

**AMENDMENT TO THE
REGIONAL WATER QUALITY
MANAGEMENT PLAN
VILLAGE OF MENOMONEE FALLS**



**AS ADOPTED BY THE
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION**

JUNE 2022

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REGIONAL PLANNING COMMISSION**

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Benjamin R. McKay, AICP Deputy Director
Joel E. Dietl, AICP Chief Land Use Planner
Laura K. Herrick, PE, CFM Chief Environmental Engineer
Christopher T. Hiebert, PE..... Chief Transportation Engineer
Elizabeth A. Larsen, SPHR, SHRM-SCP..... Director of Administration
Eric D. Lynde..... Chief Special Projects Planner
Rob W. Merry, PLS Chief Surveyor
Nakeisha N. Payne Public Involvement and Outreach Manager
Dr. Thomas M. Slawski Chief Biologist

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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SUBJECT: Certification of Amendment to the Adopted Regional Water Quality Management Plan (Menomonee Falls Sanitary Sewer Service Area)

TO: The Legislative Bodies of Concerned Local Units of Government within the Southeastern Wisconsin Region, namely: the County of Waukesha, the Village of Menomonee Falls, and the Village of Sussex.

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held on the 15th day of June 2022, the Commission did by unanimous vote of all Commissioners present, being 16 ayes and 0 nays, and by appropriate Resolution, a copy of which is made a part hereof and incorporated by reference to the same force and effect as if it had been specifically set forth herein in detail, adopt an amendment to the regional water quality management plan, which plan was originally adopted by the Commission on the 12th day of July 1979, as part of the master plan for the physical development of the Region. Said amendment to the regional water quality management plan pertains to the revised Menomonee Falls sanitary sewer service area and consists of the documents attached hereto and made a part hereof. Such action taken by the Commission is recorded on, and is a part of, said plan, and the plan as amended is hereby transmitted to the constituent local units of government for consideration, adoption, and implementation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and cause the Seal of the Southeastern Wisconsin Regional Planning Commission to be hereto affixed. Dated at the City of Pewaukee, Wisconsin, this 15th day of June 2022.

Charles L. Colman, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Kevin J. Muhs, Deputy Secretary

RESOLUTION NO. 2022-10

RESOLUTION OF THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION AMENDING THE ADOPTED REGIONAL WATER QUALITY MANAGEMENT PLAN, THAT PLAN BEING A PART OF THE MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE REGION CONSISTING OF THE COUNTIES OF KENOSHA, MILWAUKEE, OZAUKEE, RACINE, WALWORTH, WASHINGTON AND WAUKESHA IN THE STATE OF WISCONSIN (MENOMONEE FALLS SANITARY SEWER SERVICE AREA)

WHEREAS, pursuant to Section 66.0309(10) of the *Wisconsin Statutes*, the Southeastern Wisconsin Regional Planning Commission (SEWRPC), at a meeting held on the 12th day of July 1979, duly adopted a regional water quality management plan as documented in the three-volume SEWRPC Planning Report No. 30, *A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000*; and

WHEREAS, the Commission duly adopted an amendment to the regional water quality management plan refining and detailing the Menomonee Falls sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 208, *Sanitary Sewer Service Area for the Villages of Lannon and Menomonee Falls, Waukesha County, Wisconsin*, June 1993, as amended; and

WHEREAS by letter dated December 13, 2021, the Village of Menomonee Falls requested that the Commission amend the Menomonee Falls sanitary sewer service area to include certain lands located outside of the currently adopted sewer service area; and

WHEREAS, the proposed amendment to the regional water quality management plan is documented in a Commission staff memorandum entitled, "Response to Request by the Village of Menomonee Falls to Amend the Menomonee Falls Sanitary Sewer Service Area," dated April 18, 2022, attached hereto and made a part hereof; and

WHEREAS, the requested change to the regional water quality management plan, as documented in the aforementioned staff memorandum, was the subject of a public hearing held jointly by the Village of Menomonee Falls and the Regional Planning Commission on April 18, 2022; and

WHEREAS, Section 66.0309(9) of the *Wisconsin Statutes* authorizes and empowers the Regional Planning Commission, as the work of making the whole master plan progresses, to amend, extend, or add to the master plan or carry any part or subject thereof into greater detail;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

FIRST: That the regional water quality management plan for the Southeastern Wisconsin Region, being a part of the master plan for the physical development of the Region and comprised of SEWRPC Planning Report No. 30, Volumes One, Two, and Three, which was adopted by the Commission as a part of the master plan on the 12th day of July 1979, and which was subsequently amended to include the refined Menomonee Falls sanitary sewer service area, as set forth in SEWRPC Community Assistance Planning Report No. 208, be and the same hereby is amended in the manner identified on Maps 1, 2, and 3 of the aforementioned SEWRPC staff memorandum.

