Alliance for the Great Lakes - National Wildlife Federation - Wisconsin Wildlife Federation

For Immediate Release Thursday, May 20, 2010

Wisconsin is First Test of Great Lakes Diversion Protections

Today, Wisconsin begins reviewing the first application from a community beyond the Great Lakes Basin seeking to divert water from Lake Michigan and the world's largest system of freshwater lakes.

The city of Waukesha has filed an application for Lake Michigan water with the Wisconsin Department of Natural Resources. This represents the first test to an exception clause in the Great Lakes Compact's and Sustainable Water Resources Agreement's ban on diverting Great Lakes water to communities that lie entirely outside the basin.

"You don't pass a test simply by handing in your answers," Alliance President and CEO Joel Brammeier said of the application. "A critical review by the entire region will ultimately determine if Waukesha makes the grade."

Waukesha is eligible to apply for Great Lakes water because it lies within a county that straddles the Great Lakes and Mississippi River divide. That county, Waukesha County in southeastern Wisconsin, is located 18 miles west of Milwaukee and Lake Michigan.

The precedent-setting application must not only stand up to the DNR's scrutiny, but to tough questioning by interests throughout the Great Lakes region.

"This is a precedent-setting case, and the jury is still out on how well Waukesha has fared," said Marc Smith, policy manager with the National Wildlife Federation. "The strict standards in the compact and agreement are designed to protect our lakes—and the people, businesses and communities which rely on them—from unwise use. Diversion requests are to be vigorously scrutinized and not just rubber-stamped."

The compact and agreement require that applications for exceptions to the diversion ban undergo regional review by the governors of the eight Great Lakes states of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York and Wisconsin, and the Canadian premiers of Ontario and Quebec. Applications for exceptions in "straddling counties," such as Waukesha, must also be approved by all eight of the governors.

"The protections afforded by the Great Lakes Compact are only as good as the interpretation and implementation of it by the individual state agencies responsible for making the decisions on diversion applications," said George Meyer, executive director of the Wisconsin Wildlife Federation. "The Waukesha application and the DNR decision making will be rightfully subject to close scrutiny by everyone in the Great Lakes Basin."

The water management pacts, signed by the Great Lakes states and provinces in 2005 and approved by Congress and the president in 2008, are first-of-their kind models for a consensus-driven, basin-wide approach to decisions about how much and how far away Great Lakes water can be used.

To tap Great Lakes waters, Waukesha must meet stringent requirements, including: demonstrating it has no reasonable alternative water supply; and committing to return all the water it withdraws, less a reasonable amount for consumption, to Lake Michigan.

The Wisconsin DNR, which has yet to promulgate rules and regulations outlining what's needed in a complete withdrawal application, will follow its Environmental Impact Statement process to review the application. The agency will take comments about what should be reviewed in the process for the next 30 days, with an as-yet unscheduled public hearing to follow.

The Alliance for the Great Lakes, National Wildlife Federation, Wisconsin Wildlife Federation and other state and regional environmental groups will closely review the application and provide comments to DNR, the 10-member Great Lakes-St. Lawrence River Water Resources Regional Body, and the states' Compact Council, which has the final say in approving the application. See application at:
http://www.ci.waukesha.wi.us/web/guest/futurewatersupplyinfo.

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Formed in 1970, the Alliance for the Great Lakes is the oldest Great Lakes citizens' organization in North America. Our mission is to: conserve and restore the world's largest freshwater resource using policy, education and local efforts, ensuring a healthy Great Lakes and clean water for generations of people and wildlife. www.greatlakes.org.

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The Wisconsin Wildlife Federation has a dual mission to engage in conservation education and to advocate for sound conservation policy. http://www.wiwf.org/index.php

Alliance for the Great Lakes - National Wildlife Federation - Wisconsin Wildlife Federation

For Immediate Release
Friday, April 30, 2010

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Charting the Waters: FAQ's on Waukesha's Great Lakes Diversion Request

What is the city of Waukesha requesting?

The city of Waukesha has filed with the Wisconsin Department of Natural Resources (DNR) the first application under the Great Lakes Compact and Sustainable Water Resources Agreement to divert Lake Michigan water to a community located entirely outside of the Great Lakes Basin, proposing to purchase water from Milwaukee to supply its community water system.

Why is Waukesha eligible to apply for Lake Michigan water even though it lies outside the Great Lakes basin?

Although Waukesha is located entirely outside the Great Lakes Basin, the city is eligible to apply for Great Lakes water under the compact and agreement because it lies within a county that straddles the Great Lakes and Mississippi River divide. That county, Waukesha County in southeastern Wisconsin, is located 18 miles west of Milwaukee and Lake Michigan.

How does Waukesha's request differ from the New Berlin, Wis. request for Lake Michigan water that the Wisconsin DNR approved last year?

New Berlin is located on both sides of the Great Lakes Basin divide. The compact and agreement allow such so-called straddling communities to apply for Great Lakes water if the water is returned, among other requirements. Under the compact and agreement, Wisconsin has the authority to approve applications from straddling communities.

