

# Public Hearing

Transcript of Proceedings Taken on:

August 18, 2015



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Wisconsin Department of Natural Resources  
Public Hearing regarding the  
City of Waukesha's Lake Michigan  
Diversion Application

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Transcript of Public Comments

Tuesday, August 18, 2015

6:33 p.m.

at

RACINE MASONIC CENTER  
1012 Main Street  
Racine, Wisconsin

Reported by Julie A. Poenitsch, RPR/RDR/CRR

1 HEARING OFFICER: Ms. Judy Mills

2 PANEL MEMBERS: Ms. Shaili Pfeifer

3 Mr. Eric Ebersberger

4 Mr. David R. Siebert

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1 TRANSCRIPT OF PROCEEDINGS

2 HEARING OFFICER: Okay. We're going to  
3 start the hearing so we can stay on time.

4 Good evening, everyone. I'd like to  
5 welcome you to tonight's hearing. My name is Judy  
6 Mills. I'm an attorney with the DNR's Bureau of  
7 Legal Services, and I've been appointed to conduct  
8 this hearing this evening.

9 With me at the table are Eric  
10 Ebersberger, Dave Siebert, and Shaili Pfeifer, all  
11 with DNR.

12 There are other DNR staff here as well,  
13 but the purpose of this hearing is to listen to  
14 your comments. We want to hear what you think  
15 about the draft technical review and draft  
16 environmental impact statement that the department  
17 has prepared for the City of Waukesha's Proposed  
18 Diversion of Great Lakes Water for Public Water  
19 Supply, with the Return Flow to Lake Michigan.

20 Under the Great Lakes-St. Lawrence River  
21 Basin Water Resources Compact, commonly known as  
22 "the compact," the City of Waukesha is a community  
23 within a straddling county, which means that the  
24 city's boundaries are in a county that lies partly  
25 within the Great Lakes Basin and partly outside the

1 basin. Therefore, the City of Waukesha must apply  
2 to the Department of Natural Resources in order to  
3 divert Lake Michigan water to the city.

4 I ask that everyone sign an appearance  
5 slip, especially if you would like to make a  
6 statement tonight.

7 Also, even if you're not making a  
8 statement, we'd like to make a record of who's here  
9 and be able to notify you of future decisions  
10 regarding the diversion.

11 The DNR has set this time and place,  
12 6:30 p.m., August 18th, 2015, at the Racine Masonic  
13 Center in Racine, Wisconsin, for a public  
14 informational hearing on the draft technical review  
15 and draft environmental impact statement prepared  
16 by the Department of Natural Resources for the  
17 proposed diversion.

18 An informational session was held just  
19 before the hearing began. That started at 5:30 in  
20 this same room, and the public also had an  
21 opportunity to ask questions of DNR staff following  
22 the informational presentation.

23 This hearing is being held pursuant to  
24 Sections 1.11 and 281.346(9) of the Wisconsin  
25 statutes and Section NR150.30(3) of the Wisconsin

1 Administrative Code.

2 The hearing is informational in nature.  
3 It's not a contested case hearing. It's not an  
4 adversarial hearing. The purpose of the hearing is  
5 to hear your comments on the draft technical report  
6 and draft environmental impact statement.

7 The hearing has been noticed on the  
8 department's website and in the Wisconsin State  
9 Journal, Milwaukee Journal Sentinel, Racine Times,  
10 and Waukesha Freeman, and all notice requirements  
11 of the statutes have been complied with.

12 In lieu of or in addition to oral  
13 statements at tonight's hearing, written statements  
14 will be accepted by the department up until  
15 August 28th. Written comments have the same effect  
16 as oral statements made tonight, and they should be  
17 sent to the attention of Ms. Ashley Hoekstra, via  
18 e-mail or hard copy at the address on the hearing  
19 notice.

20 We also held informational hearings last  
21 night in Waukesha and earlier today in Milwaukee.  
22 DNR is receiving public comments in order to review  
23 the comments, and we will then prepare a final EIS  
24 and final technical review.

