

May 18, 2026

Wisconsin DNR Southeast Region — Waterways & Wetlands Division

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**Attn: Travis L. Schroeder, NR Basin Supervisor**

Waterways SE Field Operations

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**RE: URGENT — Formal Environmental Complaint — Breck Athletic Complex, Tax Parcel  
BBV 2022999002, Village of Big Bend, Waukesha County — Request for Independent Review  
and DNR Intervention**

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Dear Wisconsin DNR Southeast Region — Waterways & Wetlands Division,

We are writing on behalf of the Three Villages Community Association and the EndBreck coalition regarding the Breck Athletic Complex, a proposed 150.49-acre multi-sport development at Tax Parcel BBV 2022999002, Town Line Road and Highway 164, Village of Big Bend, Waukesha County, Wisconsin (W235S6465 Big Bend Drive, Big Bend, WI 53189). Developer Eric Weishaar / Breckenridge Landscape received Phase 1 Conditional Use Permit (CUP) approval from the Village of Big Bend Village Board on April 30, 2026.

We are contacting the DNR as directed following permit issuance and CUP approval. It is our position — supported by the developer's own submitted engineering documents and observable field conditions — that this property will not function as designed, and that the proposed stormwater and drainage system will fail, causing heavy chemical contamination to leach into nearby private wells and the surrounding watershed. Active flooding is already documented in this area.

We are formally requesting that the DNR conduct an independent review and take all appropriate enforcement and intervention steps before any land disturbance occurs. Wisconsin's stormwater construction permitting program under Chapter NR 216 requires permit coverage and compliant application materials for qualifying construction sites, and the department may require correction or modification when submitted information is incomplete or materially deficient.

— **DOCUMENTED FLOODING — SITE AREA PHOTOGRAPHS** —

The following photographs, taken by community members in the vicinity of the Breck Athletic Complex site, document active flooding conditions at and adjacent to the project area. These images confirm that the existing drainage infrastructure is already overwhelmed under current conditions — before any additional impervious surface, stormwater loading, or site grading associated with the proposed development.



*Photo 1: Big Bend Drive and Skyline Ave facing South — dated 08/10/25. Standing water visible on roadway and adjacent areas consistent with active flooding event.*



*Photo 2: Town Line Road flooding — water flowing across roadway surface and into adjacent ditch, demonstrating insufficient drainage capacity in existing infrastructure.*



*Photo 3: Town Line Road flooding — additional view showing extent of road inundation and standing water in surrounding area.*



*Photo 4: Site area flooding — standing water and saturated conditions adjacent to the proposed development parcel, consistent with Hydrologic Soil Group D conditions documented in the geotechnical record.*

These photographs constitute community-documented evidence of the existing flooding vulnerability of this area and the surrounding road network. The proposed 150.49-acre development — with 18.3 acres of new impervious surface and a stormwater model that stops at the property line — will materially worsen these conditions.

**— SOIL CONDITIONS: SITE IS FUNDAMENTALLY UNSUITABLE AS DESIGNED —**

Approximately 61% of the site is underlain by Hochheim clay loam, a hydrologic soil group D soil with very low infiltration capacity. The developer's own analysis reflects infiltration estimates that are not supported by non-frozen field testing, despite the geotechnical consultant's recommendation that field double-ring infiltrometer tests be performed. Wisconsin stormwater permitting and design standards are intended to be based on accurate site conditions, not frozen-ground estimates.

Of critical additional concern: Houghton Muck is present on the property. Houghton Muck is a highly organic, saturated wetland soil strongly associated with wetland conditions, and its presence is consistent with possible state-regulated wetland areas that may require DNR review under s. 281.36. Wisconsin law requires permits for discharges into wetlands unless a specific exemption applies, and the department may require additional site-specific restrictions where needed to avoid significant adverse impacts to wetland functional values.

Further, all 70 soil borings were conducted between December 11, 2025 and January 21, 2026 — entirely on frozen ground. No independent field infiltrometer testing was performed under non-frozen conditions. The developer's own report states that infiltration rates are estimates only, which means the

stormwater design depends on assumptions rather than verified field conditions. That is exactly the kind of gap that can undermine NR 216 permit coverage and the reliability of the stormwater pollution prevention plan.

**— OBSERVABLE WETLAND INDICATORS: THREE CORNERS OF THE PROPERTY  
HAVE CATTAILS —**

Community members with direct knowledge of the property have observed and documented cattail growth at three corners of the parcel. Cattails are widely recognized wetland indicator vegetation, and Wisconsin DNR materials state that wetlands are areas where hydrophytic vegetation and wetland soils indicate wet conditions; Wisconsin wetland mapping also relies on soils, imagery, and field work.

The developer submitted only a self-commissioned wetland delineation. No independent DNR or Army Corps jurisdictional determination has been obtained. Because wetland discharge permits under s. 281.36 are required unless an exemption applies, the presence of hydric soils and wetland indicator vegetation warrants a formal independent review before any land disturbance.

