

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
WATER DIVISION

WATER SUPPLY SERVICE AREA PLAN & DIVERSION APPROVAL  
21 MAY 2009

The Wisconsin Department of Natural Resources (DNR), pursuant to its authority in §§ 281.346 (4) and 281.348, Wis. Stats., hereby approves the following two proposals, submitted by the City of New Berlin (City): proposed water supply service area plan; and proposal to divert Lake Michigan water to an area outside the Great Lakes basin. This approval is subject to the terms and conditions described in this approval.

I. Water Supply Service Area Plan

The DNR approves the City's proposed 20-year Water Supply Service Area plan dated February 11, 2009, under § 281.348, Wis. Stats. The [approved water supply service area](#) includes a single contiguous area, that is served by Milwaukee Metropolitan Sewerage District (MMSD) for sanitary sewerage, that consists of part or all of Sections 1 through 4, 9 through 15, 21 through 27 and 34 through 36, of Township 6 North, Range 20 East, Waukesha County. The area served by MMSD within Sections 32 and 33 of Township 6 North, Range 20 East, as of the date of this approval, is specifically excluded from the approved water supply service area.

The attached map, labeled "Approved New Berlin Water Supply Service Area," which shows the approved water supply service area, is incorporated herein by reference.

II. Approved Diversion Area

The [approved diversion area](#) includes part or all of Sections 2, 3, 4, 9, 10, 11, 14, 15, 21, 22, 23, 24, 26, 27 and 34 of Township 6 North, Range 20 East, Waukesha County. The area served by Milwaukee Metropolitan Sewerage District (MMSD) within Sections 32 and 33 as of the date of this approval is specifically excluded from the approved diversion area. The boundary of the approved diversion area is further defined as a single contiguous area described as follows:

- The western and southwestern boundary of the approved diversion area shall coincide with the western edge of the current area served by MMSD for sanitary sewerage on the date this approval is signed.
- The eastern and southeastern boundary of the area shall be the basin boundary line between the Lake Michigan basin and the Mississippi River basin on the date this approval is signed. That boundary—as depicted on the attached map of the diversion area—was determined through a coordinated effort between the United States Department of Agriculture-Natural Resources Conservation Service, the United States Geological Survey, and the Environmental Protection Agency, along with cooperation from various state agencies.
- The northern boundary of the approved diversion area is the border between the City of New Berlin and the City of Brookfield on the date this approval is signed.

The attached map labeled “Approved New Berlin Diversion Area,” which shows the approved diversion area, is incorporated herein by reference.

### III. Approved Diversion Amount

Lake Michigan water diverted pursuant to this approval shall be used solely for public water supply purposes within the approved diversion area within the City of New Berlin. The DNR approves a maximum diversion amount of 2.142 million gallons per day (MGD) averaged over a calendar year.

### IV. Monitoring

The approved diversion amount shall be monitored by the City by measuring water usage by customers of the water utility.

Within 30 days of the date this approval is signed, the City shall create a geographical information system (GIS) data layer that shows the location of the boundary between the Lake Michigan basin and the Mississippi River basin. Within 30 days from the date this approval is signed, the City shall provide to the DNR a copy of a map with its GIS layer showing the location of the basin boundary in electronic (pdf) format for review.

Within 60 days from the date this approval is signed, the City shall update its database of water utility customers to assign each customer of the utility to either the Lake Michigan basin or the Mississippi River basin. Where the basin line passes through a single parcel, the City shall assign the water customer or customers that occupy that parcel to the basin in which the junction of the water main and the service line to the parcel is located. Any alternative method of assigning water customers to either the Lake Michigan basin or the Mississippi River basin must be approved by the DNR.