SECOND: That the Executive Director is authorized to submit findings to the Wisconsin Department of Natural Resources and the Wisconsin Department of Safety and Professional Services that public and private sanitary sewer extensions necessary to serve the anticipated development on the lands concerned

RESOLUTION NO. 2022-10

are in conformance with, and would serve to implement, the adopted regional water quality management plan as herein amended.

THIRD: That a true, correct, and exact copy of this resolution, together with the aforementioned SEWRPC staff memorandum, shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies, or individuals as the law may require or as the Commission, its Executive Committee, or its Executive Director, at their discretion, shall determine and direct.

The foregoing resolution, upon motion duly made and seconded, was regularly adopted at the meeting of the Southeastern Wisconsin Regional Planning Commission held on the 15th day of June 2022, the vote being: Ayes 16; Nays 0.



Charles L. Colman, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:



Kevin J. Muhs, Deputy Secretary

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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SEWRPC Staff Memorandum

RESPONSE TO REQUEST BY THE VILLAGE OF MENOMONEE FALLS TO AMEND THE MENOMONEE FALLS SANITARY SEWER SERVICE AREA

April 18, 2022

INTRODUCTION

By letter dated December 13, 2021, Mr. Thomas Hoffman, Director of Engineering & Development for the Village of Menomonee Falls, requested on behalf of the Village that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) amend the Menomonee Falls sanitary sewer service area as that area is currently documented in SEWRPC Community Assistance Planning Report No. 208, *Sanitary Sewer Service Areas for the Villages of Lannon and Menomonee Falls, Waukesha County, Wisconsin*, dated June 1993, as amended. The purpose of the amendment would be to include within the planned sewer service area certain lands located immediately adjacent to, but outside, the currently adopted sewer service area.

AREA DESCRIPTION

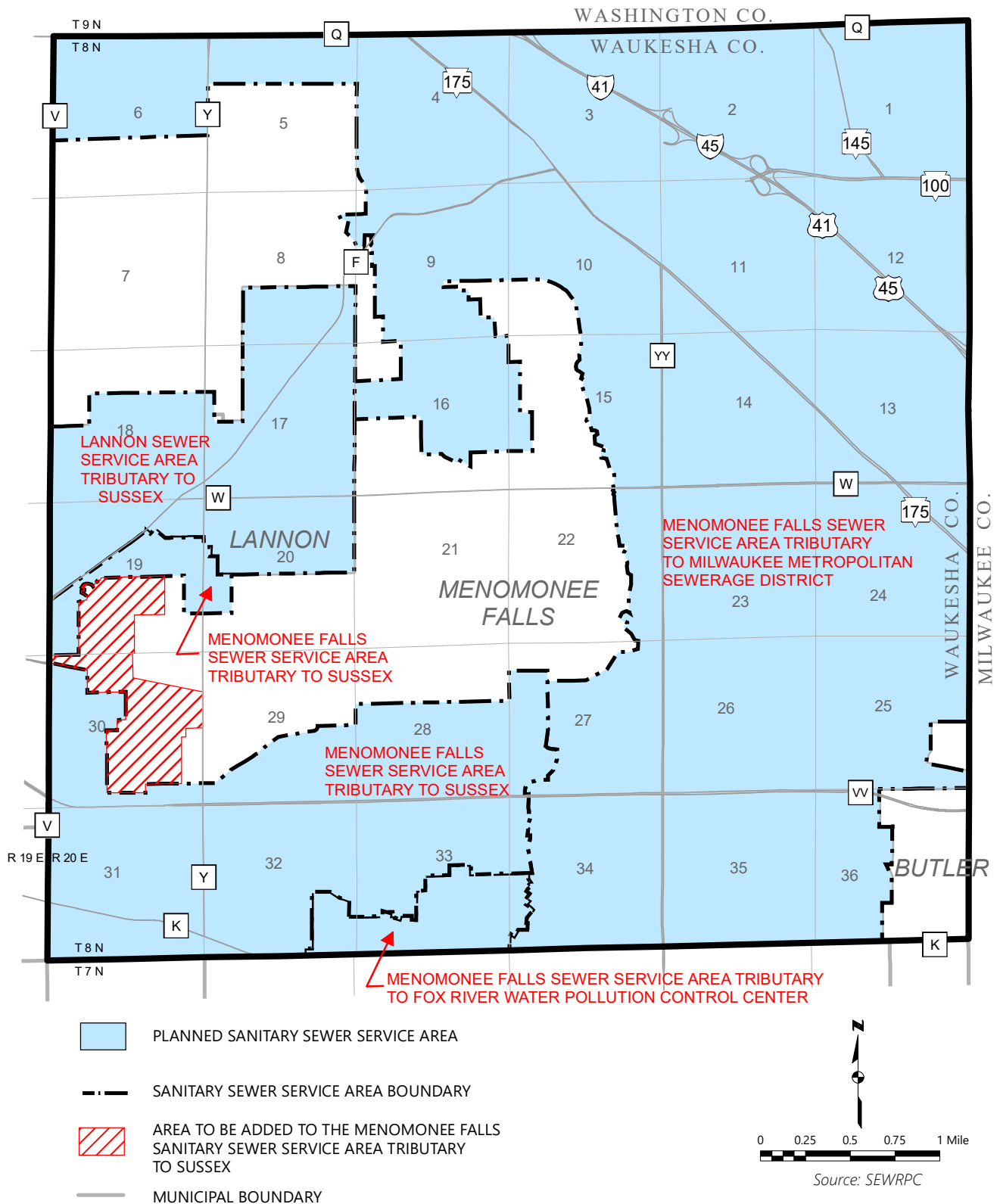
The area proposed to be added to the Menomonee Falls sewer service area is shown on Map 1. The subject area encompasses about 421 acres located generally east of CTH V/Town Line Road, south of STH 74/Main Street, and north of CTH VV/Silver Spring Drive, in U.S. Public Land Survey Sections 19 and 30, Township 8 North, Range 20 East, Village of Menomonee Falls, Waukesha County, Wisconsin.