25 If the department determines in its final

1 technical review that the city's application is  
2 approvable under the Great Lakes Compact, the  
3 department will forward the application to the  
4 Great Lakes-St. Lawrence River Water Resources  
5 Regional Body, which consists of the governors of  
6 the other Great Lakes states and the Premiers of  
7 the Canadian provinces of Quebec and Ontario, for  
8 their review and consideration; and to the Great  
9 Lakes-Saint Lawrence River Basin Water Resources  
10 Council, also known as the Compact Council, which  
11 consists of the governors of the other Great Lakes  
12 states.

13 The Compact Council would need to  
14 unanimously approve the diversion before any state  
15 permits could be processed relating to the  
16 diversion proposal.

17 We appreciate all of you coming to  
18 tonight's hearing. We'd like to hear from all of  
19 you, so we will be -- or all of you that wish to  
20 make statements, so we will therefore limit oral  
21 comments to three minutes per person.

22 We have forms in the back, as I stated,  
23 for you to fill out if you'd like to make a  
24 statement. And as I said, we'll also accept  
25 written comments until August 28th.

1           There's a few ground rules that we need  
2           to enforce so that everyone's comments can be heard  
3           and respected.

4           First, there's a large number of people  
5           in the room tonight, and the acoustics are not the  
6           best, so we have to ask that all side conversations  
7           be taken outside the room. It's difficult to hear  
8           if others are making side comments when someone is  
9           speaking, and we want everyone in the room to focus  
10          their attention on the person who's speaking.

11          There might be differing opinions  
12          expressed, but we'd ask you to please respect the  
13          right of everyone to offer their opinion regarding  
14          the diversion application.

15          Second, when you come to the mike to  
16          speak, we're going to have you stand right there.  
17          We only have one microphone, so the process is  
18          going to be to have the microphone at the table for  
19          the person making the comment.

20          I will be yelling out the names as loud  
21          as possible so everyone can hear them, and what I  
22          will do is I will announce the first three people  
23          who are going to be offering comments, and then  
24          when we get to the third person, I will announce  
25          three more names.

1           So when I announce your names, we'd like  
2           you to come up in the front and find a seat near  
3           the front so that when your name is called, you can  
4           speak and get to the microphone quickly.

5           We will have signs so that when you have  
6           30 seconds left to speak, there will be a yellow  
7           sign, indicating that you have 30 seconds left, and  
8           a red sign means that your time is up. And we  
9           would ask you to please respect these time limits  
10          so that everyone has a chance to offer their  
11          comments.

12          So once it's your turn to speak, please  
13          head to that table, speak clearly into the  
14          microphone, state your name, your address, and then  
15          give your comments.

16          And, again, we appreciate your time and  
17          your courtesy, and at this point, we will -- I'm  
18          going to announce the first three speakers.

19          We're allowing public officials to go  
20          first. So we have Mayor John Dickert, Cory Mason,  
21          and Joe Pieper are the first three people.

22          MAYOR DICKERT: Hello. Good evening,  
23          everyone, and thank you for giving me the  
24          opportunity to speak. I have a committee meeting  
25          tonight for council, so I really appreciate it, and

1 I want to thank the group here that's allowing me  
2 to speak so we can get to council on time.

3 My name is John Dickert. I'm the mayor  
4 of Racine, Wisconsin. I am also the past president  
5 and chair of the Great Lakes-St. Lawrence Cities  
6 Initiative, which is 114 mayors from Canada and the  
7 United States. Our mission is to protect the Great  
8 Lakes.

9 I'm also on the board of the U.S.  
10 Conference of Mayors Water Council, which deals  
11 with water issues all over the nation, and I sit on  
12 the Governors Coastal Management Committee. So to  
13 say the least, my life is water.

14 The first thing is I want to make it very  
15 clear, there are going to be people here that are  
16 going to talk about a lot of issues, and I'm  
17 blessed to have my scientist, Dr. Julie Kinzelman  
18 here, who is going to talk about some of the more  
19 dynamic issues on the science of what we're talking  
20 about.

21 But what I want to ask you to do is to  
22 look at the larger picture. And the larger picture  
23 is simply this: I have nothing against my brothers  
24 and sisters in Waukesha. As a matter of fact, they  
25 have a wonderful mayor there. But if we are going

1 to look at this compact for what it is, then we  
2 have to deal with the compact for what it is, and  
3 candidly, Waukesha, this is not their first option  
4 for dealing with their water situations, and I  
5 would love to work with them on that first option,  
6 which is to purify the water that they have.

