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Introduction

A number of water utility construction projects require a Certificate of Authority (CA) from the Public Service Commission of Wisconsin (PSC) pursuant to Wis. Stat. §196.49. These requirements are further described in Wis. Admin. Code ch. PSC 184. All projects are defined in Wis. Admin. Code ch. PSC 4 as either Type 1, 2, or 3 Actions. The vast majority of water construction projects that need a CA are Type 3 Actions and are the subject of these filing requirements.

Wis. Admin. Code § PSC 184(3) includes the following as examples of water projects typically requiring a CA:

- Groundwater wells, surface water intakes, and other sources of water supply
- Water treatment, purification and disinfection facilities
- Elevated tanks, reservoirs, and other storage facilities
- Pumping stations, pressure-reducing stations, and associated facilities
- Utility buildings
- Utility mains - Type 3 projects are proposed water mains less than 8 inches in diameter or less than 3 miles in length. (Type 2 projects are water mains proposed to be 8 inches or greater in diameter and cumulatively 3 miles in length or longer. See Type II Water Application Filing Requirements on the PSC web site.)

This document lists the typical information required for Type 3 Water Project applications. Not all filing requirements in this document are applicable to all projects. The CA is a PSC certification, but applicants may also need certain Wisconsin Department of Natural Resources (DNR) permits, as well.

Joint PSC/DNR Pre-Application Consultation Process

An applicant must consult with both PSC and DNR staff prior to submitting its application. (Wis. Stat. § 30.025(1m) and Wis. Admin. Code § PSC 4.70(1)). This pre-application consultation process is a series of discussions with the staff of these two agencies. Each agency has its own requirements, but the agency reviews are interrelated.

Topics discussed during the pre-application process include:

- PSC and DNR staff contacts
- Applicable portions of the filing requirements for each agency
- Appropriate application formats and subject matter, such as for maps and diagrams
Type 3 Water Application Filing Requirements

Introduction

- Specific permits and approvals required for the project
- PSC’s and DNR’s projected review timelines and important milestones
- Alternative routes or designs
- Alternatives to a new water supply project (conservation and efficiency, cooperative arrangements with other systems, etc.)
- Appropriate type, scope, and timing of required field work (habitat assessments, archeological surveys, wetland delineations, biological surveys, etc.)

During the pre-application period, applicants should also solicit additional information from other interested persons through public outreach.

DNR Application Needs

These requirements include information and materials needed for analysis of potential impacts to rare species and natural communities, and wetland or waterway construction permits. Like the PSC, the DNR requires a complete application for the project review to proceed in a timely manner.

Wetland and Waterway Permits

Contact the DNR Bureau of Environmental Analysis and Sustainability (BEAS) for issues associated with wetlands and waterway permits. Additional information about these subjects can be found on the DNR website at http://dnr.wi.gov/topic/Sectors/UtilityPermitting.html. For questions, contact either:

- Ben Callan at (608) 266-3524, email: Benjamin.Callan@wisconsin.gov
- Lindsay Tekler (608) 267-7150, email: Lindsay.Tekler@wisconsin.gov

Endangered Resources Review (Confidential)

To ensure the Commission’s compliance with the Wisconsin Environmental Policy Act, applicants shall provide an evaluation of the potential impacts its proposed project would have on endangered resources within the project area. An Endangered Resources (ER) Review involves screening the project for potential impacts to endangered resources including rare plants, animals, and natural communities. ER reviews are not required if the project includes utility activities covered by the Broad Incidental Take Permit/Authorization (BITP/A) for no or low impact. The list of activities covered by the BITP/A can be viewed on the DNR website: http://dnr.wi.gov/topic/ERReview/ITNoLowImpact.html (Section B).

If the proposed activities are listed on the No to Low Impact BITP/A, submit the ER Review Verification Form to the DNR ER Utility Liaison and include a copy of the form with the PSC application.