The subject area contains approximately 134 acres of environmentally significant lands, consisting of 57 acres of primary environmental corridor, 52 acres of secondary environmental corridor, 21 acres of isolated natural resource area, and about four acres of wetlands. The primary environmental corridor includes the Fox River and its associated 100-year recurrence interval floodplain. Much of that floodplain was used for golf course purposes and may be expected to revert to more natural conditions over time.

Under the Village comprehensive plan, most of the subject area is recommended to be developed for low-density residential uses, at up to two housing units per acre. However, the plan recognizes that higher density residential development may be suitable for some parts of this area, subject to available sanitary sewer capacity. It is estimated that upon full development, the subject area would accommodate about 613 housing units, with an estimated population of about 1,660 persons.

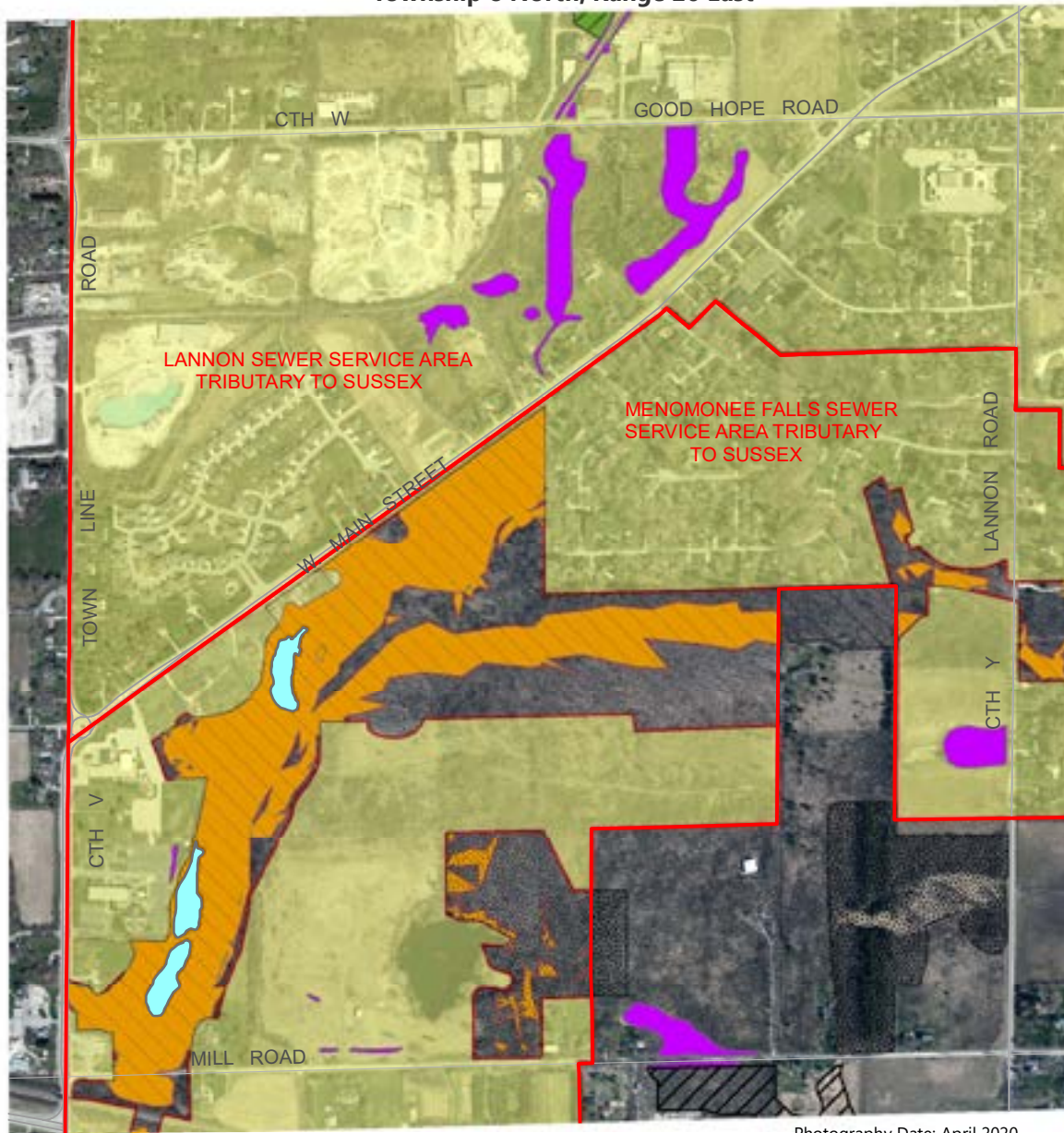
A more detailed delineation of the amended sewer service area and of the environmentally significant lands within is shown on the aerial photographs reproduced as Maps 2 and 3.