Applications from communities like the city of Waukesha, which lies within a straddling county, must also undergo regional review by the other seven Great Lakes states and two Canadian provinces and approval by the other seven Great Lakes states.

The DNR authorized New Berlin to withdraw a maximum of 2.14 million gallons per day on average to areas of the city located outside the Great Lakes Basin. In accordance with the compact and agreement, the city is returning the water to the Lake Michigan Basin via the Milwaukee Metropolitan Sewerage District, resulting in no net loss of water from the Great Lakes watershed. The New Berlin request was the first to seek an exception to the ban on diversions of Great Lakes water after the compact's and agreement's adoption.

What criteria does Waukesha have to meet in order to divert Lake Michigan water?

The city must meet stringent criteria required by the compact and agreement, among them demonstrating it has no reasonable alternative water supply within its own watershed -- the Fox River watershed, a tributary to the Mississippi River Basin. Under these pacts as well as Wisconsin's law, the city also must show that it will return all withdrawn water, less a reasonable amount for consumption, to Lake Michigan at a point as close as practicable to its point of withdrawal. There are three possible exceptions: the return is not economically feasible, it is not environmentally sound, or it is not in the interest of public health.

What criteria will the Wisconsin Department of Natural Resources use in evaluating Waukesha's request?

The DNR -- which has yet to promulgate rules and regulations outlining what's needed in a complete withdrawal application -- will use standards included in the compact and agreement and in Wisconsin's implementing legislation, as well as its Environmental Impact Statement (EIS) process to review the Waukesha application. The agency will take comments on what should be reviewed in the EIS process for 30 days after the application's filing date.

Will the public have a say on the application?

Yes, at several different points in the process. The application will be on the Wisconsin DNR and city Web sites. Under Wisconsin law, the DNR must give public notice of the application; receive public comment and consider the comments before making a decision; and hold a public hearing upon request or if there is significant public interest. During regional review of the application by the Great Lakes states and provinces, the agreement and compact require that the public be given notice, an opportunity for

comment, and the ability to participate in a public meeting held in Wisconsin. Finally, before the Great Lakes states decide whether to approve the application, they must provide notice and an opportunity for comment, as well as hold a public meeting or hearing in accordance with their guidance.

Why are decisions about the application by the city of Waukesha so important?

The Waukesha application blazes a new trail. Inevitably, other potential Great Lakes water diverters will look to this decision to inform their own applications for Great Lakes water. The process used in reaching a decision on the Waukesha application will set the precedent for whether the compact and agreement can live up to their promise as effective tools for limiting diversions and preserving and managing the waters of the Great Lakes.

What are the Great Lakes Compact and the Sustainable Water Resources Agreement?

They are a first-of-their kind model for a consensus-based, basin-wide approach to determining how much and how far away Great Lakes water can be used. The pacts ban the diversion of Great Lakes water, with limited exceptions, and set responsible standards for water use and conservation within the basin. The agreement was approved by the governors of the eight Great Lakes states and the premiers of Ontario and Quebec in December 2005. The compact was approved by the legislatures of each of the eight Great Lakes states before it was ratified by Congress and signed into law by the president in 2008. The compact and agreement are available at: www.cglg.org

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Wisconsin Water Table—Compact Implementation Committee

Clean Wisconsin ▪ Midwest Environmental Advocates
Milwaukee Riverkeeper ▪ River Alliance of Wisconsin
Sixteenth Street Community Health Center
Waukesha County Environmental Action League

Questions and Issues Raised by Waukesha's Proposed Lake Michigan Diversion Plan

I. Questions related to water supply sustainability

In order to make reasoned decisions on what impact water supply alternatives may have on the long term sustainability of the Great Lakes, policy makers need to have fully detailed information on the alternatives.

1. What water supply alternatives has Waukesha considered in addition to a Lake Michigan diversion? Please provide, for each alternative, what information was obtained, and what studies were used or commissioned in the alternatives analysis. Would you be willing to provide original source materials to the public and to our organizations?

2. Was an alternative considered that included a combination of water supply options that blends shallow and deep aquifer water with reuse and recycling of wastewater, and aggressive conservation measures? Why or why not? If so considered, why was this alternative rejected?

3. If the Waukesha Water Utility receives approval for a Lake Michigan diversion, does the Utility plan to shut down all deep and shallow aquifer wells and use of groundwater? If not, what wells would be maintained and why? What amount of water would continue to be pumped from the shallow and deep aquifers?

4. If Waukesha were to change over from groundwater supplies to Lake Michigan water, what impact would this have regarding recharge of the deep aquifer? (time and amount)? What additional impacts to the deep aquifer can be expected if communities east of the divide and other straddling communities currently on groundwater were to switch to Lake Michigan water?

5. Please compare the costs of continuing to use the deep water aquifer as Waukesha's sole water source (include energy, chemical and other costs associated with pumping and treating water) with the costs of purchasing, pumping, and returning Lake Michigan water (include energy, construction and other costs associated with pumping water to and from Lake Michigan.).

