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Clock ticking on starting Waukesha, Milwaukee water talks

By [Don Behm](#) of the Journal Sentinel
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Milwaukee and Waukesha officials warily eye each other from a distance, jabbing and posturing like fighters dancing around each other in a ring, as prelude to negotiating a water deal or going home without talking.

Waukesha Water Utility general manager Dan Duchniak says his city wants a water deal yet this summer, so Milwaukee is running out of time to start talks.

Waukesha has been discussing a water purchase with Oak Creek and Racine for 11 months. Those talks have narrowed what had been a wide gap between earlier estimated costs for Waukesha to connect to Milwaukee or the other two more distant lakeshore communities, according to Duchniak.

More miles of pipeline equals millions of more dollars, but talks have generated closer and less costly connections to Oak Creek and Racine, he says.

Milwaukee Mayor Tom Barrett says a map of Waukesha's future water service area reveals its intention to double in size. Selling Waukesha water for all of that area would fuel unbridled suburban growth at Milwaukee's expense, said Barrett.

Barrett suggests Waukesha has an undisclosed annexation strategy to take land from adjacent towns if it gets all the water it is seeking. So he is pushing Waukesha for a major concession.

At a meeting Friday, the Milwaukee Common Council will be asked to approve negotiations with Waukesha under limited terms: providing water to serve customers within Waukesha's current service area only.

That area encompasses the city and 112 or so nearby residences and businesses in the Town of Waukesha. Many of those town property owners requested municipal water after private wells became contaminated.

The future service area designated by the Southeastern Wisconsin Regional Planning Commission encompasses portions of four other municipalities: City of Pewaukee and towns of

Delafield, Genesee and Waukesha.

Barrett and other city officials suggested that Waukesha could ask the commission to remove those municipalities from the future service area.

Waukesha pushed back. Duchniak told Milwaukee Common Council leaders that the city's proposed limits on water distribution are the equivalent of saying no to its request to buy water. Waukesha would be willing to discuss terms for distributing water to those communities in the future, he said.

The state Department of Natural Resources will not accept a water deal that does not serve the entire future service area, said Eric Ebersberger, the department's water use section chief. The department has not made a final determination on the area as it continues to review Waukesha's request for lake water.

From the DNR's perspective, the concession Milwaukee is seeking is not Waukesha's to give, Ebersberger said.

Even so, Milwaukee's mayor said he will not change course.

And now that Barrett has been elected chair of the Great Lakes and St. Lawrence Cities Initiative, he has ready access to a binational pulpit to express his criticisms of Waukesha's request for Lake Michigan water.

There can be no deal unless Wisconsin and each of the seven other Great Lakes states approve this first-ever application to divert water to a community fully outside the basin under terms of a Great Lakes protection compact.

In an interview last week while attending the cities initiative's annual meeting, Barrett said representatives of other Great Lakes states are asking why Waukesha's future water service area includes pieces of four municipalities.

"State officials have said Milwaukee cannot limit distribution of lake water only to a portion of the service area," Duchniak said Friday. "Waukesha is fortunate enough to have two other potential suppliers that will abide by the law and believe in regional cooperation."

In a Friday letter to Milwaukee Common Council President Willie Hines, Duchniak and interim Waukesha City Administrator Steve Crandell ask the council to begin negotiations for a water sale for the entire future service area.

Is sprawl likely?

Can all of this future water service area provide a platform for new development and sprawl as Barrett suggests? Waukesha County and regional planning commission officials don't think so.

The commission designated Waukesha's future water service area in December 2008. It was done

to closely match Waukesha's future sewer service area and provide an opportunity for landowners to obtain municipal water if their private wells went bad, commission officials have said.

The total area of 50.3 square miles is double the city's existing size. The area outside the city limits is 25.2 square miles.

Fully 76% of the added area already is developed or not available for development, according to an analysis in Waukesha's request to the DNR for lake water. The bulk of the land is covered by large-lot residential subdivisions. Much of the remainder is covered by wetlands, floodplains, environmental corridors and isolated natural areas.

Waukesha County Parks and Land Use Director Dale Shaver suggested Milwaukee officials take a driving tour of the area to see for themselves.

"The water service area is not designed to provide significant sprawl growth in Waukesha County," Shaver said.

Driving south on state Highway 164 into the heart of the Town of Waukesha, with side excursions along Lawnsdale, Glendale, Center and Big Bend roads, reveals miles of already built subdivisions. Among them are Turner's Pike, Merlin Lane and Whispering Hills.

Remaining farms that could be developed are few and far between.

Mill Creek and Pebble Brook drain the landscape, creating wide floodplains.

A large chunk of new territory in the service area, fully 4.4 square miles of rural subdivisions and environmental corridors, extends southwest along state Highway 59 into Genesee.

Many of the property owners there probably will seek municipal water because private wells tap into a shallow aquifer contaminated with fecal bacteria and nitrates from private septic systems. The DNR and Waukesha County asked the commission to include this area in Waukesha's water service area.

Did they seek inclusion?

Apart from his opposition to the larger water service area, Barrett also has said he does not support distributing lake water to the four other municipalities because they have not requested lake water and have not demonstrated a need for lake water.

Ebersberger of the DNR disagreed with the mayor.

To date, the City of Pewaukee and the Towns of Delafield and Genesee have approved their inclusion in the area. Town of Waukesha officials have not made a decision.

A municipality's agreement to be in the future water service area is the same as a request for lake

water, Ebersberger said.

There already is a recognized need for municipal water in Genesee.

And there is a likelihood that property owners outside the city in the other municipalities will continue to encounter well contamination problems and need a municipal hookup, Ebersberger said. The water service area process is set up to encourage intergovernmental cooperation.

A small piece of the City of Pewaukee was included under terms of a boundary agreement.

Waukesha is asking Wisconsin and the seven other Great Lakes states to approve diverting up to an average of 10.9 million gallons of water a day from the lake by 2050 to serve the SEWRPC-designated service area.

The city pumped an average of 6.9 million gallons a day in 2011, and that is projected to grow to an average of 10 million gallons a day by 2035.

What's at stake

Both Waukesha and the city selling it lake water have a lot at stake.

Milwaukee could make millions in revenue without investing tax dollars to expand its water treatment facilities. The city's two water treatment plants have more than 100 million gallons a day of unused water-processing capacity.

The Common Council also has made it clear that it will demand a one-time economic compensation payment from Waukesha as an additional cost of delivering water. In 2008, New Berlin gave Milwaukee a compensation payment of \$1.5 million in exchange for lake water.

The primary benefit to Waukesha of buying lake water is that the city could stop use of deep wells drawing radium-contaminated water from a sandstone aquifer. The city is under a court-ordered June 2018 deadline to provide radium-safe drinking water to its customers.

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