7 But the bigger issue is the issue that I  
8 have to look at as a mayor and on all these three  
9 committees, and candidly, not just for these folks,  
10 but for their children and their children's  
11 children.

12 Right now the Great Lakes is at a high  
13 level. Every time the Great Lakes freezes over,  
14 and you know this, we gain about 2 inches of water  
15 level because of the lack of evaporation. Every  
16 time it doesn't freeze over, we lose 2 inches  
17 because of evaporation. So if it doesn't freeze  
18 over in the next five years, the lake level is  
19 going to be down significantly.

20 More importantly, my concern is that  
21 there are over 20 communities on the Great Lakes  
22 area that are looking at this very issue. Because  
23 unfortunately, unlike all of us wonderful people in  
24 Wisconsin, people in some other states aren't  
25 always so nice, and instead of walking in and

1 saying, wow, we'd like to talk to the DNR or the  
2 government about tapping into the Great Lakes, they  
3 walk in with 50 attorneys and say, we're going to  
4 tap into the Great Lakes or we're going to sue you  
5 until we do. And that's the unfortunate reality  
6 that we deal with in our water issues.

7 Just as mayors, we're not just dealing  
8 with this issue of Waukesha. We're also trying to  
9 turn the Illinois River to stop Asian carp and  
10 water that's flowing down the Illinois River. So  
11 we're not -- we're not taking sides here.

12 But when I look at this from the  
13 perspective of 29 other communities that want to  
14 tap in, they may not be giving flow back. But they  
15 may find an option in this situation that allows  
16 them to sue their way into tapping into our water.

17 Now, it sounds crazy, but I was just in  
18 San Francisco at the Water Council meeting, where  
19 somebody said, Mayor, why don't we just throw a  
20 Keystone Pipeline into Lake Michigan. We'll pay  
21 for it, and we'll get it all the way out to  
22 Arizona. He was serious; I was laughing.

23 So the reality is, we know that we have a  
24 bigger picture to look at here, and I've got to  
25 protect not only these folks, but my kids, and

1 that's why I think we should oppose the diversion.

2 Thank you.

3 (Applause.)

4 HEARING OFFICER: I would just ask you to  
5 hold your applause, if you can.

6 Next is Cory Mason.

7 REPRESENTATIVE MASON: Well, good  
8 evening, everyone, and thank you for being here  
9 today. I'd like to thank the representatives of  
10 the Department of Natural Resources for being here.  
11 Despite the criticism I'm about to offer, I do want  
12 to thank you for your public service and your  
13 diligence as people who serve the state of  
14 Wisconsin.

15 I'm deeply concerned about the proposal  
16 that we have in front of us here today and am here  
17 to formally oppose it. It is something that I  
18 think is sorely lacking for several reasons.

19 As the state representative for the 66th  
20 Assembly District, my assembly district takes up  
21 about three-quarters of the city of Racine, and the  
22 Root River runs right through it. So on a local  
23 level, what concerns me most is the potential  
24 degradation of the Root River from this proposal,  
25 and I want to be specific about that.

1 I think it was hard to listen to the  
2 presentation about all the reasons why we couldn't  
3 degrade resources in Waukesha County, be it the  
4 aquifer or their wetlands or their lakes, but  
5 seemingly little consideration given to whether or  
6 not there should be a pipeline that goes all the  
7 way back to Lake Michigan and us having to  
8 basically take on millions of gallons a day of  
9 treated sewage, literally turning the Root River  
10 into Waukesha's toilet, and I don't think that's  
11 fair for the people of Wisconsin or the people of  
12 Racine, specifically.

13 But then when it comes to the proposal  
14 itself, it's very disappointing. For those of you  
15 who don't know, this is the first real attempt by a  
16 community after the Great Lakes Compact was adopted  
17 to ask for an exemption from the ban on diversions  
18 for a community within a straddling county, and  
19 it's sorely lacking for a number of reasons, some  
20 of which has been addressed.

21 But the extended service area. In other  
22 words, Waukesha wants not just to provide water for  
23 the people they serve today, but for a greatly  
24 expanded area around their current service area.

25 They talk about what it means for their

1 exception to meet the standard, giving little or no  
2 real consideration, in my view, to conservation  
3 opportunities that are out there.