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6. What are the long term economic and environmental costs and benefits of returning flow to the Lake Michigan Basin via:
   a. the Root River?
   b. the Menomonee River via Underwood Creek?
   c. piped directly to Lake Michigan?
   d. returned through the MMSD system?

7. How many short-term construction jobs would be created by building a pipeline to return water to Lake Michigan under any of the above scenarios including Underwood Creek? How many long-term, family-sustaining jobs would be created to operate and maintain the system?

8. How many shallow aquifer wells have been constructed to date? Where are they located, how much does each produce, and what were the capital costs of each to construct? How many more are under construction now and how many more are planned? Again, where are these wells planned for, how much is each projected to produce, and what are the anticipated construction costs of each?

II. Questions relating to scope of Waukesha's request for a diversion of Lake Michigan water

1. Have the City of Waukesha and the Waukesha Water Utility had discussions, either formal or informal, with other local jurisdictions about joining in the diversion request now or in the future? If so, please identify them.

2. What is the current capacity of Waukesha's wastewater treatment processing plant—how many MGD of wastewater can be treated? What is the volume of water treated by the Waukesha Water Treatment Plant in each of the last three years? Are there plans to expand the current capacity? If so, by how much and over what timeframe?

3. What is the land area and population currently being served by the Waukesha Water Utility? What is the average water volume in MGD provided to this current customer base per year: 2000 - 2008? What is the maximum MGD water supply capacity?

4. What is the projected land area and population that is proposed to be served by a Lake Michigan diversion and what is the average MGD volume of water that is projected to be supplied to this customer base? What are the assumptions for these projections?

5. Is there a difference between the land area and population to be served by a Lake Michigan diversion and the current land area and population served by the Waukesha Wastewater treatment facility? If so, what is it, and please explain?

6. Would the City of Waukesha consider limiting the geographical area that is proposed to be served by a Lake Michigan diversion to the current geographical area served by the Waukesha Water Utility in 2008? Why or why not?

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7. What is the planned route for water if Great Lakes water is supplied via the City of Milwaukee's Water Works? How large would the pipe(s) be and how many miles of pipe need to be laid? What would be the economic and environmental impacts and costs for that infrastructure? If water were diverted from Lake Michigan through Milwaukee Water Works' existing infrastructure and any new construction, how long before the new water supply system could be fully operational?

8. Will Waukesha attempt to sell water obtained from a Lake Michigan diversion to other communities outside the Lake Michigan basin?

9. If "reliable capacity", defined as system capacity when the largest single component is not available for service, is the standard applied that justifies a diversion request amount of 20 – 24 MGD (three times as much as the average MGD currently used), how is it justified to shift from a multiple source (multiple shallow and deep aquifer wells) to a single source (Lake Michigan) that presumably is funneled through a single pumping station between MWW and the City of Waukesha? Or are multiple redundant pumping stations and pipelines being planned and at what cost?

III. Questions related to Waukesha's conservation measures

1. What water conservation measures have been implemented to date and what have the savings directly tied to these measures been? What are the next steps being taken to conserve water? When will these be implemented?

2. What were the average daily and annual water volume amounts supplied to the Waukesha Water Utility's customers in the years 1995, 2000 and 2005? What were the top 20 major water users for those years (other than residential users)?

3. The Water Utility estimates that with water conservation measures, it will not use more water in future years than what it is currently using. What actions will the WWU take if water use estimates are exceeded? Will additional diversion requests be made? Would a current request be expanded?

4. If Waukesha obtains Lake Michigan water, will it continue its water conservation programs? How will the water conservation program be monitored?

IV. Questions relating to Return Flow

1. Waukesha proposes to send Lake Michigan water to the Fox River and the Mississippi River basin if water flows in the receiving streams (e.g. Underwood Creek) are high. It further proposes to "make up" for this lost return flow by including infiltration and inflow (I & I) and waste water from the Mississippi River basin in calculating the return flow volume to Lake Michigan. What data is the city of Waukesha depending on to assume that inflow and infiltration will help meet return flow "volume" requirements to a Lake Michigan tributary via a proposed diversion application that would send wastewater

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down the Fox River during high flow events? More importantly, how does this proposed approach conform with the legal requirements of the Great Lakes Compact?

2. What is the basis for the assertion that there is a 20% increase in treated wastewater effluent from groundwater leaking into conveyance pipes (infiltration)? Is the Waukesha Wastewater Treatment Plant currently discharging into the Fox River 20% more water than it pumps from the deep water aquifer for its water supply? Is there data to back this up?

3. If I & I occurs between the wastewater sources and the wastewater treatment facility, then isn't it also likely that sewage is leaking out? How would this be measured? What is the incentive to repair leaky pipes if I & I is being counted on to meet return flow?

4. How would return flow to Lake Michigan be monitored? Over what interval? Daily? Monthly? Yearly? A 5-year average? How will this be regulated to protect the resources on both side of the divide?

