

AMENDMENT TO THE

REGIONAL WATER QUALITY MANAGEMENT PLAN

VILLAGE OF SUSSEX AND VILLAGE OF LISBON



AS ADOPTED BY THE
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

JUNE 2023

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REGIONAL PLANNING COMMISSION**

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Thomas Slawski, PhD Chief Biologist

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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SUBJECT: Certification of Amendment to the Adopted Regional Water Quality Management Plan (Sussex-Lisbon 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 Lisbon, and the Village of Sussex.

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held on the 14th day of June 2023, the Commission did by unanimous vote of all Commissioners present, being 18 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 Sussex-Lisbon 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 West Bend, Wisconsin, this 14th day of June 2023.

Charles L. Colman, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Benjamin R. McKay, Interim Deputy Secretary



RESOLUTION NO. 2023-04

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 (SUSSEX-LISBON 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 Sussex-Lisbon sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 84 (3rd Edition), *Sanitary Sewer Service Area for the Village of Sussex and the Town of Lisbon, Waukesha County, Wisconsin*, June 2011; and

WHEREAS, by letter dated September 12, 2022, the Town of Lisbon requested that the Commission amend the Sussex-Lisbon sanitary sewer service area to include certain lands located outside of the currently adopted sewer service area; and

WHEREAS, by letter dated September 20, 2022, the Village of Sussex confirmed that the Sussex wastewater treatment plant would have sufficient capacity to handle sewage flows from the amended 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 Town of Lisbon to Amend the Sussex-Lisbon Sanitary Sewer Service Area," dated April 12, 2023, 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 Lisbon (formerly the Town of Lisbon) and the Regional Planning Commission on April 12, 2023; 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 Sussex-Lisbon sanitary sewer service area, as set forth in SEWRPC Community Assistance Planning Report No. 84 (3rd Edition), be and the same hereby is amended in the manner identified on Maps 1 and 2 of the aforementioned SEWRPC staff memorandum.

RESOLUTION NO. 2023-04

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

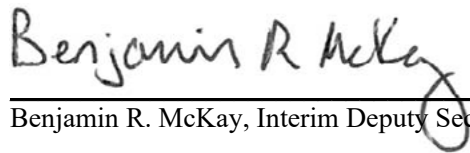
THIRD: That a true, correct, and exact copy of this resolution, together with the aforementioned SEWRPC staff memorandum, shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies, or individuals 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 14th day of June 2023, the vote being: Ayes 18; Nays 0.



Charles L. Colman, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:



Benjamin R. McKay, Interim Deputy Secretary

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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Staff Memorandum

RESPONSE TO REQUEST BY THE TOWN OF LISBON TO AMEND THE SUSSEX-LISBON SANITARY SEWER SERVICE AREA

April 12, 2023

INTRODUCTION

By letter dated September 12, 2022, Ms. Kathy Nickolaus, then Town Administrator of the Town of Lisbon, requested that the Southeastern Wisconsin Regional Planning Commission (Commission) amend the Village of Sussex and Town of Lisbon sanitary sewer service area tributary to the Sussex wastewater treatment plant, as that area is currently documented in SEWRPC Community Assistance Planning Report No. 84 (3rd Edition), *Sanitary Sewer Service Area for the Village of Sussex and Town of Lisbon, Waukesha County, Wisconsin*, dated June 2011.

By letter dated September 20, 2022, Ms. Judith Neu, Village Engineer/Public Works Director of the Village of Sussex, indicated that the Sussex wastewater treatment plant has sufficient capacity to handle sewage flows from the amended area and to treat the sewage from this area. Ms. Neu also indicated that sewage flows from the subject area was considered as part of the "Intermunicipal Agreement between the Town of Lisbon and the Village of Sussex for the Extension of Wastewater Treatment Services." The purpose of the amendment is to include within the planned sewer service area certain lands located outside, but immediately adjacent to, the currently adopted sewer service area.