If the proposed activities are not listed on the No to Low Impact BITP/A, then the PSC application must contain either a No actions required/recommended finding from the DNR Natural Heritage Inventory (NHI) Public Portal http://dnr.wi.gov/topic/erreview/publicportal.html or a DNR-approved ER Review. The ER review can be conducted by a certified reviewer or by the DNR. Details on obtaining the DNR-approved ER Review can be found on the DNR website: http://dnr.wi.gov/topic/erreview/review.html. DNR Natural Heritage Inventory (NHI) related information must be submitted confidentially to both agencies. ER Reviews submitted to the PSC Electronic Records Filing (ERF) System must have rare species information redacted. Contact the PSC environmental analyst for additional information.
Habitat Assessments and Biological Surveys

Habitat assessments or biological (plant and/or animal) surveys may be required for the DNR portion of the application or at some point in the application process. Natural resources of particular concern include (1) areas that support high quality, rare, or important wetlands, rivers, or natural communities or habitat features (e.g., bat hibernacula or bird rookeries); and (2) areas where state or federal endangered, threatened, or special concern species occur or may occur. For most species, the field season begins in the second quarter of the year; however, some rare species may require that field work be conducted earlier or later in the year. DNR will discuss with the applicant the timing and scope of the required studies based on project specifics and the application schedule.

Historical Resources Information

To ensure the Commission’s compliance with the Wisconsin Environmental Policy Act (WEPA) and Wis. Stat. §44.40, applicants shall provide an assessment of the potential impact its proposed project would have on historical resources within the project area. Consultation with the Wisconsin Historical Society (WHS) may be required if historical resources are potentially impacted by a proposed project and can take 30 days, and in some cases 60 days or more. For this reason, assessing for historical resource impacts as soon as possible is advised. The CA application must also contain an evaluation for the potential impacts to Historical Resources. “Historical Resources” include archaeological sites, historic buildings or architecture, sites of historic or cultural significance, sacred sites, and burials that are inventoried in the Wisconsin Historic Preservation Database (WHPD). The database is managed by the Wisconsin Historical Society (WHS).

There are three ways to obtain the WHPD information. These following methods are discussed in more detail on the WHS website: http://wisconsinhistory.org/whpd.

- Purchase a subscription to the WHPD for online review of the database
- Make an appointment to review the database at the WHS office on 816 State Street, Madison
- Purchase limited GIS data.

Submit your results via email to the Commission’s Historic Preservation Officer, Andrew Craft at Andrew.Craft@wisconsin.gov. Do not submit precise locational information, including maps, containing historic resources to the ERF system.

Confidential Materials

Organize the application so that all confidential materials are only in Appendices and separated from non-confidential materials. Submit confidential materials in compliance with the confidential materials handling procedures of each agency.

DNR Natural Heritage Inventory (NHI) related information must be submitted confidentially to both agencies.

PSC Electronic Regulatory Filing (ERF) System

The ERF system is the official file for all dockets considered by the Commission. Post to the ERF system all confidential and non-confidential application materials in the *pdf format, including all materials provided to DNR. Items submitted in native formats, such as ESRI ArcGIS files, Microsoft Excel tables, Microsoft Word versions, modeling, etc. should be documented in a letter filed on ERF.

Instructions for submitting documents to the ERF system can be found on the PSC web site.
In addition, send to the PSC docket coordinator a CD or DVD containing all application materials that must be submitted in their native formats, including, Microsoft Excel tables, ESRI ArcGIS files, etc.

Paper copies of the application will be needed by both the PSC and DNR for review. Questions about the number of paper copies and the format of maps, photos, and diagrams can be answered during consultation meetings or by contacting the PSC case coordinator.

Contact for Questions
Adam Ingwell, PSC, (608) 267-9197, Adam.Ingwell@wisconsin.gov.
Application Filing Requirements

Type 3 Water Projects

An application must contain the following information or a showing must be made as to why the information is not applicable. The information requirements for Type 3 water projects include all facilities such as water mains, intake structures, pump stations, and treatment facilities. The application’s organization should follow the major format and numbering system of these filing requirements. Questions about the applicability of specific information requirements should be discussed with PSC and DNR staff during pre-application consultation.