5. Drought Condition Concerns:

   a. If I & I is to be used to offset/compensate for the Lake Michigan water sent down the Fox and into the Mississippi River during periods of high flow, what will happen during drought years when little to no I/I is available?

   b. Might there be a scenario where downstream Fox River communities compete with one another (or with return flow communities) for water for drinking water supply or recreation during drier summer months? What steps would be taken to prevent this from happening? When and what factors will be considered when making decisions about where to send the return flow? Will impacts on aquatic and natural resources of the receiving streams be considered in this scenario?

6. Flooding Condition Concerns:

   a. Given the recent years' extreme flooding conditions in southeastern Wisconsin, (closing I-94 for weeks in 2008) there will undoubtedly be pressure, at times of future flooding from the Fox, to pass water through to Underwood Creek or another return flow stream. What will be done to prevent this from happening?

   b. What happens when both the Fox and Underwood Creek are at or exceeding flood stage, as happened in 2008 as well as 1997-1998?

   c. MMSD has spent over one hundred million dollars on flood management in the Milwaukee County Grounds and western Milwaukee areas. Wauwatosa has spent tens of millions of dollars to prevent flooding of their downtown area along the Menomonee River and acquired and demolished dozens of flood-prone homes. There are still flood-prone structures in the downtown that future MMSD projects may address or the City will have to address. How will this proposed increase in return flow to Underwood Creek protect or affect those past and future investments?

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d. The City of Wauwatosa must meet certain FEMA rules with respect to managing peak flow stages. Isn't increasing the flow in Underwood Creek by approximately 39% going to increase this flood stage?

e. Who will assume liability from adverse impacts from return flow, including problems associated with safety from increased flows, flooding issues, potential basement back-ups, etc?

f. What is the planned route for piping the return flow to Lake Michigan? How long would the pipes be? What are the projected economic and environmental impacts and costs for construction? Maintenance and operation? How long until the project is expected to be fully operational? Who would maintain it?

V. Issue of Radium in the Drinking water and Waukesha's continuing Use of the Deep Sandstone Aquifer:

1. The Water Utility frequently states that it has spent approximately $13 million for "radium compliance". Please itemize what has been done (and when) with the $13 million that has been spent to date.

2. As of March 7, 2007, the City and Utility had received "in excess of $2 million" in federal funds for radium compliance. Have additional federal funds been received or promised? When and how much? Please itemize when and for what those funds were used?

3. If Waukesha continues to use the radium-contaminated wells for part of its water supply, how will it ensure that radium is not returned to the Lake Michigan basin?

4. In Waukesha's PowerPoint presentation Figure E2 only contains data through 1990. More recent data on aquifer levels is apparently available. Will you provide us with that information?

5. Would Waukesha consider financially supporting communities east of the Divide to go off the deep aquifer?

6. Waukesha appears to be able to reduce radium levels in its water supply through most of the year *(11 **months).*** What would Waukesha need to do to comply with radium levels for the one month that it is out of compliance? What are the costs of complying with radium standards for that one additional month? Why is this option not being pursued?

VI. Underwood Creek and the Menomonee River impact:

1. Mercury and chloride concerns:

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a. Will the Waukesha POTW act to eliminate or reduce mercury from its waste water discharge or is the current level of mercury to be passed through Underwood Creek and into Lake Michigan?
b. MMSD and the DNR are attempting to eliminate mercury and chloride from waters in the region and Wauwatosa has adopted programs to reduce chloride use in its communities. The Waukesha POTW currently has been given a variance for mercury and chloride emissions in its wastewater treatment permit. Will the Waukesha WWTP voluntarily forego its variances and meet the more stringent standards for mercury and chloride discharge, to match those of the "new" receiving waters in Underwood Creek, the Menomonee River and Lake Michigan? Why or why not?

2. Are total loading of nutrients and other pollutants to Underwood Creek and Lake Michigan being considered in the permitting process?

3. What effluent limits would Waukesha need to meet to discharge to a restored Underwood Creek that fully meets the fishable and swimmable goals of the Clean Water Act? Who will be monitoring the effects of this effluent on downstream waterways?

4. What impacts might increased flows of Waukesha wastewater in Underwood Creek have on creek restoration efforts underway now or being planned by MMSD, the city of Wauwatosa, Milwaukee County Parks, and others? How would returning flow to Underwood Creek affect the ability of parties to remove concrete channelization in the future?

5. Do the assumptions used about Underwood Creek's capacity to absorb more flow take into consideration extreme runoff events of the kind seen in recent years?

6. What are the impacts of the treated wastewater on water quality of Underwood Creek, which is currently a variance water? Will monitoring be conducted to ensure that this effluent is not having a negative effect on downstream receiving waters?

7. Does Underwood Creek, as a receiving water, contain the same base flow available in the Fox River to dilute pollutants to acceptable levels that ensure compliance with water quality standards?

8. What data does Waukesha have showing the concentration or loading of each regulated pollutant in the receiving stream prior to addition of Waukesha's effluent?

9. How would the proposed discharge of wastewater impact existing efforts to create a Watershed Restoration Plan, including existing efforts to model pollutant source loading, for the Menomonee River?

10. Underwood Creek is one of the flashiest streams in Wisconsin, and as such, poses a tremendous safety risk for local residents and fishermen. What are the impacts of the return flow on safety, especially during high flow events?