**— STORMWATER ENGINEERING: TEN DOCUMENTED FAILURES —**

The developer's HydroCAD drainage model contains fundamental errors that render it unreliable:

- The model inputs 0.00% impervious coverage across all drainage areas, despite the developer's own drainage maps documenting 18.3 acres of impervious surface.
- All 187.974 acres were classified as "Other Soil," applying a runoff curve number inconsistent with the reported hydrologic soil conditions.
- Both discharge ponds route to nonexistent nodes in the model for every storm event modeled, and downstream conveyances such as culverts and receiving ditches were not incorporated.
- During the 100-year storm, Pond/Tank 2 reaches a peak elevation only 0.17 feet from the overflow weir, while the secondary weir never activates in any modeled event.
- The primary stormwater design sheet is stamped "PRELIMINARY NOT FOR CONSTRUCTION," and the cross-sections show an extremely shallow system with no meaningful muck excavation.
- The WinSLAMM water quality model was run on a single year of data and only part of the site, which undermines the basis for the water quality claim.
- The village engineer flagged missing culvert data and stated that the capacity of the receiving system was his concern, but no corrected downstream model was submitted.

These defects are not merely technical. They call into question whether the submitted plan satisfies NR 216 permit requirements and whether the DNR can rely on the information presented.

**— CHEMICAL CONTAMINATION RISK TO NEARBY PRIVATE WELLS —**

Phase 1 includes four synthetic turf fields with crumb rubber infill. If the stormwater system fails, runoff carrying zinc, copper, PAHs, PFAS, chloride, and suspended solids could migrate southward via the Skyline Avenue ditch into Vernon Marsh and the Mukwonago River, and could also move subsurface toward nearby private residential wells. Wisconsin's groundwater standards under NR 140 are designed to prevent groundwater contamination and establish preventive action limits and enforcement standards, while the DNR has been actively updating PFAS-related standards.

This is not a hypothetical concern. NR 140 is a groundwater protection framework, and a project that creates a reasonable probability of groundwater contamination can justify DNR intervention before damage occurs. The presence of nearby private wells makes this issue especially urgent.

#### — OUTSTANDING RESOURCE WATER IMPACTS —

The Mukwonago River is designated as an Outstanding Resource Water. Wisconsin's ORW rules and DNR guidance state that ORWs are protected from any lowering of water quality, and new discharges may be permitted only if effluent quality is equal to or better than background water quality at all times. No increases in pollutant levels are allowed.

No pollutant loading analysis for the Mukwonago River ORW was submitted or required as a condition of approval. Any increase in pollutant loading above existing background conditions is legally prohibited under Wisconsin's antidegradation policy for ORWs.

#### — PUBLIC TRUST AND CUMULATIVE IMPACTS —

Wisconsin's public trust doctrine requires state government to prevent impairment of public waters and their uses. That duty applies not only to the waterbody itself, but also to the broader system of waters, wetlands, and hydrologically connected areas that affect water quality, water quantity, and public use.

DNR should also evaluate the cumulative impact of the project, including the combination of clay-dominant soils, hydric or wetland-indicator soils, stormwater infiltration assumptions based on frozen-ground testing, synthetic turf pollutants, and documented flooding concerns. Together, those conditions create a compounding risk that cannot be evaluated piecemeal.

#### — OUR REQUEST —

We respectfully request that the DNR:

1. Conduct an independent on-site review of the stormwater, soil, and wetland conditions at Tax Parcel BBV 2022999002 — including field verification of the Houghton Muck soils and the cattail stands at three corners of the property — before any land disturbance is permitted.
2. Formally evaluate whether the submitted stormwater design satisfies NR 216 and the associated stormwater permit requirements, including whether the application is complete and reliable given the model defects described above.
3. Conduct or require an independent wetland delineation given the presence of Houghton Muck soils, hydric soil indicators, and observable cattail growth at three parcel corners.

4. Evaluate the pollutant loading implications for the Mukwonago River Outstanding Resource Water under Wisconsin's antidegradation rules and ORW protections.
5. Require independent field double-ring infiltrometer tests under non-frozen conditions before any stormwater design is accepted.
6. Coordinate with the Army Corps of Engineers Milwaukee District regarding potential Section 404 jurisdiction given the wetland soil and vegetation indicators.
7. Evaluate groundwater protection concerns under NR 140, including risk to nearby private wells from runoff and infiltration through unsuitable soils.
8. Take all appropriate enforcement and intervention steps to protect homeowners, private wells, wetlands, and the public waters of this region.

This is a critical intervention point. Once construction begins on this muck-bearing, clay-dominant, flood-prone site, the environmental damage to nearby wells, wetlands, and the Mukwonago River may be difficult or impossible to reverse.

We are prepared to provide the full supporting documentation from the developer's own submitted engineering record. Please contact us at your earliest convenience.

Respectfully submitted,

**Three Villages Community Association / EndBreck Coalition**

Village of Big Bend, Waukesha County, Wisconsin

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**DNR SE Region:** (262) 574-2100 | [DNRSERegion@wisconsin.gov](mailto:DNRSERegion@wisconsin.gov)

**DNR 24-Hour Violation Hotline:** (800) 943-0003

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