

ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Form 1600-8 Rev. 6-90

Department of Natural Resources (DNR)

District or Bureau Northeast Region
Type List Designation

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., \_\_\_\_\_ (date).

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Applicant: Brown County Planning Commission

Address: 100 N. Jefferson St. Green Bay WI

Title of Proposal: Sanitary Sewer Service Area for the Brown County Planning area  
Location:

PROJECT SUMMARY - DNR Review Information Based on:

List documents, plans, studies or memos referred to and provide a brief overview

The sewer service area update and related documents for this environmental analysis are found in the 2002 Brown County Sewage Plan, December 2002 and subsequent revisions (3/6/03). This update was proposed by the Brown County Planning Department and includes the delineation of and preservation recommendations for environmentally sensitive lands. Environmentally sensitive lands are areas on which sewered development should not occur. This EA focuses on the amendment areas only.

Under Wisconsin Administrative Code NR 121, the delineation of a sewer service boundary includes the identification of areas appropriate for current and future sewered development. Communities may also develop without sanitary sewer by utilizing onsite sewage systems. Where sewered service is available within a reasonable proximity, onsite systems may not provide an equivalent cost-effective and environmentally sustainable option for wastewater management. This environmental analysis focuses on the potential impacts of providing sanitary sewer service within the proposed revised sewer service area boundary.

The proposed amendment involves lands tributary to the existing urban service areas of Green Bay, DePere, Holland, Wrightstown, Greenleaf, Denmark, Suamico, Pulaski, Howard, Hobart, Ledgeview, Morrison, Bellevue, New Franken, Scott and Dyckesville. The proposed gross service area encompasses over 96,570 acres, realizing an increase in 18,121 acres from the 2000 plan and 7,769 acres in net developable land for 2020. This increase is to serve an estimated increase in population of 43,000 persons countywide (p. 57)

**Treatment Plant Capacity**

There are several treatment plants in the Brown County planning area and these plants are described in detail on page 29 of the final draft Plan.

**Green Bay Metropolitan Sewerage District (GBMSD)**

The GBMSD WWTP is an activated sludge treatment plant designed to treat domestic and industrial wastes. Effluent is discharged to the mouth of the Fox River, and sludge disposal is accomplished through incineration. The GBMSD WWTP has a design hydraulic loading capacity of 49.2 million gallons per day (mgd) on an average annual flow basis. The average monthly flow rate in 2000 was 27.53 mgd. The WWTP also has a design Biological Oxygen Demand (BOD) loading on an average annual basis of 103,110 pounds per day (lbs/day). The average monthly BOD loading in 2000 was 57,630 lbs/day. WPDES permit effluent levels for BOD and Total Suspended Solids (TSS) are 25 milligrams per liter (mg/l) and 30 mg/l respectively, while average monthly effluent levels in 2000 for BOD and TSS were 0.9 mg/l and 3.8 mg/l respectively.

The GBMSD acts as a wastewater treatment wholesaler for an estimated population of 157,400 people. The existing service area encompasses 238.1 square miles and includes the City of Green Bay and the Villages of Allouez, Luxemburg (in Kewaunee County), and Pulaski. In addition, portions of the Villages of Ashwaubenon and Howard and the Towns of Bellevue, Green Bay, Hobart (including a portion of the Oneida Reservation within the Town of

Hobart and within the Town of Oneida in Outagamie County), Lawrence, Ledgeview, Pittsfield, Red River (in Kewaunee County) and Scott are included as well. At present, wastewater from part of the Village of Ashwaubenon and parts of the Towns of Hobart, Ledgeview, Lawrence, and the Oneida Reservation is treated at the De Pere wastewater treatment plant. The GBMSD WWTP accepts significant industrial processed wastes from within the service area, and has an industrial pretreatment program in place..