Please note that in January 2023, prior to completion of the subject Sussex-Lisbon sewer service area amendment, Town of Lisbon residents voted, by referendum, to incorporate as the Village of Lisbon. In February 2023, Lisbon was officially issued a Certification of Incorporation as a village by the Secretary of Administration. For the remainder of this report, any reference to the Lisbon area will be known as the Village of Lisbon, unless specified otherwise in a previous agreement or planning document.

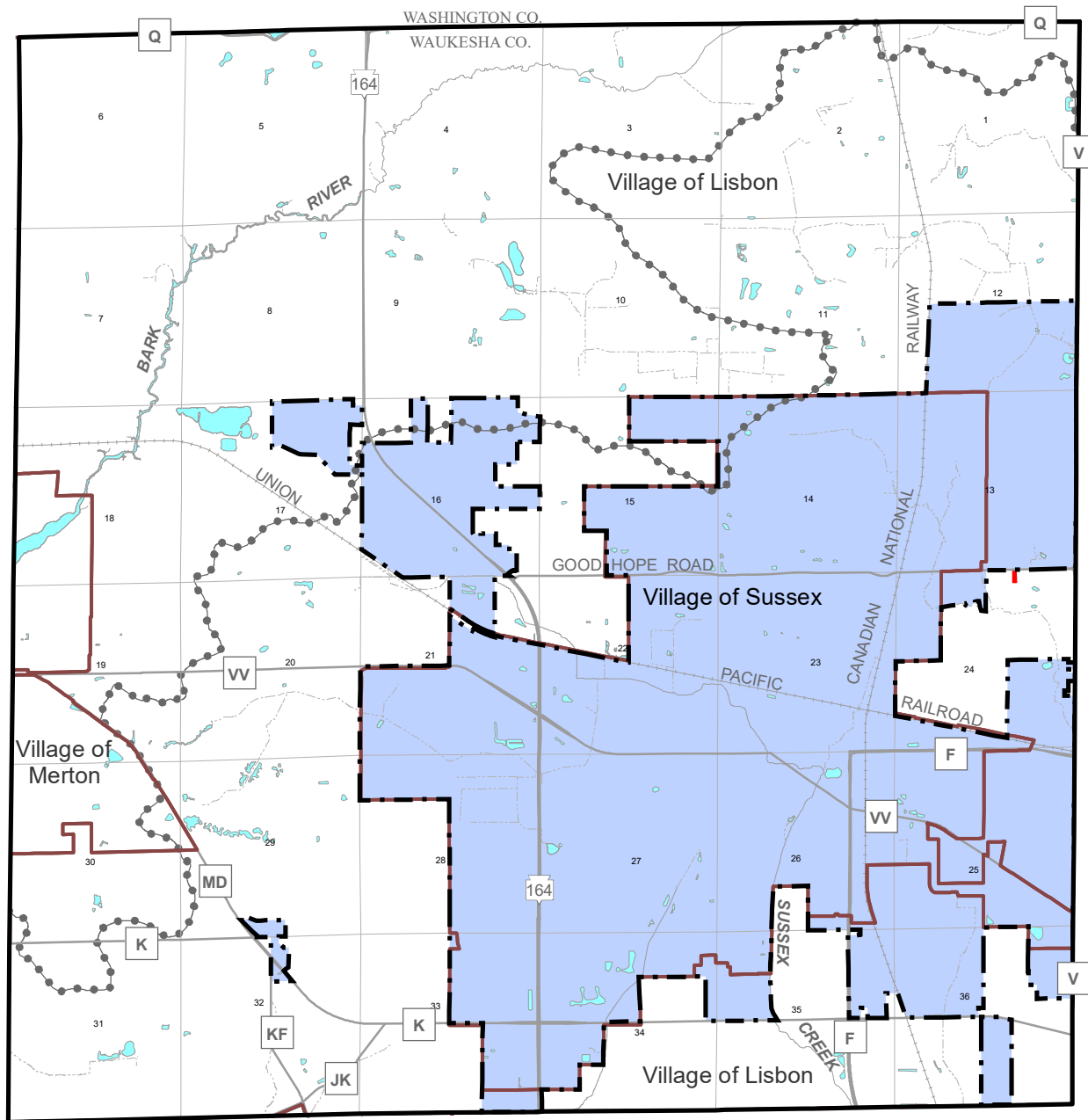
AREA DESCRIPTION

The area proposed to be added to the Sussex-Lisbon sewer service area is shown on Map 1. The subject area encompasses about one acre and is located south of Good Hope Road and west of Townline Road (CTH V), in U.S. Public Land Survey Section 24, Township 8 North, Range 19 East, Village of Lisbon, Waukesha County, Wisconsin. The subject area includes an existing homesite along the south side of Good Hope Road that is currently outside the planned sewer service area.

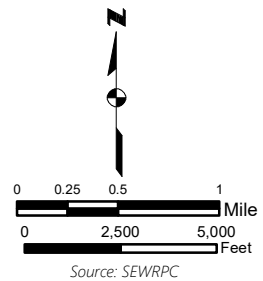
Under the Lisbon comprehensive plan, the subject area is recommended to be developed for low-density residential use, at 20,000 square feet to 1.4 acres of area per housing unit. The subject area does not contain any environmentally significant lands.

A more-detailed delineation of the amended sewer service area and the adjacent environmentally significant lands are shown on the aerial photograph reproduced as Map 2.

Map 1
Proposed Amendment to the Village of Sussex and Village of Lisbon Sanitary Sewer Service Area

