision making authority for future site specific decisions and project proposals based on water quality conditions, standards and protection measures. While this report represents a snapshot in time, site specific water quality conditions and standards decisions are subject to change based on science, updated protocols, data and statewide policy and guidance changes.

This amendment becomes a part of the *Dane County Water Quality Management 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 equivalent 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 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:

Greg Searle – WDNR – Fitchburg
Mike Sorge – WDNR – Fitchburg
Jim Amrhein – WDNR - Fitchburg
Brian Weigel – WDNR – WQ/3
Tim Asplund – WDNR - WQ/3
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