4 We've seen California reduce its water  
5 consumption dramatically this summer. It seems  
6 like there was no real consideration given to that  
7 kind of conservation before they went for it.

8 And then the compact talks about it being  
9 the reasonable alternative. And for those of you  
10 who have watched *The Princess Bride*, as I have many  
11 times with my children, to quote Inigo Montoya,  
12 "You keep using the word 'reasonable.' I don't  
13 think you know what that word means."

14 It is definitely seemingly the preferred  
15 alternative for Waukesha, and I understand that  
16 you, as the DNR, had to review what they put in as  
17 an application, but it is certainly not reasonable  
18 to expect that this was the only way that you could  
19 move forward in a way that has real concerns about  
20 the way the compact is written, in terms of the  
21 expanded service area, and degrading a body of  
22 water that would take the return flow, which is a  
23 nice euphemism for Waukesha's sewage, treated  
24 although it may be.

25 And then finally, the comment was made

1           that this should not be an adversarial hearing, and  
2           I agree that we should all be professional and  
3           polite to one another, but if you're wondering why  
4           it feels like people here feel a little bit  
5           adversarial about it, at the end of the day,  
6           Waukesha and its utility got to vote on whether or  
7           not they were going to go for this diversion, and  
8           the City of Oak Creek got to decide by a vote if  
9           they were going to vote to sell them that water,  
10          but Racine, as a municipality, gets no vote in  
11          whether or not we want millions of gallons of  
12          treated crap coming down the Root River every day.  
13          And if you want to know why you're feeling a little  
14          adversarial heat coming from the room, I think  
15          that's part of it.

16                        There is no reason why we couldn't have a  
17          better application for a diversion under the  
18          compact that would treat all three of these  
19          communities more equally that would meet the  
20          standards of the compact, but I don't believe it  
21          does, given the extended service area.

22                        What they're looking for under -- in my  
23          opinion, what Waukesha is looking for is the  
24          opportunity to treat its water problems by  
25          basically grossly expanding their service area and

1           having Racine bear the brunt of that. In other  
2           words, they get all the reward, and we have to take  
3           all the risk.

4                       I will submit my written comments by  
5           August 28th, but I appreciate you being here and  
6           the opportunity that you've given us to speak  
7           tonight. Thank you.

8                       (Applause.)

9                       HEARING OFFICER: So Joe Pieper is next.  
10          The next three after Joe are Emily Prymula on  
11          behalf of Peter Barca, Andy Reiland, and Wayne  
12          Clenmyne. And I apologize in advance. I probably  
13          am going to mispronounce some of your names.

14                      ALDERMAN PIEPER: Good evening, ladies  
15          and gentlemen. My name is Joe Pieper. I have the  
16          pleasure of serving on the city council in the City  
17          of Waukesha, a position that I've held since May of  
18          2006. I'm the past common council president and  
19          currently serve on both the public works committee,  
20          and I'm chair of the finance committee.

21                      I'm here tonight to talk to the DNR and  
22          the public that are here to assure them that this  
23          is a decision and a study that has not been taken  
24          lightly by the City of Waukesha.

25                      I've been on the common council for

1 almost ten years, and it's been one of the primary  
2 issues that all of us have been focusing on, to  
3 make sure that this decision is made in the best  
4 interests of our residents, my constituents, and  
5 our regional neighbors.

6 There's been some comments this evening  
7 that we've certainly heard over the years about the  
8 concern of treated water coming down the Root  
9 River. I think it's important to note that the  
10 Department of Natural Resources and the compact  
11 requires us to return the water to Lake Michigan  
12 and that there are advantages to returning the  
13 treated water down the Root River.

14 I'd also like to let the public know,  
15 because I don't think a lot of you get up to  
16 Waukesha that often, and I certainly understand,  
17 that the city is currently undergoing a \$53 million  
18 upgrade to our wastewater treatment plan. And once  
19 this upgrade is completed, in advance of any  
20 discharge to the Root River, it will be one of the  
21 leading wastewater treatment plants in the state of  
22 Wisconsin. We are also subject to higher discharge  
23 standards because we discharge to rivers than  
24 communities that discharge to lakes.

25 Our goal is to, again, meet the needs of

1           our residents and constituents and certainly  
2           respect the concerns of our regional neighbors.

