



December 15, 2006

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DRINKING WATER & GW

Ms. Debby Roszak
DNR Southeast Region Headquarters
2300 N. Martin Luther King Jr. Drive
Milwaukee, WI 53212

RE: Radium Consent Order Status Confirmation

Dear Ms. Roszak:

We are writing in response to the November 29, 2006 letter addressed to Ray Grzys, former Director of Utilities for the City of New Berlin, from Steve Sisbach of the Department. Mr. Grzys is no longer employed by the City and Ruekert/Mielke has been asked to respond to Mr. Sisbach's correspondence.

The following is a listing of items completed to date relative to compliance with the Consent Order.

1. The City worked closely with the department to identify the form and content of the request for approval of Lake Michigan water for the entire MMSD service area. At the suggestion of the Department the City had our firm prepare an example diversion request which we submitted on April 28, 2006. While not required under current law, the request was provided in the spirit of ongoing discussions between the Great Lakes states.

On August 4, 2006, a formal request for approval of a plan to serve areas west of the subcontinental divide also served by MMSD, was sent to the Department. This request is for review under current statutes and code. We have not received a departmental response.

2. On a parallel path, the city has completed plans and specifications for three HMO radium treatment systems for Wells 3, 5 and 7. These have been reviewed by the Department. The systems at Wells 3 were approved on November 14, 2006. The plan reviewer informs us the Well 5 system approval is forthcoming.
3. We have submitted a plan of operation which provides a method by which New Berlin will achieve substantial compliance through limiting the usage of wells containing radium to the Department. A copy of that letter and the department response is attached.
4. No additional radioactivity samples have been collected by the City since the consent order was signed.

The City of New Berlin is in a unique situation. They have been very proactive in their approach to solving the radium issue. While the use of Lake Michigan water to serve the entire MMSD area has previously been determined allowable under identical circumstances, the high

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profile nature of this project has delayed the Department from making a similar determination. This determination, we believe, is forthcoming and will allow negotiations with a Lake Michigan water provider to proceed to allow continued compliance with the rule in 2007 and beyond.

If, for some unknown reason, the department determines the return flow currently approved in other communities is no longer allowable, New Berlin is prepared to bid and construct the HMO treatment projects. We estimate an 8-9 month completion period from the date of the first ad for bid.

Compliance sampling will commence either when Lake Michigan water is provided to the entire MMSD service area or when the HMO treatment systems are completed per the schedule below.

In discussions with DNR staff, it appears a decision on Lake Michigan water could be made in mid January. Based on the schedule we anticipate the following timelines:

Lake Water Approved

January 15, 2007 - Approval
June 15, 2007 - Lake Michigan water supply agreement and compliance sampling begins

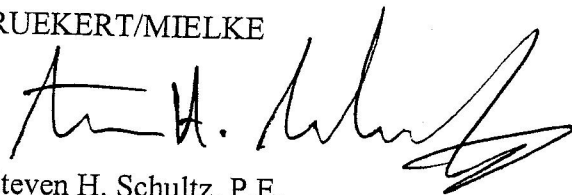
Lake Water Not Approved

January 15, 2007 - No Approval
January 18, 2007 - Ad for Bids
February 19, 2007 - Contracts Awarded
September 17, 2007 - Projects completed and compliance sampling begins

We hope this provides the information required. We will continue our efforts to comply with the radionuclide standards as discussed herein.

Very truly yours,

RUEKERT/MIELKE



Steven H. Schultz, P.E.
Water Supply and Wastewater Treatment
Department Head

SHS:tag

cc: Jack Chiovero, Mayor, City of New Berlin
Rick Johnson, Utility Manager
Mark Nelson, Water Supply Specialist, DNR
Theera Ratarasarn, Water Supply Engineer
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