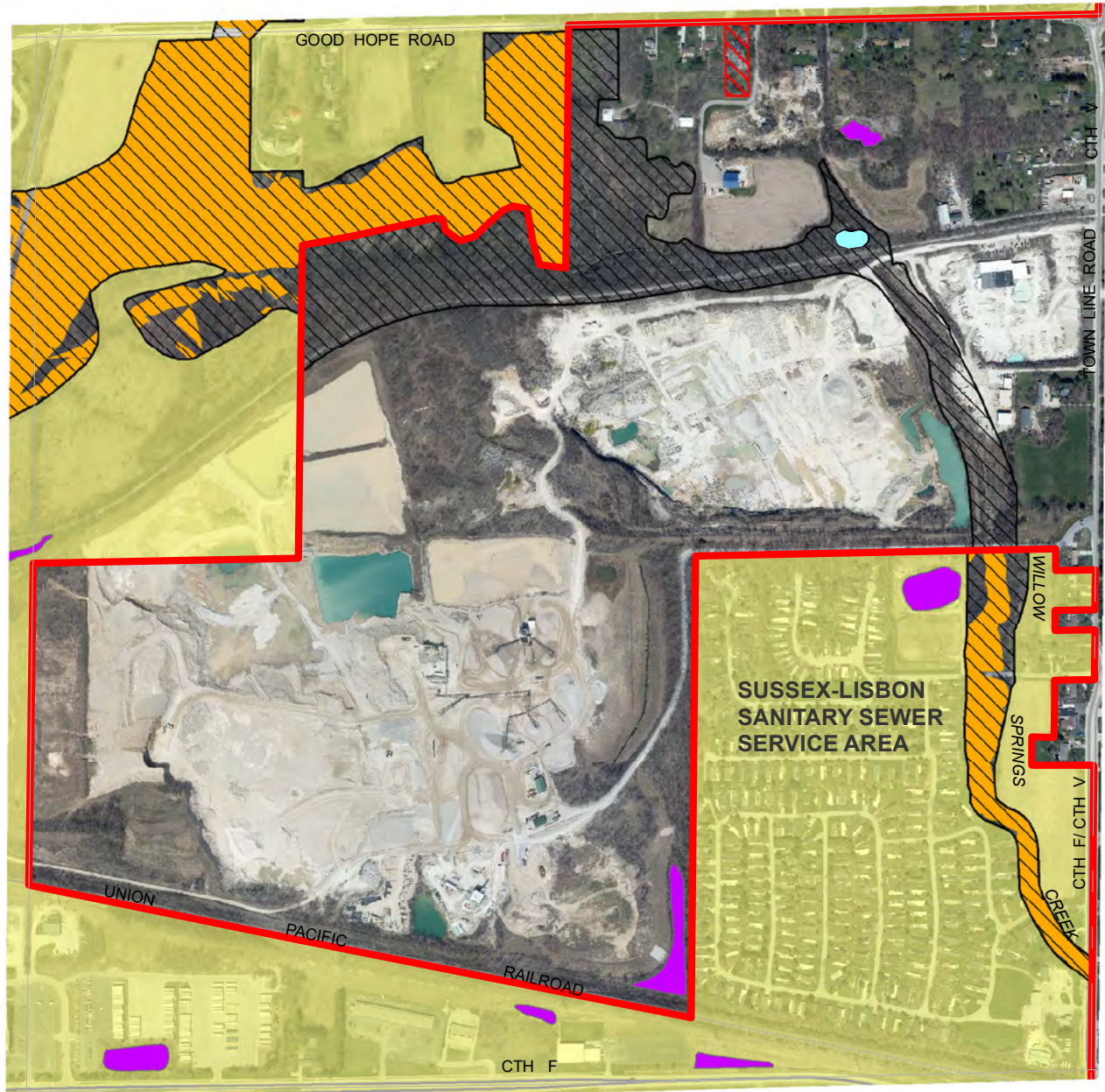


- VILLAGE OF SUSSEX-VILLAGE OF LISBON PLANNED SANITARY SEWER SERVICE AREA
- PLANNED SANITARY SEWER SERVICE AREA BOUNDARY
- AREA TO BE ADDED TO THE VILLAGE OF SUSSEX-VILLAGE OF LISBON SEWER SERVICE AREA
- EXISTING MUNICIPAL BOUNDARIES: 2022
- SUBCONTINENTAL DIVIDE








Map 2
Environmentally Significant Lands and Planned Sanitary Sewer
Service Area for the Village of Sussex and Village of Lisbon

U.S. Public Land Survey Section 24
 Township 8 North, Range 19 East




Photography Date: April 2020

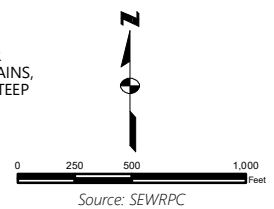
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  AREA TO BE ADDED TO THE VILLAGE OF SUSSEX-VILLAGE OF LISBON SEWER SERVICE AREA
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS
-  WETLANDS AND SURFACE WATER AREAS LESS THAN 5 ACRES IN SIZE OUTSIDE ENVIRONMENTAL CORRIDORS
-  PLANNED SANITARY SEWER SERVICE AREA

 SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

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

NOTE: This Map replaces a portion of Map 5-6, page 20, of SEWRPC Community Assistance Planning Report No. 84 (3rd Edition) Sanitary Sewer Service Area for the Village of Sussex and Town of Lisbon, Waukesha County, Wisconsin, June 2011



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