1. Project Overview
   1.1. Identify the city, village, and/or township and the respective counties that the proposed project, any associated facilities, and any potential construction activities would cross or potentially impact.
   1.2. Describe the project including all project components.
   1.3. Identify if proposed construction is new construction, changes to an existing facility, or abandonment of a facility.
   1.4. Provide the anticipated construction schedule, noting any phases or seasonal or regulatory construction constraints, and schedule of completion.
   1.5. Provide the names and contact information for utility representatives available to answer technical questions concerning the proposed project, cost, rates, etc.

1.6. Other Agency Correspondence/Permits/Approvals
   1.6.1 Provide copies of all official correspondence between the applicant and all state, federal, or local government entities.
   1.6.2 Identify any issues or concerns raised by any state, federal, or local government and how those issues/concerns have been addressed in the application.
   1.6.3 Provide a list of all federal, state, and local permits/approvals that would be required for this project and their status.

1.7. Project Map(s)
Below is a list of the most common items that should be represented in application project maps. Route maps should use the best and most recent data available. Maps must clearly portray the project in a format and scale that is unambiguous and easy to understand. Labels and symbology used on the maps must be clearly visible. Maps should be of a scale to clearly identify the location of all proposed facilities.
• Base Map with Proposed Project
  o Aerial photographic background should not be more than three years old.

• Proposed Project
  o Routes and/or facilities
  o Associated facilities
  o Construction method locations (open trench, HDD, etc.)
  o Access roads
  o Laydown areas

• Environmental Data Applicable to the Project
  o Rivers, lakes, and other waterways
  o Outstanding or Exceptional Waterways, Trout Streams, Wild or Scenic Rivers
  o Field-delineated wetlands and Wisconsin Wetland Inventory wetlands
  o Archaeological sites
  o Floodplains and flood-prone areas

2. Project Development and Alternatives

2.1. Describe how the proposed project relates to any future projects the applicant is considering in the area.

2.2. Describe any major system level alternatives such as connections to a different water system, use of a different water source, additional water treatment. Explain why these alternatives were not selected and their approximate costs.

2.3. Describe the factors considered when evaluating possible routes and locations for the water main and associated facilities.

2.4. Describe any contacts or consultations held with government entities, landowners, and other interested parties prior to application submittal regarding alternate project routes/locations. Identify any issues and concerns raised, and describe how the issues and concerns were addressed in the selection of the proposed routes.

3. Route and/or Site Information

3.1. Provide a general description of the proposed route or site and the project area including the percentage of the route that will be constructed within road ROWs.

3.2. For each segment of the route, provide the following information:
  3.2.1 Main diameters
  3.2.2 Main materials
  3.2.3 The number of hydrants

3.3. Associated Facilities Information
For projects that involve construction of associated facilities such as pump houses, storage tanks, treatment facilities, and/or intake structures, provide the following information for each facility.
  3.3.1 Drawing or diagram showing the location, dimensions (in feet and acres), and site layout of the associated facilities.
  3.3.2 Size (in acres) of the land purchase required and orientation of the facilities within the purchased parcel.
3.3.3 Location of all mains entering and leaving the facility and connecting to the larger system. Show details on any structures that might impact adjacent land owners.
3.3.4 Location of any waterways or wetlands within the purchased parcel and how the construction of the facilities would avoid, minimize, or mitigate the potential impacts.
3.3.5 Details on any access roads required (width, length, location, etc.).
3.3.6 Details on any proposed landscaping.

3.4. Identify and describe the location, footprint, and existing land use of staging areas and any additional temporary workspace required.

3.5. For route segments that would corridor share with Wisconsin Department of Transportation (WisDOT) ROWs, provide documentation that the proposed route is generally acceptable to WisDOT.

3.6. For route segments that would corridor share with town or county roads, state whether the municipality has been notified of the proposed facilities and describe the potential temporary and permanent impacts to the road.