Map 1 Proposed Amendment to the Menomonee Falls Sanitary Sewer Service Area

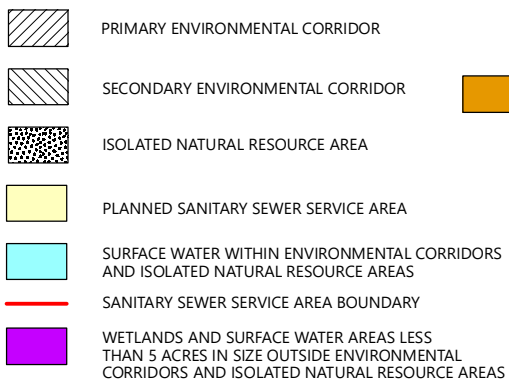


Map 2
Environmentally Significant Lands and Planned Sanitary Sewer
Service Area for the Village of Menomonee Falls

U.S. Public Land Survey Section 19
Township 8 North, Range 20 East



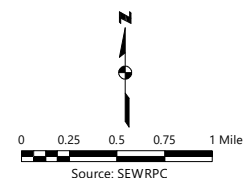
Photography Date: April 2020



RESTRICTIONS ON SEWERED DEVELOPMENT

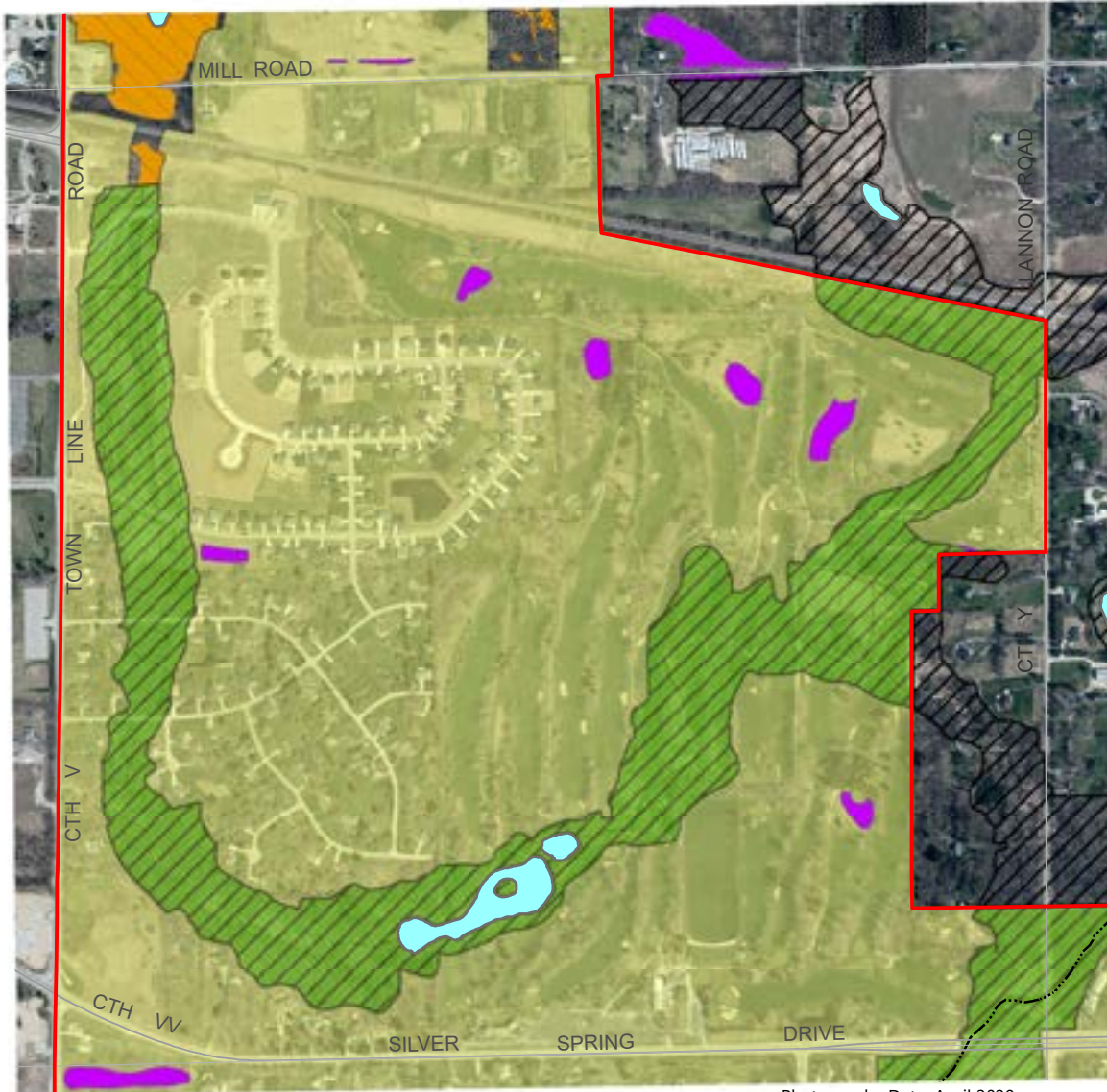
PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODPLAINS, RIPARIAN BUFFER AND/OR STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