The proposed addition of about one acre to the Sussex-Lisbon sanitary sewer service area tributary to the Sussex wastewater treatment plant represents an increase in the planned sewer service area of less than 1 percent. The provision of the existing homesite within the subject area would increase the resident population of this portion of the Sussex-Lisbon sewer service area by about three people. 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 17,213 people.¹ The year 2050 population range for the Sussex-Lisbon area in the regional land use plan (VISION 2050) is 21,490 to 27,100 people.

WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the Sussex-Lisbon 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 proper site development and construction practices are employed, there should be no significant adverse water quality impacts attributable to the development of the planned sanitary sewer service area.

WASTEWATER TREATMENT PLANT CAPACITY

The Sussex wastewater treatment plant serves the Village of Sussex; the Village of Lannon; portions of the Village of Lisbon, including the Lisbon Sanitary District #1 and Richmond School; and a portion of the 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 Lisbon Sanitary District #1 as set forth in the 2020 Intermunicipal Agreement is 0.89 mgd.

The current (2021) average annual wastewater flow to the Sussex wastewater treatment plant for the entire service area is about 2.25 mgd. The current (2022) average annual flow from the Lisbon Sanitary District #1 approximates 0.14 mgd. The estimated wastewater flow from the proposed addition to the sewer service area would be about 375 gallons per day, for a total flow of 0.14 mgd from the Lisbon Sanitary District #1.