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11. It is estimated that returning Waukesha's diversion water would increase the daily flow of Underwood Creek by 39%.
    a. What steps will Waukesha take to prevent erosion?
    b. Who will pay for inevitable erosion damage/repair work?
    c. Riparian landowners are currently responsible to pay for maintenance costs/repair of banks? Will Waukesha be obligated to pay for these costs as well if erosion can be tied to increased flows?
    d. Who will be obligated for possible increased costs of removing concrete channel in the future due to increased flows?

VII. Impact on the Fox River

What are the economic and environmental impacts on the Fox River of shifting all of Waukesha's wastewater from that river to a Lake Michigan tributary and/or for sporadically sending flow down the Fox River during times of heavy rain when Underwood Creek is at high flow?

VIII. Public and local government involvement

1. How will the general public and local governments be involved in reviewing and commenting on the various water supply alternatives being considered by Waukesha?

2. As of January 5th, 2009, what communities have the City of Waukesha or its Water Utility had discussions with? What others do you intend to have discussions with? If one or more of these communities object to the full or a part of the plan, how will their concerns be factored into a decision?

3. Have local governments (including local governments in Illinois) formally been advised of Waukesha's diversion plan?

4. What local government approval will Waukesha need to build and operate both the water supply and return flow systems?

5. Has Waukesha met with Milwaukee Water Works about obtaining drinking water from the City of Milwaukee? Who will pay the costs of the construction, operation and maintenance of this infrastructure?

6. Has Waukesha requested the Southeastern Wisconsin Watersheds Trust provide an independent review of the impact the proposed return flow discharge would have on local waterways?

Waukesha water line estimates grow

Price tag from Racine, Oak Creek higher than Milwaukee

By Don Behm of the Journal Sentinel

Sept. 7, 2010 |(28) COMMENTS

Waukesha - Building the pipeline and pumping stations needed to convey Lake Michigan water from Oak Creek or Racine to Waukesha would cost an estimated $97 million to $148 million more than a connection to Milwaukee, Waukesha officials disclosed in documents made public Tuesday.

The state Department of Natural Resources in June requested preliminary cost estimates for connecting to Oak Creek and Racine. The DNR posted the documents Tuesday on its website. million estimate for building a connection to Milwaukee. Waukesha's application for Lake Michigan water submitted to the DNR in May included only a $164

The city has proposed discharging its treated wastewater to Underwood Creek in Wauwatosa regardless of its lake water supplier. The creek empties into the Menomonee River, a tributary of the Milwaukee River, so Waukesha would return most of its purchased water to the lake, as required by a Great Lakes protection compact.

Cost estimates released Tuesday show why Waukesha officials have said Milwaukee is their preferred supplier.

Constructing an 18-mile-long pipeline from Oak Creek to Waukesha, with a pumping station at the Oak Creek water treatment plant and a booster pump at Greenfield Park in West Allis, are among the major expenses in total estimated costs of $261 million for the project. That is $97 million more than a Milwaukee connection.

Connecting to Racine with a 30-mile pipeline comes at a greater cost.

Building the pipeline from Newman Road in Racine, with a pumping station at Newman Road and a booster pump station at 8 Mile Road, are the major pieces in a project estimated to cost $312 million. That is $148 million more than a Milwaukee connection.

Final costs will be based on negotiations with suppliers, so preliminary estimates should not be etched in stone, Don Gallo, an attorney representing Waukesha, says in a letter to DNR Secretary Matt Frank.

"These numbers are flexible, and the city will do everything in its power to successfully negotiate terms to bring the final cost down," Gallo says in the letter.

Project construction costs do not include the price of buying water from the three potential municipal suppliers.

The Oak Creek and Racine construction cost estimates were to be distributed for the first time to the Waukesha Common Council at its regular meeting Tuesday, Water Utility General Manager Dan Duchniak said.

"We will be actively seeking federal grants and other financing options that would help defray the cost," Duchniak says in a separate memo distributed Tuesday to the Common Council. Without any federal grant assistance, a Milwaukee water supply would cost residential ratepayers an estimated $142.28 each quarter of the year, up from the current quarterly water charge of $66.85, Duchniak says in the memo.

Quarterly charges for an Oak Creek water supply, with no federal grants to offset construction costs, would be an estimated $191.83. A Racine connection would cost residents $211.39 per quarter.

Public meeting sought

Common Council President Paul Ybarra has asked the Waukesha Water Utility Commission to play host to an Oct. 18 public meeting on the city's application for a Lake Michigan water supply.

In a letter to Commission President Dan Warren, Ybarra proposes a "town hall meeting" at which residents could ask questions of experts involved in planning the application. Location and time of the meeting have not been confirmed.

"Hosting yet another public informational meeting would help our citizens understand the facts and science that led to our support of the application and also explain the extensive process that will guide the application as it goes forward," the letter says.

Plans for the informational meeting come after several months of criticisms of the application from Mayor Jeff Scrima.

Since taking office in early April, Scrima has stated his intention to pursue water sources other than Lake Michigan.