NOTE: This map replaces a portion of Map 8-4, page 28, of SEWRPC Community Assistance Planning Report No. 208, Sanitary Sewer Service Areas for the Villages of Lannon and Menomonee Falls, Waukesha County, Wisconsin, June 1993.

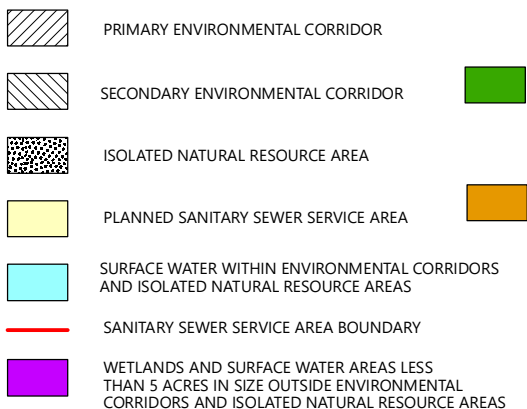


Map 3
Environmentally Significant Lands and Planned Sanitary Sewer
Service Area for the Village of Menomonee Falls

U.S. Public Land Survey Section 30
Township 8 North, Range 20 East



Photography Date: April 2020

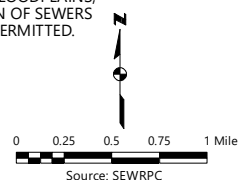


RESTRICTIONS ON SEWERED DEVELOPMENT

PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODPLAINS, RIPARIAN BUFFERS, AND STEEP SLOPES.

PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODPLAINS, RIPARIAN BUFFER AND/OR STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

NOTE: This map replaces Map 2, page 5, of SEWRPC Amendment to the Regional Water Quality Management Plan, Village of Menomonee Falls, dated September 2013



RELATIONSHIP OF THE PROPOSED CHANGE TO THE EXISTING SANITARY SEWER SERVICE AREA

The proposed addition of about 421 acres to the Menomonee Falls sanitary sewer service area tributary to the Sussex wastewater treatment plant represents an increase in the planned sewer service area of just over 14 percent. The provision of 613 housing units within the subject area would increase the resident population of this portion of the Menomonee Falls sewer service area by about 1,660 persons. The estimated buildout population of the expanded sewer service area—that is, the population that could be accommodated under full development of this portion of the sanitary sewer service area—would approximate 6,910 persons.¹ The year 2050 population range for this area in the regional land use plan is 8,940 to 12,030 persons.

WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the Menomonee Falls sanitary sewer service area plan, it is envisioned that all new urban development within the planned sewer service area would receive sanitary sewer service. Assuming that all applicable Federal, State, and local permits are obtained and that proper site development and construction practices are employed, there should be no significant adverse water quality impacts attributable to the development of the planned sewer service area.

WASTEWATER TREATMENT PLANT CAPACITY

The Sussex wastewater treatment plant serves the Village of Sussex and portions of the Village of Lannon, Town of Lisbon, and Village of Menomonee Falls. The plant has a design capacity of 5.1 million gallons per day (mgd) on an average annual basis. The average annual flow allocation for the Village of Menomonee Falls as set forth in the 2019 Intermunicipal Agreement is 0.55 mgd.

