

## SEWRPC Staff Memorandum

### RESPONSE TO REQUESTS BY THE CITY OF NEW BERLIN TO DELINEATE THE 20-YEAR PLANNED WATER SUPPLY SERVICE AREA FOR THE UTILITY

#### INTRODUCTION AND BACKGROUND

By letter of January 12, 2009, the City of New Berlin requested that the Southeastern Wisconsin Regional Planning Commission provide a delineation of the water supply service area potentially attendant to the City of New Berlin Water Utility. A copy of that letter request is attached hereto as Exhibit A. The request was made to support an application being considered by the Utility to expand the Lake Michigan water supply source to the central portion of the City. In its January 12th letter, the City indicated that the City of New Berlin and the Milwaukee Water Works have entered into an agreement to provide water to the area west of the subcontinental divide that also would have sewer service provided by the Milwaukee Metropolitan Sewerage District. This memorandum, including the attached Map 1, is intended to respond to the City's request.

Under the recently adopted Great Lakes Compact (2007 Wisconsin Act 227), any utility seeking a new or increased withdrawal of water from the Great Lakes basin and diverting the water to any place outside the Great Lakes basin must register with the State and provide information to the State regarding the proposed withdrawal. That information includes a water supply plan which is to be based upon a proposed water supply service area. The Act specifies that, for the purposes of the water supply plans, an areawide water quality planning agency designated by the Governor under the Wisconsin Department of Natural Resources areawide water quality management planning rule set forth in Chapter NR 121 of the *Wisconsin Administrative Code*, shall delineate the proposed water service supply areas for all of the public water supply systems in the planning area for which the agency is designated. The Southeastern Wisconsin Regional Planning Commission is such an agency. The Act also requires that the water supply service areas be consistent with the applicable approved areawide water quality management plan for the planning area. The regional agency may also provide regional needs assessments and other regional water supply planning information to parties preparing public water supply system plans.

The Southeastern Wisconsin Regional Planning Commission is currently preparing a regional water supply plan for the Southeastern Wisconsin Region.<sup>1</sup> That plan includes preliminary recommendations regarding planned water supply service areas. Those service areas were developed specifically taking into account consistency with the adopted regional water quality management plan.<sup>2</sup> In delineating the City of New Berlin Water Utility water supply service area included herein, the Commission drew upon the preliminary regional water supply plan and the adopted regional water quality management plan as last amended for the City of New Berlin in September 2008.

#### AREA DESCRIPTION

The 20-year water supply service area attendant to the City of New Berlin Water Utility is shown on Map 1. Also shown on Map 1 are the environmentally significant lands in the vicinity of the planned water supply service area.

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<sup>1</sup>SEWRPC Planning Report No. 52, A Regional Water Supply Plan for Southeastern Wisconsin, *under preparation*.

<sup>2</sup>SEWRPC Planning Report No. 30, A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000; *Volume One*, Inventory Findings, September 1978; *Volume Two*, Alternative Plans, February 1979; *Volume Three*, Recommended Plan, June 1979, as last amended for the City of Waukesha in December 2007.

Those lands consist of environmental corridors, isolated natural resource areas, and small wetlands and surface waters. The adopted regional water quality management plan places great emphasis on protection of the environmentally sensitive lands. Details on the delineation process and protection recommendations for these environmentally sensitive areas can be found in the City of New Berlin sewer service area plan.<sup>3</sup>

The potential planned New Berlin water supply service area includes the portion of the City located east of the subcontinental divide, shown in blue on Map 1, and two separate portions of the central part of the City, shown in tan and yellow on Map 1. These three water supply areas of the City of New Berlin, as shown on Map 1 encompasses about 15.5 square miles.