#### City of De Pere

The existing De Pere WWTP has a design hydraulic loading capacity of 14.2 (mgd) on an average annual flow basis. The average monthly flow rate in 2000 was 7.24 mgd. The WWTP also has a design BOD loading on an average annual basis of 41,000 lbs/day. The average monthly BOD loading in 2000 was 29,965 lbs/day. WPDES permit effluent levels for BOD and TSS are 9 mg/l and 10 mg/l respectively, while average monthly effluent levels in 2000 for BOD and TSS were 3.1 mg/l and 4.0 mg/l respectively. The 2000 population of the City of De Pere is 20,559 people.

Information regarding additional treatment plants is available in the plan, pp 35

### **Justification of Need**

The proposed amendment was requested by various jurisdictions in the Brown County planning area due to the prevalence of need for amendments to the 2000 Brown County plan. Rapid growth rates and changes in direction and magnitude of growth in various portions of the planning area result in the need for this amendment.

#### Population/Growth Projection

The proposed amendment involves lands tributary to the existing urban service areas of Green Bay, DePere, Holland, Wrightstown, Greenleaf, Denmark, and Suamico. The proposed gross service area encompasses over 96,570 acres, realizing an increase in 18,121 acres from the 2000 plan and 7,769 acres in net developable land for 2020. This increase is to serve an estimated increase in population of 43,000 persons countywide (p. 57)

Documents presented and discussed in this analysis include the following:

- \* Final Brown County SSA Plan 2020 (Exhibit A)
- \* Map of proposed additions (Exhibit B)
- \* Various correspondence between DNR and Brown County regarding plan finalization (Exhibit C)
- \* NR 121, Wisconsin Administrative Code (Exhibit D)

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### **DNR EVALUATION OF PROJECT SIGNIFICANCE (complete each item)**

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#### **1. Environmental Effects and Their Significance**

Discuss the short-term and long-term environmental effects of the proposed project, including secondary effects, particularly to geographically scarce resources such as historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered species or ecologically sensitive areas, and the significance of these effects. (The reversibility of an action affects the extent or degree of impact.)

This sewer service plan update proposes an increase in the areal extent of the Brown County sewer service area by 18,121 acres, 7,769 of which are developable. This represents an increase of 43,000 persons, over 13,000 of which will be located in the two principle communities of DePere and Green Bay. P 56 This translates into a net residential acreage increase of 7,371 (p. 67). Adding commercial (1520) industrial (1643) transportation (3322) communication (288), institutional/governmental /utility (1015) and recreation lands (1253), the total increase is 16411. Brown County wishes to use a market factor (.75) which translates into an additional SSA acreage of 12,314 for a combined total of 28,725 acres. However, due to local conditions and local decisions, only 18,121 of the possible 28,725 acres are proposed to be added at this time.

#### **Short-Term Impacts of the Proposed Project:**

##### Construction Impacts

- \* Noise, dust, congestion (traffic), and habitat disturbance:
- \* Increased quantity of stormwater flow to the Lower Fox basin rivers and associated wetland systems and impacts to downstream systems from land disturbance associated with sewer line construction, development, and reduced infiltration.

- \* Reduced water quality of wetlands and surface waters of these river systems and their tributaries, which may include increased nutrients, solids, bacteria, metals and polycyclic aromatic hydrocarbons (and other organics) from stormwater conveyance from increased development and reduced infiltration.
- \* Possible dredge and fill of wetlands during land disturbance activities and development of hydric soils, which will likely displace the local hydrologic flow and affect regional hydraulics during and subsequent to sewer system development.

#### **Historic/Cultural Area:**

No portion of the project area has been surveyed for archaeological remains; thus, there is a possibility that unreported remains are present

#### **Endangered/Threatened Species and Natural Areas:**

Comprehensive endangered resources surveys have not been completed for the area, so the data are likely incomplete.

#### **Ecologically sensitive areas:**

All areas identified as environmentally sensitive in the plan should be protected. Also, we encourage a closer look at the environmental corridors that may need to be crossed to develop surrounding areas. ***All efforts to protect the integrity of the corridors should be undertaken.*** Also, implementation of stormwater management practices for new and existing development should be encouraged to provide adequate stream protection for water quality.