The current (2021) average annual wastewater flow to the Sussex wastewater treatment plant for the entire service area is about 1.63 mgd. The current (2021) average annual flow from the Village of Menomonee Falls approximates 0.17 mgd. The estimated wastewater flow from the proposed addition to the sewer service area would be about 0.21 mgd, for a total flow of 0.38 mgd from the Village of Menomonee Falls.

Based on the foregoing, including the proposed addition to the sewer service area, the estimated wastewater flow from the Village of Menomonee Falls would be below the plant capacity allocation for the Village as set forth in the 2019 Intermunicipal Agreement, and the total wastewater flow to the Sussex treatment plant would be below the plant design capacity.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on April 18, 2022, at the Menomonee Falls Village Hall to receive public comment on, and reaction to, the proposed sewer service area amendment. The hearing was sponsored by the Village of Menomonee Falls and the Regional Planning Commission. A summary of the amendment was presented prior to receiving public comment. No objections to the proposed amendment were expressed at the hearing.

LOCAL ACTION ON THE PLAN AMENDMENT

The Menomonee Falls Village Board approved the sewer service area amendment following the public hearing on April 18, 2022.

¹ As part of the sewer service area amendment for the Village of Menomonee Falls completed in 2013, the buildout population of the portion of the sewer service area tributary to the Sussex wastewater treatment plan was estimated to be about 5,250 persons. The proposed amendment to the sewer service area would increase the buildout population by approximately 1,660 persons.

REGIONAL HOUSING PLAN: JOB/HOUSING BALANCE

Appendix A provides job/housing balance information for the Village of Menomonee Falls developed under the SEWRPC regional housing plan. The inclusion of information from the regional housing plan in sewer service area amendment reports is based upon a regional housing plan recommendation (one of 50 recommendations made under the plan) that 1) SEWRPC provide the findings of the approximate job/housing balance analysis conducted under the regional housing plan to communities requesting an amendment of their sanitary sewer service area and 2) for those communities with a job/housing imbalance, that recommendations be provided to the community for their future consideration in addressing that imbalance. However, it is important to note that job/housing balance is not intended to be a requirement to be met by any individual sewer service area amendment.

CONCLUDING RECOMMENDATION

The Regional Planning Commission's evaluation of proposed sanitary sewer service area amendments includes a consideration of whether the amendment is consistent with the regional land use plan, the regional water quality management plan, and the provisions of the *Wisconsin Administrative Code* governing water quality management plans, and whether established procedures for amending sewer service areas have been followed.

- **Consistency with the Regional Land Use Plan**

The regional land use plan recommends that, in addition to the infilling and redevelopment of existing urban centers, new urban development within the Region be accommodated through the orderly expansion of existing urban centers in locations which can be readily served by basic urban facilities, including sanitary sewer service, with the overall amount of new urban development consistent with projected growth in population and the economic base. The regional land use plan further recommends the preservation of primary environmental corridors and that consideration be given to the preservation of secondary environmental corridors and isolated natural resource areas. The proposed sewer service area amendment is consistent with these recommendations of the regional land use plan.

- **Consistency with the Regional Water Quality Management Plan**

The regional water quality management plan recommends that new urban development within the Region be provided with centralized sanitary sewer service. The plan designates a wastewater treatment plant to serve each of the urban centers within the Region that are identified in the regional land use plan. In the case at hand, the regional plan recommends that wastewater from the southwestern portion of the Menomonee Falls urban service area be conveyed to and treated at the Sussex wastewater treatment plant. The proposed sewer service area amendment is consistent with these recommendations of the regional water quality management plan.

- **Consistency with Chapter NR 121 of the *Wisconsin Administrative Code***

Chapter NR 121 of the *Wisconsin Administrative Code* governs the preparation of areawide water quality management plans, including the component sewer service area plans. The code requires that sewer service areas be determined in a way that promotes cost-effective and environmentally sound wastewater collection and treatment and that is consistent with 20-year population projections. Under the code, sewer service area plans must identify lands that are to be excluded from sewer service because of physical or environmental constraints or potential adverse water quality impacts. The proposed sewer service area amendment is consistent with these provisions of the *Wisconsin Administrative Code*.

- **Consistency with Procedural Requirements**

As carried out by the Regional Planning Commission, the sewer service area amendment process must begin with a request to the Commission from the appropriate local unit of government or government agency to process the amendment. A public hearing must be held on the proposed amendment; the hearing is jointly sponsored by the Regional Planning Commission and the requesting agency or unit of government. Subsequent to the public hearing, the requesting agency or unit of government must act to approve the amendment as presented at the hearing, approve

a modified amendment, or deny the amendment. Only after approval by the requesting agency or unit of government will the proposed amendment be considered for adoption by the Regional Planning Commission as an amendment to the areawide water quality management plan. All of the Commission's procedural requirements have been met for this amendment.

