



**PUBLIC SERVICE COMMISSION OF WISCONSIN**

# **Application Filing Requirements**

## **Type 3 Water Projects**

**July 2015**

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 eight inches or greater in diameter and cumulatively three 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 (WDNR) permits, as well.

### **Joint PSC/WDNR Pre-Application Consultation Process**

Consultation with the PSC and WDNR prior to submitting an application is extremely useful in determining the appropriate information to include in an application and for application formats, diagrams, and maps. While applicants may have consulted with or received WDNR permits/approvals from the public water system plan review division of the WDNR, an applicant will also want to consult with the WDNR Bureau of Environmental Analysis and Sustainability (BEAS) and the WDNR Bureau of Natural Heritage Conservation (BNHC) for issues related to waterways, wetlands, and rare species prior to submitting an application. Each agency has its own requirements, but the agency reviews are interrelated.

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

## WDNR Application Needs

The 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 WDNR requires a complete application for the project review to proceed in a timely manner.

### Wetland and Waterway Permits

Contact the WDNR, 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 WDNR 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](mailto:Benjamin.Callan@Wisconsin.gov)
- Josh Brown at (608) 267-2770, email: [JoshuaA.Brown@Wisconsin.gov](mailto:JoshuaA.Brown@Wisconsin.gov)

### Endangered Resources Review (Confidential)

For Commission approval, an evaluation regarding endangered or threatened species must be included with the application. 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 WDNR 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 WDNR and include a copy of the form with the PSC application.

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

### Habitat Assessments and Biological Surveys

Habitat assessments or biological (plant and/or animal) surveys may be required for the WDNR 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. WDNR will discuss with the applicant the timing and scope of the required studies based on project specifics and the application schedule.

## WHS Application Needs

The CA application must also contain an evaluation for the potential impacts to Historic Properties. “Historic Properties” 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.

## 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 WDNR. 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.

## Contact for Questions

- Peter Feneht, PSC (608) 266-5614 [Peter.Feneht@wisconsin.gov](mailto:Peter.Feneht@wisconsin.gov)
- Adam Ingwell, PSC, (608) 267-9197 [Adam.Ingwell@wisconsin.gov](mailto:Adam.Ingwell@wisconsin.gov).

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## **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 WDNR staff during pre-application consultation.

### **1.0 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**
  - Aerial photographic background should not be more than three years old.
- **Proposed Project**
  - Routes and/or facilities
  - Associated facilities
  - Construction method locations (open trench, HDD, etc.)
  - Access roads
  - Laydown areas

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

## **2.0 Project Development and Alternatives**

- 2.1.** Describe the purpose and necessity of the proposed project with supporting data and/or documentation.
- 2.2.** Describe how the proposed project relates to any future projects the applicant is considering in the area.
- 2.3.** 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.
- 2.4.** Describe the factors considered when evaluating possible routes and locations for the water main and associated facilities.
- 2.5.** 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.

## **3.0 Project Costs**

- 3.1.** Provide the estimated cost of the project by major plant categories or functions. Explanations of the plant accounts are included in the PSC's Uniform System of Accounts. Engineering, legal construction, inspection, and administrative costs should be included in the above stated plant accounts.
- 3.2.** Provide the estimated annual operating costs of the project by major expense categories and function.
- 3.3.** Include a description and cost of any property being replaced or retired as a result of the proposed project.
- 3.4.** Identify the proposed project funding sources, including utility or municipal sources and outside grants or loans. If the project will be financed, include the expected financing rates and terms.
- 3.5.** Describe the effect of the proposed project on applicant's cost of operation and its effect on the quality and quantity (or reliability) of service.

## **5.0 Route and/or Site Information**

- 5.1.** 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.
- 5.2.** For each segment of the route, provide the following information:
  - 5.2.1. Main diameters
  - 5.2.2. Main materials
  - 5.2.3. The number of hydrants
- 5.3. 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.

  - 5.3.1. Drawing or diagram showing the location, dimensions (in feet and acres), and site layout of the associated facilities.
  - 5.3.2. Size (in acres) of the land purchase required and orientation of the facilities within the purchased parcel.
  - 5.3.3. 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.
  - 5.3.4. 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.
  - 5.3.5. Details on any access roads required (width, length, location, etc.).
  - 5.3.6. Details on any proposed landscaping.
- 5.4.** Identify and describe the location, footprint, and existing land use of staging areas and any additional temporary workspace required.
- 5.5.** 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.
- 5.6.** 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.
- 5.7. Construction Impacts**
  - 5.7.1. Discuss the proposed construction sequence for all proposed facilities.
  - 5.7.2. Provide a general description of project construction methods including machinery to be used, size of trench, and width/dimensions of construction disturbance zone.
  - 5.7.3. 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.
  - 5.7.4. Describe any special construction methods that would be used in/around agricultural lands, forest lands, surface waters, or wetlands.
  - 5.7.5. 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.

## 6.0 Natural Resource Impacts

- 6.1. Identify any flood-sensitive facilities that would be located in designated flood plains or flood-prone areas.
- 6.2. **Wetlands**
  - 6.2.1. For each route segment/facility, identify the wetlands and type of wetlands that would be crossed or potentially impacted by construction activities.
  - 6.2.2. For wetlands that would be open trenched, provide the length and width of the trench.
  - 6.2.3. Provide the methods to be used for avoiding, minimizing, and mitigating construction impacts in and near wetlands.
- 6.3. **Waterbodies/Waterways**
  - 6.3.1. For each route segment and proposed associated facilities, provide the total number of waterbody or waterway crossings.
  - 6.3.2. Identify any locations of construction activities that would occur below the ordinary high-water mark (OHWM) of a waterbody or waterway.
  - 6.3.3. For each proposed waterbody and waterway crossing, identify the need and method for constructing the crossing.
  - 6.3.4. Provide the methods to be used for avoiding, minimizing, and finally mitigating construction impacts in and near waterbodies and waterways.
  - 6.3.5. 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:
    - 6.3.5.1. Outstanding or Exceptional Resource Waters
    - 6.3.5.2. Trout Streams
    - 6.3.5.3. Wild or Scenic Rivers.
- 6.4. **Rare Species and Natural Communities**
  - 6.4.1. Document communication with WDNR and USFWS, as applicable.
  - 6.4.2. Document compliance with WDNR and USFWS direction, as applicable.
  - 6.4.3. Provide one of the following:
    - 6.4.3.1. 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.
    - 6.4.3.2. Endangered Resources Preliminary Assessment that states “No actions required/recommended print out from the WDNR Natural Heritage Inventory Public Portal.
    - 6.4.3.3. A WDNR-approved or WDNR-generated Endangered Resources Review.
  - 6.4.4. For any WDNR-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.
  - 6.4.5. For any WDNR-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.

**6.5. Archaeological and Historic Resources**

- 6.5.1. List each county, town, range, section and  $\frac{1}{4}$ ,  $\frac{1}{4}$  section in which any construction-related disturbance would occur.
- 6.5.2. Identify and locate each historic property listed in the WHPD that can be found where the project would disturb the ground. Identification must use one or more of the following: State Site Number, Burial Site Number, and/or Architecture and History Inventory (AHI) Number.
- 6.5.3. For each archeological or historical resource identified, describe how the proposed project might affect the inventoried historic property.
- 6.5.4. For each archaeological or historical resource identified describe how the project is or could be modified to reduce or avoid any potential impact on the resource.