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DRINKING WATER &
GROUNDWATER

February 12, 2004

Mr. Steven Sisbach
Section Chief, Environmental Enforcement
Division of Enforcement and Science
Wisconsin Dept. of Natural Resources
101 S Webster Street - LE/5
Madison WI 53703

Fib location

RE: City of New Berlin Radionuclide Consent Order
FID No. 26802171
Casetrack #203-SEEE-105

Dear Mr. Sisbach,

The City of New Berlin has directed Ruekert/Mielke to request a change to the referenced consent order. This request is necessitated by conversations with Mr. Chuck Ledin (Ledin) and Mr. Lee Boushon (Boushon) of the Department. If you review the consent order, you will notice that under Item No. 1 the City was to have submitted a request under NR 142 to serve the entire City with Lake Michigan water. Items 2 and 3. rely on that date being met.

In our conversations with Ledin, it was strongly indicated that he felt it would be a mistake for New Berlin to make such a request at this point. National and International decisions regarding the use of Great Lakes water are currently underway and apparently a request under NR 142 at this time could result in legal problems. Boushon indicated we should seek a change to the consent order to avoid these issues until decisions are made on the Great Lakes issues sometime later this year. We cannot provide a date when the request may be made at this time but it will be made expeditiously when these issues are settled. In the meantime, other elements of the order will be followed with the exception of the items mentioned below.

We also would like to change the completion dates for Items No. 9 and No. 21 to January 31, 2005. The city did not budget for that work in 2004. This should not affect completion of all projects by December 8, 2006.



Ruekert·Mielke

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Page 2

Please review this matter and let me know if we can provide additional information.

Very truly yours,

RUEKERT/MIELKE

Steven H. Schultz, P.E.

SHS:tag

cc: Ray Grzys, Director Utilities and Streets
Mark Blum, Attorney, Hippenmeyer Reilly, Moodie & Blum S.C.
Chuck Ledin, Chief, Great Lakes and Watershed Planning
Lee Boushon, Chief, Drinking Water Systems Section
Kenneth R. Ward, P.E. - Ruekert/Mielke
File