#### **Other Resource Conditions**

Within the amendment area, there are some tracks where soils pose limitations for residential development. These soils are associated with the wetland areas and riverine floodplains and should be taken into consideration when development occurs. Generally, many of these soils are part of environmental corridors. However, there may currently be septic or private sewerage systems serving some of these areas at this time. If so, these existing developments would be better served by connection to public sewers as the inherent limitations of these soils can not be overcome by enlarging the lot size and will likely result in ponding and runoff of partially treated wastes into surface waters.

#### **Significance of Short-Term Impacts:**

Increase in impervious surfaces are relatively permanent. Some urban BMPs can be used during development of roads, driveways, parking lots, etc. to abate degradation of natural resources.

- ! ***Onsite stormwater detention/retention facilities should be built into development plans.*** These facilities should mimic the natural setting as much as possible. Stormwater facilities should NOT be placed in streams but should be placed outside of streams to help reduce scouring and help encourage the preservation of natural conditions.
- ! Wetlands should not be used for stormwater treatment but primarily for environmental corridor/natural areas and habitat values; stormwater flows should be slowed before they reach wetland areas - ***and buffers of 75 feet or greater should be implemented around wetland areas to protect wildlife and water quality These buffers should be maintained with no development of any kind so that wetland functional values are maintained.***
- ! ***Small headwater streams*** should not be used for "economical drainageways", but **should be protected to conserve natural hydrologic flows and groundwater recharge.** Waterbodies and wetlands interconnecting the cluster lakes should be preserved with a sizable buffer to allow free movement of animal species and to slow stormwater flows to prevent scouring and sedimentation in wetland areas.
- ! All wetlands, floodplains, and steep slopes associated with waterbodies should be off limits for development based on possible impacts to water quality; this protection should be applied despite or regardless of the the type of environmental corridor designation.

Department approval of this sewer service area plan amendment allows sewered development in the proposed area. As a single component of the land development process that includes streets, all utilities, building construction, parking area construction, etc., sewers are usually located in areas where earthmoving work would occur anyway (under streets). The sanitary sewer line installation probably has substantially less environmental impact than the coinciding earthmoving work on those sites. The industrial and commercial development that follows the land subdivision process causes an increase in stormwater runoff from roof tops and parking lots, and reduces the amount of groundwater recharge area.

Although the proposed sewer system will replace mainly existing onsite systems, the presence of a sewer system may enhance development in the area, increasing the amount of impervious surfaces in the area. Increases in impervious surfaces are relatively permanent; however, some urban best management practices can be used during development of sewer lines, roads, driveways, parking lots, etc. to abate the degradation of natural resources associated with an increase in impervious surfaces.

### **Recommended Steps to Reduce the Significance of Short-Term Impacts**

- ! To reduce the significance of wetland alterations, wetlands should not be used for stormwater treatment but primarily for environmental corridor/natural areas and habitat values.
- ! Erosion control practices should be installed and properly maintained on all areas under development to minimize runoff.
- ! Implementation of stormwater management practices for new development should be encouraged to provide adequate stream protection for water quality (implement polluted runoff performance standards and Phase II Stormwater rules)
- ! Infilling of vacant lots for future development should be encouraged over the use of existing agricultural or vacant/undeveloped lands on the outskirts of the sewer service area. Encourage blending of comprehensive plans smart growth work and SSA planning.
- ! The use of wetlands and railroad right-of-ways should be discouraged, if not prohibited, for sewerline laterals due to the sensitivity of wetlands and the likelihood of rare plant species in railroad right-of-ways.

### **Long-Term Impacts of the Proposed Project**

One major long-term impact of this project will stem from the development of medium and low density residential development in Brown County. While some of these are partially developed with septic systems, installation of sewers at large lot sizes encourages and legitimates the type of urban sprawl that the Department of Natural Resources is trying to reduce in urbanizing regions. This sprawl and its associated impervious surface areas have been linked to water quality impacts written of and analyzed in numerous public journals, newspaper articles , etc.

