

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
WATER DIVISION

APPROVAL OF WATER SUPPLY SERVICE AREA REVISION

June 10, 2019

The Wisconsin Department of Natural Resources, pursuant to its authority in §§ 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.

This approval pertains to the expansion area referred to herein as the Small Road expansion.

I. May 21, 2009 WSSA Plan and Diversion Approval and November 27, 2012 Revision

On May 21, 2009, the department originally approved the City's proposed 20-year WSSA Plan dated February 11, 2009, under §§ 281.346 (4) and 281.348, Wis. Stats. On November 27, 2012 the department approved revisions to the WSSA Plan and an expansion of the City of New Berlin's diversion area. All terms and conditions of the May 21, 2009 approval and the November 27, 2012 Revision 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 and the November 27, 2012 Approval of Water Supply Service Area Revision and Diversion Area Expansion to include the Small Road WSSA expansion area. The Small Road area is entirely within the Lake Michigan basin, contiguous with the previously approved WSSA, and will be served by the Milwaukee Metropolitan Sewerage District. Specifically, the WSSA is expanded to include:

- 58 acres and four parcels located at 16560 W. College Avenue and 16505, 16515, and 16555 W. Small Road in U.S. Public Land Survey Section 34, 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 attached map, labeled "Revised New Berlin Water Supply Service Area," depicting the Small Road WSSA expansion areas is incorporated herein by reference.

III. Approved Diversion

The Revisions to the Water Supply Service Area Plan do not alter The City of New Berlin's previous diversion approval. The maximum diversion amount remains at 2.142 million gallons per day (MGD) averaged over a calendar year as provided in the May 21, 2009 WSSA Plan & Diversion Approval.

IV. 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 department has a GIS layer in electronic format showing the revised WSSA.

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 and the November 27, 2012 Approval of Water Supply Service Area Plane Revision and Diversion Area Expansion remain in effect.

VII. Reporting

The reporting requirements specified in the May 21, 2009 WSSA Plan and Diversion Approval and the November 27, 2012 revision remain in effect and apply to the revised WSSA.

VIII. Non-Compliance

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



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Darsi J. Foss, Administrator  
Division of Environmental Management

6-10-2019

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Date



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Adam T. Freihoefer, Chief  
Water Use Section  
Bureau of Drinking Water & Groundwater

6-10-2019

\_\_\_\_\_  
Date

## NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.