Given all of the foregoing, it is recommended that the Southeastern Wisconsin Regional Planning Commission formally amend the Village of Menomonee Falls sanitary sewer service area as documented in SEWRPC Staff Memorandum, Response to Request by the Village of Menomonee Falls to Amend the Menomonee Falls Sanitary Sewer Service Area, April 18, 2022, in the manner shown on Maps 1, 2, and 3. It is also recommended that the Wisconsin Department of Natural Resources approve this sewer service area plan amendment and transmit the plan amendment to the U.S. Environmental Protection Agency for certification.

WISCONSIN DEPARTMENT OF NATURAL RESOURCES ACTION ON THE PLAN AMENDMENT

The Wisconsin Department of Natural Resources approved the sewer service area amendment by letter dated September 7, 2022. A copy of this letter is included as Appendix B.

APPENDICES

REGIONAL HOUSING PLAN: JOB/HOUSING BALANCE ANALYSIS APPENDIX A

On March 13, 2013, the Regional Planning Commission adopted a regional housing plan for the seven-county Southeastern Wisconsin Region. That plan is documented in SEWRPC Planning Report No. 54, *A Regional Housing Plan for Southeastern Wisconsin*, dated March 2013. The plan addresses a range of housing issues and concerns, including the balance between jobs and housing throughout the Region. The plan includes a generalized analysis of the “job/housing balance” for subareas of the Region. The regional housing plan recommends providing the findings of the job-housing analysis to communities seeking to amend their sanitary sewer service areas, with the intent to inform communities of any job/housing imbalance, and to encourage them to consider addressing the imbalance when they review and update their community comprehensive plan and zoning ordinance. Accordingly, the findings of that analysis are summarized in this appendix.

The job/housing analysis conducted under the regional housing study examined the relationship between jobs and housing that would exist in areas planned by local governments to be served by a public sanitary system, assuming implementation of adopted long-range comprehensive plans for those areas. For each sewered community, the analysis compared the projected relative shares of lower-cost, moderate-cost, and higher-cost housing² with the projected relative shares of lower-wage, moderate-wage, and higher-wage jobs,³ respectively. Job/housing imbalances identified under this analysis are indicated on Map A.1. A “lower-cost” job/housing imbalance indicates a community projected to have a higher percentage of lower-wage jobs than lower-cost housing. A “moderate-cost” job/housing imbalance indicates a community projected to have a higher percentage of moderate-wage jobs than moderate-cost housing.

² For purposes of the analysis, lower-cost housing generally includes multi-family dwellings and single- and two-family dwellings at densities of 6,000 square feet or less per dwelling unit; moderate-cost housing includes single- and two-family dwellings at densities of one dwelling per 6,000 to 20,000 square feet for homes constructed prior to 2000 and at densities of one dwelling per 6,000 to 10,000 square feet for housing constructed after 2000; and higher-cost housing includes the balance of the housing stock.

³ For purposes of the analysis, lower-wage jobs include those with an average annual wage that is 80 percent or less than the average annual wage for all jobs in the county; moderate-wage jobs include those with an average annual wage between 80 percent and 135 percent of average annual wage for all jobs in the county; and higher-wage jobs include those with an average annual wage that is 135 percent or more of the annual average wage for all jobs in the county.

Map A.1 shows the Village of Menomonee Falls is projected to have moderate-cost job/housing imbalances. The regional housing plan would encourage the City to consider conducting a more detailed job/housing analysis specific to their community, with the community-level analysis considering community-specific wage data and housing price data. The community-specific analysis could also consider the effect of multiple workers in a household, which was not incorporated in the regional-level analysis.

The regional housing plan further recommends that communities which are demonstrated to have a job/housing imbalance following a community-specific analysis consider making changes to their comprehensive plan and zoning ordinance, as appropriate, to enable the provision of housing suitable for the people holding jobs in their community. Actions to address a moderate-cost job/housing imbalance could include modifying the comprehensive plan to permit some single-family residences on smaller lots (1/4 acre or less) and of modest square footage (1,200 square feet). Actions to address a lower-cost job/housing imbalance could include modifying the comprehensive plan to permit some modest multifamily housing (density of at least 10 housing units per acre and 800 to 850 square feet per two bedroom apartment).

Additional information about the housing plan and the job/housing balance analysis is available on the SEWRPC website (www.sewrpc.org/sewrpc/housing.htm) or by contacting the SEWRPC staff.