Within 90 days from the date this approval is signed, the City shall assign each water utility customer within the approved diversion area to one of the following Public Service Commission (PSC) categories of water user (from PSC’s Water Utility Reference Manual, Revised February 6, 2009):

- Residential
- Commercial. The City shall further divide this category into the following subcategories for reporting to the Department:
  - Multi-dwelling residential, which includes condominiums and apartments.
  - Commercial non-residential.
- Industrial
- Public authority
- Other, including bulk water sales

The City shall maintain records of quarterly sales to each water customer within the approved diversion area. The City shall read all meters within two weeks of the close of each quarter. The City may reassign a customer to another category to reflect water user changes.

The City, in cooperation with MMSD, shall monitor return flow within the sanitary sewerage system. Return flow from within the approved diversion area shall be monitored and reported separately from return flow for areas east of the Basin boundary. The City is required to obtain

approval from DNR for the methods for monitoring and estimation of sanitary sewerage system return flow and the methods shall be consistent with best engineering practices.

#### V. Water Conservation & Efficiency Measures

In its [Resolution No. 09-11](#) entitled “City of New Berlin Commitment to Water Conservation” dated April 28, 2009, attached hereto, the City agreed to a goal of 10% reduction in per capita residential water use by 2020 over January 1, 2008 per capita levels of residential water use. The City shall identify measures necessary to reduce water use within the water supply service area to pursue this goal. Recognition is given to the actions the City has already taken to conserve water and limit the need for Great Lakes water.

Within 90 days from the date of this approval, the City shall calculate the average residential water use per capita on a gallons-per-day basis for the 2007 calendar year. Water users to be included in this calculation include those classified as residential and those classified as commercial – multi-dwelling residential. This average residential water use shall establish the baseline for future water conservation goals.

In addition, within 90 days from the date this approval is signed, the City shall submit additional details of its Water Conservation Program that includes: identifying specific steps the City will undertake to achieve the 10% goal; providing for monitoring water consumption to assess progress in meeting the goals; and providing for reporting progress to the DNR and the PSC.

In addition, the City will be subject to water conservation and efficiency requirements specified by the DNR in administrative rule.

#### VI. Reporting

On or before March 1<sup>st</sup> of each year, the City shall report the following information for the prior calendar year to the DNR:

1. The total amount of water purchased from the City of Milwaukee.
2. The amount of water sold to each category and subcategory of customer on a quarterly basis within the City limits.
3. The amount of water sold to each category and subcategory of customer on a quarterly basis within the approved diversion area.
4. The amount of water diverted to the approved diversion area on a monthly basis (to be estimated by the City).
5. The amount of water pumped from each municipal well within the City limits on a quarterly basis, noting the basin in which each well is located.
6. Average residential per capita water use.
7. A description of efforts made by the City to improve water conservation and efficiency and minimize infiltration and inflow to the sanitary sewer system.
8. Estimates of the total monthly sewerage flow within the City.
9. Estimates of the monthly sewerage return flow from within the approved water supply service area and approved diversion area.

#### VII. Additional Requirements

Beginning two years after the date this approval is signed, the City shall not use any municipal wells within the approved water supply service area and approved diversion area to supply water

to the municipal system, except that one or more municipal wells may be used on a temporary basis only as agreed upon in a written extended well abandonment agreement between the City and the DNR.

The City shall continue to return an amount of water to the Lake Michigan watershed at least equal to the amount of water diverted from the Lake Michigan watershed less an allowance for consumptive use.

VIII. Non-Compliance

Non-compliance with the terms of this approval is subject to the penalty provisions in § 281.346 (14), Wis. Stats.

IX. Revisions

If the City wishes to revise its approved water supply service area or approved diversion area, or approved diversion amount, the City shall submit an application in accordance with rules promulgated by the DNR. If the City wishes to revise this approval prior to promulgation of rules, the City shall submit an application conforming to § 281.346 (4), Wis. Stats.



---

Todd L. Ambs, Administrator  
Division of Water

May 21, 2009  
Date



---

Eric K. Ebersberger, Chief  
Water Use Section  
Bureau of Drinking Water & Groundwater

May 21, 2009  
Date