On June 8, the state Department of Natural Resources referred to the mayor's public opposition to the application in announcing it was suspending state review. The application must be approved by Wisconsin and each of the other seven Great Lakes states, under terms of a Great Lakes protection compact.

Waukesha Water - What Next?

By Susan Bence

September 27, 2010 | WUWM | Milwaukee, WI

There might be a pinprick of light at the end of Waukesha's acute need of sustainable, safe water.

The city's underground source is shrinking and increasingly contaminated with cancer-causing radium.

Last week, the DNR sent word that it will "begin the initial process" of reviewing Waukesha's application to purchase Lake Michigan water.

The request, however, will ultimately fall under the scrutiny of the Great Lakes Compact. It prohibits water diversions outside the Great Lakes basin except in specified situations.

Waukesha can apply because it's located in a county that straddles the basin.

WUWM Environmental Reporter Susan Bence joined a busload of interested citizens seeking a first-hand understanding of the Waukesha water situation.

Laurie Longtine grabs the microphone as we clamber on to the bus.

A couple dozen adults, mostly retirees from nearby communities, signed up for the tour that the Senior Water Advocates Network arranged. We swing through downtown Waukesha

"We're crossing over the Prairie Avenue Bridge," Longtine says.

Laurie Longtine serves on the Waukesha Environmental Action League.

"The river kind of runs back there that tree line," Longtine says.

We meander out of downtown Waukesha, dipping southwest of the city limits.

Longtine identifies nearly every bird and bush along the way.

"Off to your right is Pebble Creek, a very high-quality wetland That is one of the roads is sadly slated for "quote-end-quote" improvement. Improvements

being four-lanes rather than two," Longtine says.

She directs our attention to a pumping station. It's part of Waukesha's interim water supply system, while it figures out a permanent strategy.

"They have put in some additional wells, some shallow aquifer wells, pulling water out of those shallow aquifer wells and blending it with some of the water from the deep aquifer. They dilute the radium," Longtine says.

Longtine is concerned about preserving these pristine ecosystems.

She also thinks the city has pushed through its application for Lake Michigan, with precious little input from residents.

We're driven back to the city where Mayor Jeff Scrima meets us inside the Rotary Club building along the Fox River.

As it happens, he has news to share.

"We just received word that the DNR is going to proceed with our application," Scrima says.

Since before winning the office of mayor last spring, Scrima has unabashedly expressed his view that drawing Lake Michigan water is not Waukesha's best water solution.

He does not believe his predecessor or the city have adequately explored other options, such as purifying its underground supply.

"It's no surprise that I've had questions and the DNR in the letter that they just sent us recognizes the questions that I've asked and they said they'll be asking the same question," Scrima says.

Scrima says his concerns boil down to economics and politics, the latter related to purchasing lake water via the City of Milwaukee.

"The city of Milwaukee has a history that they've developed as far as how they treat the suburbs. .More recently they've been seeking these high water rate increases, so should we connect to the city of Milwaukee we could possibly be subject to similar rate increases," Scrima says.

Waukesha's Water Utility Director Dan Duchniak responds that water is simply becoming more expensive.

As he flies through charts and graphs projected on the wall behind him, Duchniak says the city has explored all viable water options.

"I had a question asked of me by a council member, if the shallow wells were cheaper and the Lake Michigan was more expensive, which one would you be recommending? I said Lake Michigan because it's sustainable for the long term," Duchniak says.

Duchniak says Waukesha's future water needs must be included in its strategy.

On a map, he points to the city's current 22-square mile service area. Waukesha's water application folds in 17 additional miles, primarily situated beyond the city's southern and western perimeter.

Duchniak says because there could be growth in that area, Waukesha is requesting in its Great Lakes application, more than twice as much water as the eight million gallons it currently uses each day.

"I'm not here to dictate whether someone can or cannot dev their property – that's not my job. My job is to plan for the future and what could potentially happen and then we'll let the leaders of the city determine how and what develops," Duchniak says.

Folding "growth" into the application worries Peter McAvoy. He says its not in keeping with the Great Lakes Compact..

"The compact says we'll listen to your compelling case, but future growth, new growth outside your existing service area that doesn't have the problem, you may have a more difficult set of arguments to make," McAvoy says.

McAvoy belongs to a coalition of environmental conservation organizations determined to see the Great Lakes Compact implemented "to the letter" in Wisconsin.

He hopes the DNR review process fills in what he calls fundamental gaps in the application.

"What we're asking for is a side-by-side comparison between all the

alternatives to that we, you all, can reasonably make a decision about what is reasonable and what isn't," McAvoy says.

"That word "reasonable" is all over the place."

That's Jodi Habusch Sinykin – another member of the coalition.

She's almost teary-eyed when telling the tour that Wisconsin has the opportunity to be a leader in the way it handles Waukesha's application. It's the first submitted since the compact was enacted in the Great Lakes states and Canadian provinces.

Sinykin predicts the process will fall short without citizen input, so she walks the group through the basics of Waukesha's application and its review process.

