

NATURAL RESOURCES -- ENVIRONMENTAL QUALITY

Areawide Water Quality Management Planning for Dane County

Motion:

Move to approve the following:

1. Rename the continuing planning process the Department of Natural Resources (DNR) is required to follow under s. 283.83 (1) of the statutes (Continuing Planning Process), the "water quality management planning process" instead of the "water pollution control planning process."
2. Require DNR to approve or reject proposed revisions to the areawide water quality management plan for Dane County.
3. Require DNR to base its decision on whether the proposed revision complies with the water quality standards under s. 281.15 of the statutes (Water Quality Standards).
4. Authorize DNR to place conditions on its approval of a proposed revision to the plan.
5. Specify that DNR, or a person that DNR contracts with to provide specified advisory services, may not require information concerning a proposed revision to the areawide water quality management plan for Dane County other than information that is reasonably necessary to determine whether the proposed revision complies with water quality standards under s. 281.15.
6. Require DNR to approve or reject the proposed revision to the areawide water quality management plan for Dane County no later than the 90th day after the day on which DNR, or a person that DNR contracts with, receives the formal application for the proposed revision, including a letter from the applicant certifying that the proposed revision is consistent with water quality standards and information supporting the certification.
7. Specify that if DNR determines that the application for a revision to the plan for Dane County is incomplete, the Department would be required to notify the applicant in writing within 10 days after DNR receives the application and may make only one request for additional information during the 90-day period.
8. Specify that if DNR does not approve or reject a proposed revision to the areawide water quality management plan by the 90th day after the day on which the request is received, the revision would be considered approved on the 120th day after the day on which the Department receives the formal application for the revision, unless DNR petitions the Circuit Court for an order extending the time to act on the proposed revision. The court would be authorized to issue an order

extending the time for DNR to act on the proposed revision by an amount it determines is reasonable.

9. Authorize DNR to contract with a regional planning commission or other entity to provide advisory services relating to the review of proposed revisions to the areawide water quality management plan for Dane County. Specify that DNR may not delegate its authority to approve or reject proposed revisions. Specify that the 90-day deadline to approve or reject a proposed revision to the areawide water quality management plan would not be affected by the contract.

10. Prohibit the Governor from designating, under applicable federal requirements, Dane County or any of its subunits, including the Dane County Lakes and Watershed Commission, to develop the areawide water quality management plan for Dane County, or to review proposed revisions to the plan.

11. Prohibit DNR from contracting with Dane County or any of its subunits, including the Dane County Lakes and Watershed Commission, to provide advisory services relating to the review of proposed revisions to the areawide water quality management plan for Dane County.

Note:

This motion includes the provisions of 2015 LRB Draft 1777/2.

Federal law requires each state to have a continuing water quality planning process that is approved by the U.S. Environmental Protection Agency. The law requires the plans resulting from this process to include, among a number of other elements, areawide waste treatment management plans, which contain plans for the construction of sewage treatment plants and sewage collection systems.

Currently, s. 283.83 of state statutes requires DNR to establish a continuing water pollution control planning process that results in areawide water quality management plans for all areas of the state. The plans are required to include elements required by federal law. DNR rules require areawide water quality management plans for an urban area to identify sewer service areas for a 20-year planning period.

Section 281.15 of the statutes requires DNR to promulgate rules setting standards of water quality to be applicable to the waters of the state.

DNR rules in Chapter NR 121 relate to areawide water quality management plans. For some areas of the state, DNR reviews and approves water quality management plans developed by designated local or regional agencies (such as a regional planning commission). DNR adopts plans for other areas, but the rules specify that preparation of plans for those areas will be carried out by local or regional planning agencies under contract with DNR, if possible. DNR currently contracts with the Capital Area Regional Planning Commission for analysis and review of proposed amendments to the Dane County Water Quality Plan.