The portion of the potential planned water supply service area located east of the subcontinental divide and currently approved for Lake Michigan supply (blue area on Map 1) encompasses about 8.0 square miles, the majority of which (90 percent) is currently developed and provided with public sewer and water supply systems. The year 2000 population residing in that portion of the water supply service area was about 18,900 persons. Under planned 2029 conditions, the resident population in the same area is expected to be about 20,900 persons, an increase of about 11 percent over the year 2000 population level. The wastewater generated in this area currently is conveyed to the Milwaukee Metropolitan Sewerage District system and thereby returned to Lake Michigan. This wastewater management strategy is expected to continue.

Also shown on Map 1 in tan color, are areas in the City of New Berlin which could potentially be provided with municipal water supply service using a Lake Michigan supply. That area encompasses about 7.3 square miles, of which about 6.2 square miles, or 85 percent, is currently developed. The remaining potential service area, comprising about 1.1 square miles, or 15 percent, is considered potentially developable land. This area has been included in the planned water supply service area because it is largely served with municipal water supply using groundwater as a source. That groundwater source does not meet current regulatory standards for radium. In addition, there are some portions of the area where there may be a need to support the resolution of potential water supply problems associated with existing development served by individual wells. Under the regional land use plan, a limited portion of this area is proposed to be developed to support the planned population level, as can be seen by the planned increase in resident population in the area. The year 2000 population residing in this area was about 13,100 persons. Under planned 2029 conditions, the resident population in the same area is expected to be about 15,200 persons, an increase of about 16 percent over the year 2000 population level.

Also shown on Map 1 in yellow color is a small area located south of IH 43 in the south-central portion of the City which is ultimately envisioned to be served by a municipal water supply system using groundwater as a source of supply. That area encompasses about 98 acres and is largely developed (85 percent).

## **RELATIONSHIP TO REGIONAL WATER QUALITY MANAGEMENT PLAN/NEW BERLIN SEWER SERVICE AREA PLAN**

The planned New Berlin water supply service area is considered to be fully consistent with the adopted New Berlin sewer service area, as documented in the sewer service area plan.<sup>4</sup> One difference exists between the planned water service area and the planned sewer service area. That difference relates to a small, fully developed area in the northwest corner of the City which is currently served by private onsite sewage disposal systems. The

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<sup>3</sup>*SEWRPC Community Assistance Planning Report No. 157, Sanitary Sewer Service Area for the City of New Berlin, Waukesha County, Wisconsin, November 1987, as last amended in September 2008.*

<sup>4</sup>*Ibid.*

area is part of the planned Brookfield sewer service area tributary to the Fox River Water Pollution Control Center sewage treatment plant, which discharges to the Fox River in the Mississippi River basin. The area is not being considered for a public water supply under the proposed New Berlin water supply service area set forth in this report. Individual onsite wells are expected to continue to be used in this area.

## **RELATIONSHIP TO PRELIMINARY REGIONAL WATER SUPPLY PLAN**

The planned New Berlin water supply service area is considered to be fully consistent with the preliminary regional water supply plan.<sup>5</sup> The 2035 water supply service area set forth in the preliminary regional water supply plan includes lands located south and southwest of the planned water supply service area set forth in this report, as well as a small strip of land along the western edge of the service area. These areas have been included to support the potential resolution of potential water supply problems associated with existing development currently served by individual private wells and, in some cases, to support development envisioned to occur in the longer-term future. Those areas are not included in the currently adopted sewer service area and are, therefore, not included in the water supply service area. These areas could be subject of future amendments to the planned sewer service and water supply service areas.

Given due consideration to the foregoing, it is concluded that the New Berlin planned water supply service area is consistent with the City of New Berlin sanitary sewer service area plan as incorporated in the adopted regional water quality management plan and the preliminary regional water supply plan.