"Giving you the information to come up with your own opinion. Going to public hearings, asking those questions, deciding for yourselves what you want for your community," Sinykin says.

The group, brains already stuffed with data, climbs back on the bus, to meet up with Cheryl Nenn along Underwood Creek off Bluemound & 124th Street. .

"The reason why we're standing here is basically what we have heard, Waukesha was going to a be returning their waste water through Underwood Creek," Nenn says.

The Milwaukee Riverkeeper biologist describes the creek as one of the "flashiest" in the state.

"Meaning that there are huge fluctuations in the flows of water that come down. Normally this time of year, late summer, somewhere between three to five CFS, or cubic feet per second, which is a pretty slow moving stream," Nenn says.

Nenn says it's a different story when heavy rain hits. Water then rushes into Underwood Creek because its surroundings have become highly urbanized - a shopping mall to the west, a four-lane road system a step to the south.

"And the creek as been known to get up well over 2,000 CFS during certain flood events; sometimes double of what the Menomonee River is carrying at that same time and this is a very small creek that feeds into the Menomonee

River. So it has a lot of issues with flooding, which we're concerned about," Nenn says.

When heavy rains fall, Waukesha's proposal calls for shutting off the flow to the Underwood Creek and diverting its used water to the Fox River.

Nenn tells the group it's important however, to consider what's living in that waterway.

"If you do create a higher wetted parameter as we call it, or more wet areas, and then you turn off the tap, you could really have a scenario where you can have fish could be trapped in pools that can get out of that," Nenn says.

As the program ends, we return to a meeting room. I sit down with one of the people who participated in the tour.

Mary Olen says her head is swimming after all the information she's absorbed.

She just bought a house and became a Waukesha resident three months ago, and says water quality was brought to her attention almost immediately.

"When we had our inspection of our house, the inspector brought it up. We checked to make sure we had filtered water and even then I didn't understand quite what all that was about," Olen says.

Olen says she arrived with a basic understanding of the Great Lakes Compact and Waukesha's hopes to divert water from Lake Michigan.

"But I didn't understand anything about the ground water in Waukesha or the wetlands and the relationship between that and the wells, the aquifers and what the real problems were," Olen says.

Bill Moore signed up for the tour with a different set of expectations.

The New Berlin alderman and was a part of his community's move to purchase water from Milwaukee.

Moore deems the arrangement to be environmentally sound, yet he wishes New Berlin would have followed Waukesha's lead and implemented aggressive water conservation practices. He prefers a rate structure that encourages residents to use less water.

"I also suggested no watering between 9 am and 5 pm. They didn't buy that," Moore says.

Moore thinks that if the Waukesha water diversion plan does go through, it would establish best practices for communities facing water challenges

"We have to get together as a community, and I use that in a larger sense, to plan. We really need to work on preserving land - farmland, wetland, forests. That's the biggest problem," Moore says.

Moore sees the Great Lakes Compact as a tool that could help the region plan, rather than simply react.

Citizens can contact the DNR to share their opinions on Waukesha's request to buy Lake Michigan water. A public hearing process will be set in motion when the DNR has completed the environmental impact process.

Sarah Miller (CELA)

From: Sarah Miller (CELA)
Sent: July-19-13 4:09 PM
To: dgpetersonjr@gmail.com
Cc: ksanford; 'jimho2036@comcast.net'
Attachments: Scientist Letter Governor Cuomo (2).pdf

Dear David,
How amazing to hear from you over all these years and to find so much overlap in our lives. I am so glad you spoke with Jim Horn and that you want to be remembered to Karen Sanford who is fighting the Keystone Pipeline from her home in Portland, Maine. I have copied them on this e-mail. Here are several articles as well as the contacts I promised for your fracking fight in Michigan.

http://www.orionmagazine.org/index.php/articles/article/5839/

http://www.orionmagazine.org/index.php/articles/article/7005

If you search fracking on the websites of American Rivers and Michigan Land Use Institute a lot comes up.

For a while it looked like the treatment plants in Buffalo or Niagara Falls were being targeted to accept fracking waste waters but so far this is, I think, as close as it has gotten to Ontario....
http://niagaraatlarge.com/2012/06/03/ontario-is-the-last-horse-in-the-race-to-keep-fracking-poisons-out-of-niagara-river/#more-7692

Here are NWF's resources on fracking.
http://blog.nwf.org/2012/06/is-the-great-lakes-region-ready-for-a-fracking-boom/
http://www.nwf.org/News-and-Magazines/Media-Center/News-by-Topic/Wildlife/2012/06-21-12-New-Report-Fracking-in-the-Great-Lakes-Basin.aspx
You should probably download the PDF of this report. It has details of the volumes in Michigan.

Two people who I would recommend you speak with are:
Grenetta Thomassey, PhD
Program Director
Tip of the Mitt Watershed Council
231.347.1181 ext. 118
231.838.5193 cell
www.watershedcouncil.org

Marc Smith
Senior Policy Manager
National Wildlife Federation
734-887-7116 work
734-255-5413 cell
msmith@nwf.org

Feel free to tell them I referred you to them. Although the Compact is to control bulk water withdrawals from the GLs,,it would be worth pointing out that the fracking volumes of groundwater consumed exceed the compact trigger levels for a resource that is much more local, fragile and finite. Here is a link to the compact. http://www.cglg.org/projects/water/index.asp.

