

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
WATER DIVISION

APPROVAL OF WATER SUPPLY SERVICE AREA REVISION
& DIVERSION AREA EXPANSION

November 27, 2012

The Wisconsin Department of Natural Resources, pursuant to its authority in [§§ 281.346 \(4\)](#) and [281.348](#), Wis. Stats., hereby approves:

- 1) A revision to the Water Supply Service Area (WSSA) Plan that was previously approved by the department on May 21, 2009.
- 2) An expansion of the diversion area outside the Great Lakes basin that was previously approved by the department on May 21, 2009.

This approval pertains to the four expansion areas referred to herein as the Lincoln Avenue, Beloit Road, Moorland Road, and Small Road expansions.

I. May 21, 2009 WSSA Plan and Diversion Approval

On May 21, 2009, the department approved the City's proposed 20-year WSSA Plan dated February 11, 2009, under [§§ 281.346 \(4\)](#) and [281.348](#), Wis. Stats. All terms and conditions of the May 21, 2009 approval remain in full force and effect except as specifically modified by this approval.

II. Delineated WSSA Revision

The department hereby approves the City's proposed revision to its WSSA as described in section II of the May 21, 2009 WSSA Plan and Diversion Approval to include the Lincoln Avenue, Beloit Road, Moorland Road, and Small Road WSSA expansion areas. The Lincoln Avenue, Beloit Road, Moorland Road and Small Road areas are contiguous with the previously approved WSSA and will be served by the Milwaukee Metropolitan Sewerage District. Specifically, the WSSA is expanded to include:

- part or all of Public Land Survey Section 4, Township 6 North, Range 20 East and Section 27, Township 6 North, Range 20 East within Waukesha County and
- part or all of Public Land Survey Sections 34 and 35 Township 6 North, Range 20 East.

The revised WSSA therefore continues to include 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 the May 21, 2009 approval, is specifically excluded from the approved WSSA.

The attached map, labeled "Revised New Berlin Water Supply Service Area," depicting the [Lincoln Avenue](#), [Beloit Road](#), [Moorland Road](#), and Small Road WSSA expansion areas is incorporated herein by reference. The Moorland Road and Small Road expansions are within the Great Lakes basin. The Moorland Road expansion encompasses 663 acres and is also known as

Neighborhoods ‘G’ and ‘H’ within New Berlin’s adopted comprehensive plan. The Small Road expansion encompasses 35.02 acres and is located at 16385 W Small Road.

III. Approved Diversion Area Expansion

The Lincoln Avenue and Beloit Road areas are located outside of the Lake Michigan Basin. These two areas comprise the approved diversion area expansion. These areas include part or all of Public Land Survey Section 4, Township 6 North, Range 20 East and Section 27, Township 6 North, Range 20 East within Waukesha County, are contiguous with the previously approved WSSA, and are further described as follows:

- The [Lincoln Avenue](#) expansion area encompasses 61 acres and is located at 19300 W. Lincoln Avenue.
- The [Beloit Road](#) expansion area encompasses 4 acres and is located at 16515 W. Beloit Road.

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 the May 21, 2009 approval is specifically excluded from the approved diversion area.

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

IV. Approved Diversion Amount

The 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 maximum diversion amount remains 2.142 million gallons per day (MGD) averaged over a calendar year— as provided in the May 21, 2009 WSSA Plan and Diversion Approval.

V. Monitoring

The monitoring requirements for the water supply service area specified in the May 21, 2009 WSSA Plan and Diversion Approval apply to the revised WSSA. The City has provided the department a GIS layer in electronic format showing the revised WSSA.

Within 30 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 in the Lincoln Avenue, Beloit Road, Moorland Road, and Small Road expansion areas to either the Lake Michigan or Mississippi River basin. If the basin line passes through a single parcel in any of these expansion areas, then 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 department.

Within 60 days from the date this approval is signed, the City shall assign each water utility customer within the Lincoln Avenue, Beloit Road, Moorland Road, and Small Road expansion areas 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

VI. Water Conservation & Efficiency Measures

All terms and conditions related to water conservation and efficiency described in the May 21, 2009 New Berlin WSSA Plan and Diversion Approval remain in effect.

VII. Reporting

The reporting requirements specified in the May 21, 2009 WSSA Plan and Diversion Approval remain in effect and apply to the revised WSSA and the diversion area expansion.

VIII. Non-Compliance

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



11/27/2012

Kenneth G. Johnson, P.E.
Administrator, Division of Water

Date



11/27/2012

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

Date