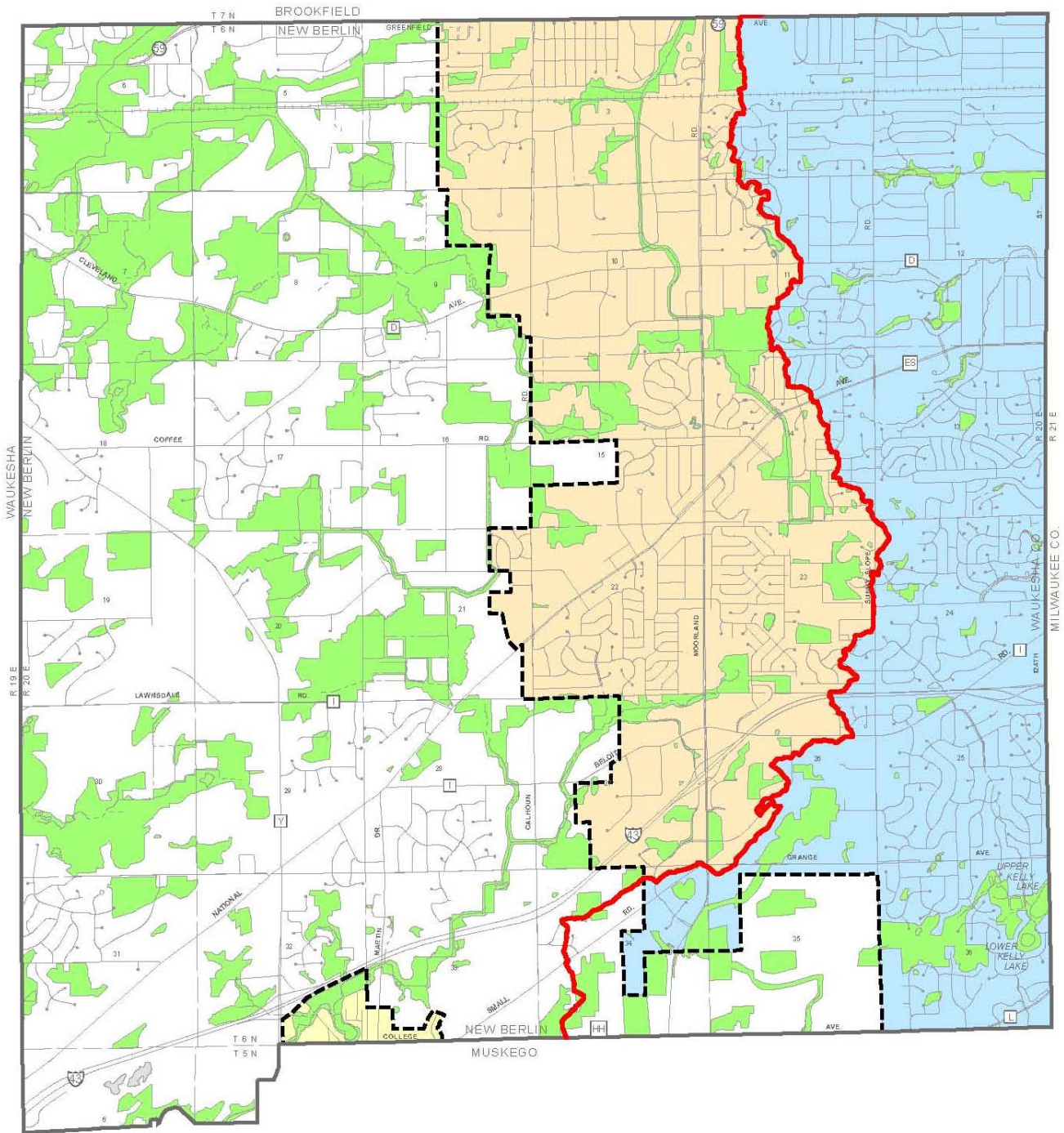
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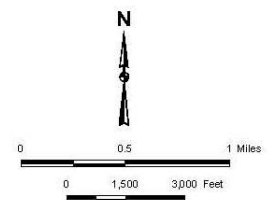
<sup>5</sup>*SEWRPC Planning Report No. 52, A Regional Water Supply Plan for Southeastern Wisconsin, under preparation.*