Projected Job/Housing Imbalances in Sewered Communities in the Southeastern Wisconsin Region: 2035



WISCONSIN DEPARTMENT OF NATURAL RESOURCES ACTION ON THE PLAN AMENDMENT APPENDIX B

**State of Wisconsin
DEPARTMENT OF NATURAL
RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921**

**Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621**



September 7, 2022

DNR No. SE0167

Mr. Joel Dietl, AICP, Chief Land Use Planner
Southeastern Wisconsin Regional Planning Commission
P.O. Box 1607
Waukesha, WI 53187-1607

Subject: Sanitary Sewer Service Area Plan Amendment for the Village of Menomonee Falls, Waukesha County

Dear Mr. Dietl:

On July 12, 2022, the Wisconsin Department of Natural Resources (DNR) received the proposed Sanitary Sewer Service Area (SSA) Plan Amendment for the Village of Menomonee Falls from the Southeastern Wisconsin Regional Planning Commission (SEWRPC) on behalf of the Village of Menomonee Falls. The SSA Plan Amendment is identified by SEWRPC number 263811.

Description of Proposed SSA Amendment Area

The proposed SSA Plan Amendment would amend the regional water quality management plan as refined and detailed in SEWRPC Community Assistance Planning Report No. 208, *Sanitary Sewer Service Areas for the Villages of Lannon and Menomonee Falls, Waukesha County, Wisconsin*, dated July 1993. The SSA Plan Amendment would add to the sanitary sewer service area 421 acres, an increase of over 14 percent. The subject area, immediately adjacent to, but outside, the current SSA, is located generally east of CTH V/Town Line Road, south of STH 74/Main Street, and north of CTH VV/Silver Spring Drive, in U.S. Public Land Survey Sections 19 and 30, Township 8 North, Range 20 East, Village of Menomonee Falls, Waukesha County, Wisconsin.

Environmentally Sensitive Areas

The subject area contains approximately 134 acres of environmentally significant lands, consisting of 57 acres of primary environmental corridor, 52 acres of secondary environmental corridor, 21 acres of isolated natural resource area, and roughly four acres of wetlands. The primary environmental corridor includes the Fox River and its associated 100-year recurrence interval floodplain. Much of that floodplain was used for golf course purposes and may be expected to revert to more natural conditions over time.

Consistency with Local and Regional Plans

Under the Village's comprehensive plan, most of the subject area is recommended to be developed for low density residential uses, at up to two housing units per acre. However, the plan recognizes that higher density residential development may be suitable for some parts of this area, subject to available

sanitary sewer capacity. It is estimated that upon full development, the subject area would accommodate about 613 housing units, with an estimated population of about 1,660 persons. The estimated buildout population of the expanded sewer service area is approximately 6,910 persons, lower than the 2050 population range of 8,940 to 12,030 persons for this area in the regional land use plan.

Water Quality Impacts

It is envisioned that all new urban development within the proposed amendment area would receive sanitary sewer service. Assuming that all applicable Federal, State, and local permits are obtained and that proper site development and construction practices are employed, there should be no significant adverse water quality impacts attributable to the development of the planned sewer service area.

Wastewater Treatment Plan Capacity

The Sussex Wastewater Treatment Facility (WWTF) serves the Village of Sussex and portions of the Village of Lannon, Town of Lisbon, and Village of Menomonee Falls. The plant has a design capacity of 5.1 million gallons per day (mgd) on an average annual basis. A 2019 Intermunicipal Agreement establishes an average annual flow allocation for the Village of Menomonee Falls of 0.55 mgd.

The current (2021) average annual wastewater flow to the Sussex WWTF for the entire service area is about 1.63 mgd. The current (2021) average annual flow from the Village of Menomonee Falls is roughly 0.17 mgd. The estimated wastewater flow from the proposed addition to the SSA would be about 0.21 mgd, for a total flow of 0.38 mgd from the Village of Menomonee Falls.

Therefore, the estimated wastewater flow from the Village of Menomonee Falls would be below the WWTF capacity allocation for the Village as set forth in the 2019 Intermunicipal Agreement, and the total wastewater flow to the Sussex WWTF would be below the plant's design capacity.

Public Involvement

On April 18, 2022, a public hearing sponsored by the Village of Menomonee Falls and SEWRPC was held at the Menomonee Falls Village Hall to receive public input to the proposed SSA amendment. Notice of the public hearing had previously been published on March 30, 2022 and April 6, 2022. A summary of the amendment was presented prior to receiving public comment. No changes were made to the proposed amendment as presented at the public hearing.

Local Action

The SSA Plan Amendment was adopted by the Village of Menomonee Falls on June 2, 2022, adopted by SEWRPC on June 15, 2022, and forwarded to the DNR on July 12, 2022.

Administrative Decision

The Department hereby approves the proposed SSA Plan Amendment with this administrative decision letter.

The Department review constitutes 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 the SSA Plan Amendment does not constitute approval of any other required local, state, or federal permit for sewer construction or associated land development activities.

The Department will send the SSA Plan Amendment to the USEPA 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 Title 40 Code of Federal Regulations, Part 35.

Judicial Review

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 ss. 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.



Tim Asplund
Monitoring Section Chief
Bureau of Water Quality



Jason Knutson, P.E.
Wastewater Section Chief
Bureau of Water Quality

e-cc:

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