- ! Water quality, quantity, economic, social, and ecological habitat and potential wildlife impacts from hydrologic modifications, including enhanced flashiness of flow regimes and increased pollutant loads from roof drains, street and parking lot runoff, deicers, spills, and oil and grease. Enhanced delivery of total suspended solids, bacteria, metals and organics (polychlorinated aromatic hydrocarbons) to surface waters, with potentially substantial changes to the quality and character of the waterbodies.
- ! Operational, maintenance and upgrade costs for WWTP and infrastructure development should be anticipated as the treatment plant nears its design capacity.
- ! Long-term primary impacts include effects from enhanced suburban sprawl over large land areas. When development occurs in environmental corridors, the result is habitat fragmentation. Growth of outlying areas versus infill and vertical development of existing urban areas is associated with:

- ! Loss of prime agricultural land
- ! Loss of existing rural character in the outlying township
- ! Ecological, social and economic costs associated with an increase in air and noise pollution, traffic congestion, waste generation, spills, need for new and enhanced infrastructure in city and outlying areas.
- ! Air quality impacts from new industrial, commercial and residential land uses could be significant. Individual impacts will have to be addressed on a case-by-case basis through the state air operation permit process. An increase in the accompanying vehicular traffic and associated air pollution emissions is likely from increased commercial and industrial activity.

**Significance of Long-Term Impacts:**

- ! Loss of prime agricultural land in Brown County is irreversible and permanent for foreseeable future.
- ! Loss of existing rural character in the townships is irreversible and relatively permanent for the foreseeable future.
- ! Increase in air and noise pollution, traffic congestion, waste generation, spills is relatively irreversible and permanent as long as the industrial, commercial and residential development is implemented as planned.
- ! Loss of wildlife and extirpation of endangered species and loss of unique communities/habitats is permanent and irreversible.

**2. Significance of Cumulative Effects.**

Discuss the significance of reasonably anticipated cumulative effects on the environment (and energy usage, if applicable). Consider cumulative effects from repeated projects of the same type. Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

The Brown County Planning Commission is seeking approval of the sewer development plan boundary as proposed to meet anticipated land requirements to the year 2020. The cumulative impacts of the area's growth will include increased traffic, jobs, air pollution and stormwater runoff with accompanying sedimentation and pollution. The cumulative impacts also include loss of rare and endangered wildlife, wetlands, prime agricultural land, groundwater recharge areas, woodlands, wildlife intolerant to urbanization, and rural community character. The transitional edge between urban and rural land use is pushed out farther from the center of the urban area causing land use speculation and increases in property values.

This SSA Plan's public hearing has provided an opportunity for public participation concerning the area's future development. All plans however, should be reviewed from time to time to be sure that they represent the most current ideas and knowledge available. Wisconsin Administrative Code, NR 121, requires periodic sewer service area plan updates.

**3. Significance of Risk**

a. Explain the significance of any unknowns which create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analysis would eliminate or reduce these unknowns?

The current sewer extension provisions of Chapters NR 110 and ILHR 82, Wis. Adm. Code, provide implementation authority for the plan.

While Brown County's sewer service area plan does not secure protection of all environmentally sensitive lands within the amendment area, the opportunity for development to create adverse impacts in ignorance of water quality protection rules is diminished because the plan provides notice that the protection of wetlands and shorelands is required through other state and federal laws.

***It is highly recommended that communities rezone areas identified as environmentally sensitive to conservancy for their long-term protection.***

Wetlands and shorelands represent the major features within the subject environmentally sensitive areas. All wetlands and shorelands within the boundary of the proposed amendment to the sewer service area should be protected through either the implementation of sewer service area plan itself or the Army Corps 404 wetland permit process, water quality standards for wetlands (Wis. Adm. Code, NR 103), and Wisconsin Administrative Code NR 115, the shoreland wetland program for unincorporated areas which are administered locally by counties.