Based on the foregoing, including the proposed addition to the sewer service area, the estimated wastewater flow from the Lisbon Sanitary District #1 would be below the plant capacity allocation for the Village as set forth in the 2020 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 12, 2023, at the Lisbon Village Hall to receive public comment on, and reaction to, the proposed sewer service area amendment. The public hearing was sponsored by the Village of Lisbon and the Regional Planning Commission. No objections to the proposed amendment were expressed at the hearing.

LOCAL ACTION ON THE PLAN AMENDMENT

The Lisbon Village Board approved the sewer service area amendment following the public hearing on April 12, 2023.

¹ As part of the sewer service area amendment for the Village of Sussex and Town of Lisbon completed in 2011, the buildout population of the portion of the sewer service area tributary to the Sussex wastewater treatment plant was estimated to be about 17,210 people. The proposed amendment to the sewer service area would increase the population by approximately three people.

REGIONAL HOUSING PLAN: JOB/HOUSING BALANCE

The Village of Lisbon was not included in the Commission's regional housing plan job/housing balance analysis. The analysis was limited to areas planned by local governments to be provided with extensive public sanitary sewer service by 2035, because the primary concern addressed by the analysis is determining if communities with a significant amount of existing and/or planned land uses that accommodate employment have also planned for suitable workforce housing. Local governments in portions of the Region that are not served by sanitary sewer typically do not designate extensive areas for commercial and industrial land uses or medium to high density residential land uses, which would accommodate jobs and affordable housing, respectively.

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, 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 (VISION 2050)**

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 preserving primary environmental corridors and that consideration be given to preserving 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 Lisbon Sanitary District #1 and Richmond School be served through the Sussex sewerage system. 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 Commission formally amend the Sussex-Lisbon sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 84 (3rd Edition), in the manner shown on Map 1. It is also recommended that the Wisconsin Department of Natural Resources (WDNR) approve this sewer service area plan amendment and transmit the plan amendment to the U.S. Environmental Protection Agency (USEPA) 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 February 21, 2024. A copy of this letter is included as Appendix A.

**WISCONSIN DEPARTMENT OF NATURAL
RESOURCES ACTION ON THE PLAN AMENDMENT
APPENDIX A**

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

Tony Evers, Governor
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Access via relay - 711



February 21, 2024

DNR Project No. SE-0174

Mr. Joel Dietl, Chief Land Use Planner
Southeastern Wisconsin Regional Planning Commission
W239 N1812 Rockwood Drive
Waukesha, WI 53187

Subject: [Sussex-Lisbon Sanitary Sewer Service Area Amendment Administrative Decision](#)

Dear Mr. Dietl:

The Southeastern Wisconsin Regional Planning Commission (SEWRPC), on behalf of the Village of Sussex and Town of Lisbon, requested on August 18, 2023, that the Department of Natural Resource (department) perform an administrative review of a proposed land addition for the Sussex-Lisbon Sanitary Sewer Service Area (SSA). The amendment will result in a SSA increase of about one acre. The Sussex-Lisbon Sanitary SSA is set forth in SEWRPC Community Assistance Planning Report No. 84 (3rd Edition), *Sanitary Sewer Service Area for the Village of Sussex and Town of Lisbon, Waukesha County, Wisconsin*.

The department finds the proposed amendment is consistent with water quality standards under s. 281.15, Wis. Stats., and is hereby approved as recommended by SEWRPC in their Certification of Amendment ([see SEWRPC certification on page 1](#)). This amendment is a formal amendment to the state's Areawide Water Quality Management Plan, per ch. NR 121, Wis. Adm. Code. The Sussex-Lisbon Sanitary SSA Amendment will be forwarded to the U.S. 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 code of 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 SSA amendment does not constitute approval of any other required local, state, or federal permit 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 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 s. 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 s. NR

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2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. 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 cursive script, appearing to read 'Timothy R. Asplund'.