3.7. Construction Impacts
3.7.1 Discuss the proposed construction sequence for all proposed facilities.
3.7.2 Provide a general description of project construction methods including machinery to be used, size of trench, and width/dimensions of construction disturbance zone.
3.7.3 Describe the construction disturbance zone and whether all work would be conducted inside the proposed ROW. Identify those areas where construction disturbance would occur outside of the proposed ROW.
3.7.4 Describe any special construction methods that would be used in/around agricultural lands, forest lands, grasslands, surface waters, or wetlands.
3.7.5 If construction methods other than open trench are proposed at any locations, indicate on the maps or air photos the locations where the alternative methods would be employed and describe the alternative construction methods in detail.

4. Natural Resource Impacts

4.1. Identify any flood-sensitive facilities that would be located in designated flood plains or flood-prone areas.

4.2. Wetlands
4.2.1 For each route segment/facility, identify the wetlands and type of wetlands that would be crossed or potentially impacted by construction activities.
4.2.2 For wetlands that would be open trenched, provide the length and width of the trench.
4.2.3 Provide the methods to be used for avoiding, minimizing, and mitigating construction impacts in and near wetlands.

4.3. Waterbodies/Waterways
4.3.1 For each route segment and proposed associated facilities, provide the total number of waterbody or waterway crossings.
4.3.2 Identify any locations of construction activities that would occur below the ordinary high-water mark (OHWM) of a waterbody or waterway.
4.3.3 For each proposed waterbody and waterway crossing, identify the need and method for constructing the crossing.

4.3.4 Provide the methods to be used for avoiding, minimizing, and finally mitigating construction impacts in and near waterbodies and waterways.

4.3.5 Identify any waters in the project area that are classified as follows and the site-specific methods that would be used to mitigate potential impacts to these waterways:

   4.3.5.1 Outstanding or Exceptional Resource Waters
   4.3.5.2 Trout Streams
   4.3.5.3 Wild or Scenic Rivers

4.4. Rare Species and Natural Communities

4.4.1 Document communication with DNR and U.S. Fish and Wildlife Service (USFWS), as applicable.

4.4.2 Document compliance with DNR and USFWS direction, as applicable.

4.4.3 Provide one of the following:

   4.4.3.1 An ER Review Verification Form showing that your proposed activities are consistent with a Broad Incidental Take Permit/Authorization (BITP/A) for no or low impact activities.

   4.4.3.2 Endangered Resources Preliminary Assessment that states “No actions required/recommended” print out from the DNR Natural Heritage Inventory Public Portal.

   4.4.3.3 A DNR-approved or DNR-generated Endangered Resources Review.

4.4.4 For any DNR-identified follow-up actions that must be taken to comply with endangered species law, discuss how each action or rare species identified would affect the proposed project and the specific segment.

4.4.5 For any DNR-identified recommended actions to help conserve Wisconsin’s rare species and high-quality natural communities, discuss which actions would be incorporated into the proposed project.

4.5. Historical Resources

4.5.1 List each county, town, range, section and ¼, ¼ section in which any construction-related disturbance would occur.

4.5.2 Provide a copy of the results of a Wisconsin Historic Preservation Database (WHPD) historical resources search for the entire project construction area, whether it is completed in-house or by a consulting archaeologist. In the search results, list each historical resource from the WHPD that would be found in areas of project-related construction, by State Site number, Burial Site number (if any), and Name. Submit this information to the PSC Historic Preservation Officer under separate cover and do not enter it into the ERF. Reference and summarize the review in the application.

4.5.3 For each historical resource identified, describe without showing the specific location of the resource how the proposed project might affect the resource and how the project could be modified to reduce or eliminate any potential effect on the resource. Modifications to the proposed project could include site modification, route changes for access roads, crane paths, or collector circuits, and/or mitigation could include route changes and avoidance, modified construction practices, protective barrier placement, monitoring, excavation, recordation, data recovery and/or relocation.

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