Brown County policy provides for the protection of environmentally sensitive areas but allows development of certain areas at the discretion of the local unit of government and based the principle's ability to obtain a chapter 30 or CWA 404 permit. However; any development proposal that would have a significant adverse water quality impact on environmentally sensitive lands, requiring a Clean Water Act - Section 404 Permit or a Wisconsin State Statute - Chapter 30 Permit, is required to also obtain DNR water quality certification. WDNR administers Chapter NR 103 which specifies state water quality standards. Analysis of whether the proposed project will meet the qualitative standards set out in NR 103 is required through the water quality certification procedure; this analysis is required of any action affecting a wetland, regardless of the size of that wetland.

Stormwater management plan development is required for any construction site activity disturbing five or more acres of land, pursuant to Chapter NR 216, Wisconsin Administrative Code. Phase II stormwater rules (federal) will be translated into state level requirements through an update to NR216 in the coming months.

If there were insufficient industrial and commercial lands within the sewer service area to meet the demand, it's possible that development would occur with onsite sewage disposal systems. Within the relatively high densities of urban area development sanitary sewer generally has less adverse impact on the environment than numerous onsite sewage systems, particularly as the onsite systems become old. The delineation and protection of environmentally sensitive areas through the sewer service area planning process is a positive secondary impact. The Facility Planning and Wastewater Permitting Programs oversee the maintenance of wastewater treatment standards and capacity.

- b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

None.

#### **4. Significance of Precedent**

Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Describe any conflicts the proposal has with plans or policy of local, state or federal agencies. Explain the significance of each.

The approval of the subject plan provides significant direction for the community's future growth but does not foreclose future options which could have positive affects on the environment. Sewer service area plans allow amendment procedures to respond to new information and demands relative to providing water quality protection in a development setting. NR 121 requires periodic SSA plan updates.

#### **5. Significance of Controversy Over Environmental Effects**

Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy.

The proposed amendment to the Brown County sewer service area is large and there is known *public* controversy regarding jurisdictional issues in this sewer service area plan. However, policies and procedures in this sewer service area plan were crafted to provide a system for working through these types of issues. If these procedures fail, the administrative review procedures will provide opportunities for jurisdictions to continue to affect or change decision processes.

While SSA planning may not provide positive environmental impacts other than water quality protection; (such as air pollution or traffic impacts), the net environmental concern and benefit it generates through the community planning process may be broadly beneficial.

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## ALTERNATIVES

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Briefly describe the impacts of no action and of alternatives that would decrease or eliminate adverse environmental effects. (Refer to any appropriate alternatives from the applicant or anyone else.)

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Alternatives exist to the proposed action, including the 1) No action scenario, and 2) the proposed action with implementation of a series of recommendations designed to reduce the significance of short and long term water quality impacts.

### **No Action**

The no action plan would require the continued reliance for residential development and treatment of wastewater on private onsite facilities. This scenario, currently in effect, does not include the environmentally sensitive area delineations and protection measures as that enumerated in the proposed SSA plan. Thus, there is potential for local development to occur utilizing onsite sewage disposal systems the placement of which is not excluded in some environmentally sensitive areas. The WDNR believes that this alternative is not preferred due to the potential for local development to occur without water quality assessment and protection measures and the likelihood of continued health and environmental problems posed by high groundwater levels and failing septic systems.

### **Proposed Action - With Recommendations to Reduce Adverse Water Quality Impacts**

- ! To reduce the significance of wetland alterations, wetlands should not be used for stormwater treatment but for environmental corridor/natural area and habitat values.
  
- ! Archaeological resources in the planned site area should be investigated and protected if necessary before earthmoving activity occurs.
  