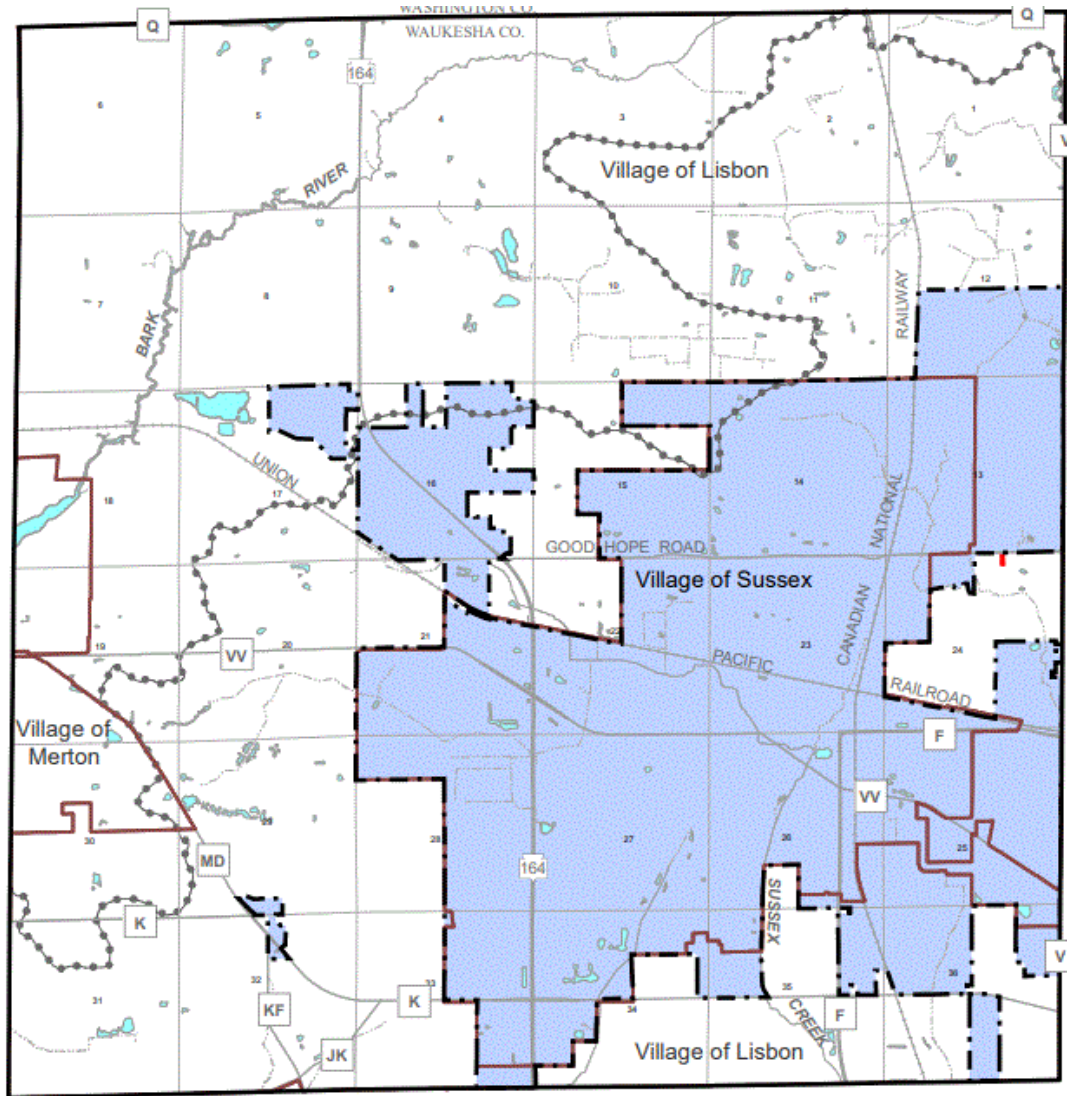
Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

A handwritten signature in cursive script, appearing to read 'Jason R. Knutson'.

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

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