# City of New Berlin Utility Planned Water Supply Service Area: 2029



- AREA CURRENTLY APPROVED FOR LAKE MICHIGAN WATER SUPPLY; JANUARY 2009
- AREA TO BE POTENTIALLY SERVED BY LAKE MICHIGAN WATER SUPPLY (THIS AREA IS CURRENTLY PARTIALLY SERVED BY GROUNDWATER SUPPLY)
- AREA THAT WILL CONTINUE TO BE SERVED BY GROUNDWATER SUPPLY
- ENVIRONMENTALLY SENSITIVE AREA CONSISTING OF ENVIRONMENTAL CORRIDORS, ISOLATED NATURAL RESOURCE AREAS AND SMALL WETLANDS AND SURFACE WATERS

- POTENTIAL PLANNED WATER SUPPLY SERVICE AREA BOUNDARY
- 2008 CITY BOUNDARY
- SUBCONTINENTAL DIVIDE



Source: SEWRPC  
October, 2008

## Exhibit A



**Mayor Jack F. Chiovatero**

**Mayor's Office**

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January 12, 2009

Mr. Kenneth R. Yunker  
Executive Director  
Southeastern Wisconsin Regional Planning Commission  
P.O. Box 1607  
Waukesha, WI 53187-1607

RE: Water Supply Service Area Delineation

Dear Mr. Yunker:

The City of New Berlin is in the process of preparing the final elements of the application for a diversion of Lake Michigan water. The City is seeking Lake Michigan water to serve the central portion of the City and eliminate the use of deep wells that contain levels of radium in excess of current standards. Lake Michigan water is currently supplied to the portion of the City east of the sub continental divide by the Milwaukee Waterworks. New Berlin and Milwaukee recently entered into an agreement for Milwaukee water to provide service to areas west of the sub continental divide that also have sanitary sewer service provided by the Milwaukee Metropolitan Sewerage District.

Under the recently adopted Great Lakes Compact (2007 Wisconsin Act 227), a utility seeking a new or increased withdrawal of water from the Great Lakes basin and diverting the water outside the basin must register with and provide certain information to the State. One of the elements to be provided is a Water Supply Service Area Plan, which is currently being prepared by the City. The Act specifies that as part of that plan, a proposed water supply service area shall be developed by an area wide water quality planning agency. For the City of New Berlin, the Southeastern Wisconsin Regional Planning Commission. is that agency.

These new rules took affect December 8, 2008. The city of New Berlin has been pursuing a solution to the radium exceedance for many years and has worked closely with local and State officials to get to the point where we have a solution and only need final State approval. At the same time, the State is aware of the radium exceedance and is evaluating referral of the City to the Department of Justice for potential penalties. With the unknowns related to the implementation period of the compact, the City has been placed in a position where we need to act swiftly with regard to the water supply service area plan.

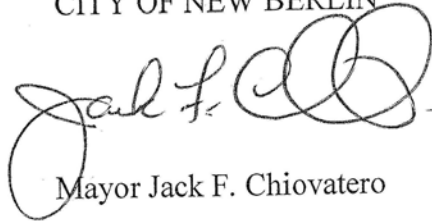
Letter to Mr. Kenneth R. Yunker  
Executive Director  
Southeastern Wisconsin Regional Planning Commission  
January 12, 2009  
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The City of New Berlin respectfully requests that the Southeastern Wisconsin regional Planning Commission delineate a proposed water supply service area for the City. We furthermore request this delineation be performed as swiftly as possible to assist the city in their radium removal project and minimize any penalties. The City is planning on holding a public hearing on this issue on January 27, 2009 if at all possible and your assistance would be greatly appreciated.

Should you have questions or need information on previous planning efforts for the water system, please feel free to contact Mr. Steven Schultz, P.E. of Ruckert/Mielke at (262) 542-5733. Also, please feel free to contact me with any questions.

Very truly yours,

CITY OF NEW BERLIN

A handwritten signature in black ink, appearing to read "Jack F. Chiovero", written over the typed name below.

Mayor Jack F. Chiovero

cc: File