- ! Water quantity and quality impacts from increased commercial, residential and industrial discharges and stormwater flows should be abated through:
  - ! Developing a comprehensive stormwater management plan for the entire area including the design and development of stormwater retention facilities and use of BMPs (preferably nonstructural) in future growth areas to abate pollutant loads to surface waters during and after construction activities take place, on a landscape or regional scale.
  
  - ! A continuing assessment of water quantity impacts from drinking water and industrial water use options should be conducted and utilized for planning purposes, particularly for smart growth/comprehensive planning and future SSA planning in the region. The idea of limited resources supporting a growing population must be instilled in the public arena.
  
  - ! A wellhead protection ordinance for the various jurisdictions in the planning area should be developed - a complex source water assessment is currently underway; this assessment should be used to identify and protect critical resources in the area. A source water protection area for the public water suppl(ies) should be delineated and protected. Local development plans should be coordinated with any setbacks and/or restrictions in the wellhead protection ordinance.
  
  - ! Update floodplain maps along the Fox River and associated tributaries as appropriate as well as evaluate secondary floodplain impacts on downstream areas; and rezoning land to provide protection for both land owners and the hydrology of the project and downstream area should occur over time.
  
  - ! Development (as necessary) and implementation of construction site erosion control ordinances for construction activities on sites smaller than that regulated under state building code requirements. Fill in

jurisdictional gaps were local governments may not be implementing a consistent set of standards for protection from stormwater and construction site erosion.

- ! If and when the time is necessary, considerable planning should take place among the city, the county, DOT, DNR and Brown County to design an expanded transportation infrastructure that will minimize impacts to surface waters and will maximize the utility of the designed roads. Care should be taken to avoid the design of a superhighway that cuts of people from their environment and that encourages "sprawl".
- ! Special protection should be given to all remaining wildlife and wetlands in the project area and downstream. Pressure will be placed on downstream resources as development is extended out. Fragmentation of wildlife areas and habitat should be minimized. It is highly recommended that communities rezone areas identified as environmentally sensitive to conservancy for long-term protection.
- ! Infilling of vacant lots for future development should be encouraged over the use of existing agricultural or vacant/undeveloped lands on the outskirts of the sewer service area. Revitalization of downtown Green Bay should continue over development of bedroom communities outside the central urban area.
- ! The use of wetlands and railroad right-of-ways should be discouraged, if not prohibited, for sewerline laterals due to the sensitivity of wetlands and the likelihood of rare plant species in railroad right-of-ways.
- ! A protection plan should be developed and implemented for the adjoining wetland communities and floodplain resources associated with the West Shore of Green bay and other ESAs in the planning area.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

List agencies, citizen groups and individuals contacted regarding the project (include DNR personnel and title) and summarize public contacts, completed or proposed.

Date	Individual	Action
8/02	Terry Lohr	Received final plan for review
10/02	Lisa Helmuth	Submitted comments back to Brown County about plan
10/02	C Ledin, L Helmuth, C Lamine, J Dietle, G Kincaid	Participated in a discussion of what is needed to finalize plan
12/02	BCPC	Submitted reviewed plan to Brown County Commission - approved and send to DNR
2/03	L Helmuth, G Kincaid	Reviewed final plan and sent letter regarding problems with final plan, various phone conversations to work out final plan corrections
3/03	Lisa Helmuth	Received final plan electronically and attachments, all but Map 4, 5
3/03	L Helmuth	Developed EA
3/12/03	Lisa Helmuth	Submitted for Public Comment Period

On-site inspection or past experience with site by evaluator.

Project Name:

County:

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

A. EIS Process Not Required

The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department on this project.

B. Major Action Requiring the Full EIS Process

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Number of responses to news release or other notice:	Specialist or Bureau Director	Date Signed
	Director of Compliance (WISCONSIN DEPARTMENT OF NATURAL RESOURCES)	Date Signed

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that 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, 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 shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, 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. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested case hearing provisions of section 227.42, Stats.

This notice is provided pursuant to section 227.48(2), Stats.