I find Jim Olson's arguments re: the public trust doctrine morally correct but I feel that building the case on the actual damage, contamination and consumptive use should not come second to doctrine. We have the same tension in Canada where the public trust is very limited to riparian rights is not nearly as strong but similar campaigns on water as a "commons' and basic human right have not got us very far with the bottlers.

Maybe Jim Horn, Karen Sanford you and I should form a group of Wellsvillians against Resource Extraction....we have somehow all been forged from the ashes of the Sinclair Refinery Fire.

One of the retirement tasks my cousins from my mother's side of the family, the Allens of Allentown, N.Y. (just outside of Wellsville) is a bunch of oil rights left to all the cousins there and in Texas. My mother, the family record keeper passed them all on to me. You can imagine how unenthusiastic

I am about that.

Send me a link to Bob's class 50th anniversary book. I'll share it with his son and my sister-in –law.

Let me know if I can be of further help. I am best reached from here on in at my new home e-mail reachsandbarsarah@gmail.com as I am two weeks away from retirement.

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Visit our websites
www.cela.ca
www.ecolaw.org
www.pollutionwatch.org

Sarah Miller (CELA)

From: ksanford [ksanford@maine.rr.com]
Sent: June-29-13 11:03 AM
To: Sarah Miller (CELA)
Subject: Re: That's a wrap on Northern Gateway hearings

JUst realized that I had this sitting in drafts for some reason:

I don't think so. would love to hear. do you mind if I forward your material to our lead environmental partners in this ? thanks, Karen ps. didn't hear Obama live; will look for it on c-span tonite; heard a little on McNeil Newshour re: Keystone, but not enuf.

From: Sarah Miller (CELA)
Sent: Tuesday, June 25, 2013 11:43 AM
To: ksanford
Subject: RE: That's a wrap on Northern Gateway hearings

You did here about the Enbridge tainted water spill a couple weeks ago. If not I can forward stuff...

Sarah Miller
Coordinator and Researcher
Canadian Environmental Law Association
130 Spadina Avenue Suite 301
Toronto, ON Canada M5V 2L4
416 960-2284 ex 213
millers@lao.on.ca
Visit our websites
www.cela.ca
www.ecolaw.org
www.pollutionwatch.org

From: ksanford [mailto:ksanford@maine.rr.com]
Sent: June-25-13 11:41 AM
To: Sarah Miller (CELA)
Subject: Re: That's a wrap on Northern Gateway hearings

Thanks, Sarah. What a nice thank you. What an effort. Yes, I'm waiting, and it better be good. We are working with some fabulous environmental groups here: Natural Resources Council of Maine; Environment Maine; 350; Toxic Action.
Talk later. Karen

From: Sarah Miller (CELA)
Sent: Tuesday, June 25, 2013 9:40 AM
To: ksanford
Subject: FW: That's a wrap on Northern Gateway hearings

I guess you are waiting for Obama's speech today... more later/

Sarah Miller
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Visit our websites
www.cela.ca
www.ecolaw.org
www.pollutionwatch.org

From: Devon Page [mailto:subscriber@ecojustice.ca]
Sent: June-25-13 6:00 AM
To: Sarah Miller (CELA)
Subject: That's a wrap on Northern Gateway hearings

ecojustice

Dear Friend,

Over the course of four years, Ecojustice lawyers, scientists and students have logged an incredible 4,000+ hours in an effort to challenge Enbridge's proposed Northern Gateway pipeline.

As 18 gruelling months of review hearings for the project came to a close yesterday, it all boiled down to one simple question: Can we trust Enbridge to safely build and operate a 1,177-kilometre mega-pipeline?

The answer is no. As outlined on our blog, during the hearings we used our unique legal and scientific expertise to challenge Enbridge's claims to the contrary.

We are ever grateful for your steadfast support. Thanks for the phone calls, emails, letters and generous donations. Most of all, thank you for taking a stand alongside our lawyers and scientists.

We couldn't have done any of this important work without you.

While we wait to learn the federal government's final decision on Northern Gateway, we're already working on another important case: Protecting B.C.'s wild salmon.

Thanks for standing with us. Onwards!
Devon Page
Executive Director, Ecojustice

P.S. Tweet your support to our lawyers and scientists!

View this message as HTML in your browser.

Forward this message.

Unsubscribe

Sarah Miller (CELA)

From: L.G. Bell [lg_bell@rogers.com]
Sent: June-26-13 4:15 PM
To: Sarah Miller (CELA)
Subject: Environment
Attachments: Peter Kent Feb. 12 .07.txt; P Kent Aspartame.doc

Sarah Miller

I gather you are not enthusiastic about this.

I just wanted to forwrd a letter from P Kent and my response.

Gerry Bell

Sorry the File with Peter's letter seems to be vacant. Don't know why. I have one printed somewhere. I'll keep looking