3                   I appreciate the time to speak this  
4           evening, and in closing I'd like to say that the  
5           approval of this application would truly be, in my  
6           opinion, the essence of regional cooperation.  
7           Thank you.

8                   HEARING OFFICER: Next is Emily Prymula.

9                   MS. PRYMULA: Hello. My name is Emily  
10          Prymula, and I'm an in-district staffer in the  
11          office of State Representative Peter Barca.

12                   Representative Barca would have very much  
13          liked to testify at this public hearing, but  
14          unfortunately, he was unable to attend, as he has  
15          legislative obligations at the Capitol today. So  
16          he asked that I deliver the following remarks on  
17          his behalf and asked that I extend an open  
18          invitation to contact his office with any questions  
19          or concerns regarding this matter.

20                   And so his statement is as follows:

21                   "It is my position that we should  
22          generally not approve any proposals that could  
23          weaken the Great Lakes Compact. If any exemptions  
24          should occur, they should be rare and only when the  
25          most compelling case can be made.

1                   "There is no more valuable natural  
2 resource in our region than the safe, clean  
3 drinking water supply which Lake Michigan and the  
4 other Great Lakes provide.

5                   "It is important that we work to protect  
6 this valuable natural resource, while also being  
7 respectful of the residents and ratepayers of those  
8 areas without access to safe drinking water.

9                   "I urge the DNR and other stakeholders to  
10 carefully consider this diversion proposal with  
11 these stringent objectives in mind, as well as  
12 considering the potential impacts the proposal  
13 could have for our water and our citizens across  
14 the Great Lakes region."

15                   Thank you.

16                   HEARING OFFICER: Next is Andy Reiland.

17                   ALDERMAN REILAND: Thank you. My name is  
18 Andy Reiland. I live in Waukesha at 1012  
19 Fieldridge Court. I am currently an alderman of  
20 the Waukesha Common Council and the current common  
21 council president.

22                   Thank you for the opportunity to discuss  
23 this extremely important issue. As a resident and  
24 someone that listens to many within our city, I  
25 find that we all share a strong desire to obtain

1 safe drinking water, and to make sure that solution  
2 is one that will be reliable and long-lasting.

3 I'm confident from the briefings and from  
4 examining the extensive and detailed engineering  
5 behind the proposal that this is the correct  
6 solution. I can assure you that the residents in  
7 Waukesha care about the protection of the Great  
8 Lakes as much as the residents of the Great Lakes  
9 Basin.

10 The close proximity of Lake Michigan  
11 amplifies this respect and appreciation and the use  
12 of a world-class resource. That is why the City of  
13 Waukesha provided needed support for passage of the  
14 Great Lakes Compact.

15 Our desire and support to protect the  
16 Great Lakes does not stop at the basin boundary.  
17 If Waukesha residents believe this project would  
18 harm the Great Lakes, you would hear our voices and  
19 concerns. We realize this project will actually  
20 benefit a tributary, for adversely impact Lake  
21 Michigan -- not adversely impact Lake Michigan.

22 In preparing this analysis, the city  
23 looked at all of the viable options and made  
24 changes to the initial proposal in response to  
25 comments by the public and the DNR.

1           The city's technical team reduced the  
2 volume of water to reflect the latest data and the  
3 successful results of our outstanding water  
4 conservation programs. Our residents understand  
5 and take water conservation seriously. We utilize  
6 nationally recognized experts in developing our  
7 program and will continue to improve upon it.

8           The DNR and others also urged us to move  
9 the return flow away from Underwood Creek to the  
10 Root River. And I know that there's been a lot of  
11 concern here this evening in this room about that  
12 change.

13           I can tell you that despite the  
14 substantial additional cost, the city made the  
15 change to our proposal, the Root River, and it will  
16 actually enhance the DNR ag. collection station on  
17 the Root River.

18           I want to emphasize the need for a well  
19 engineered and reliable long-term solution for the  
20 health of our current and future residents.

21           We appreciate the hard work that the DNR  
22 has put into this review and our proposal over the  
23 past five years and agree with your conclusion that  
24 we meet the requirements of the Great Lakes Compact  
25 to use and return Lake Michigan water. Thank you.

1 HEARING OFFICER: Next is Wayne Clenmyne.  
2 And after Wayne, we have Karen Hobbs, Kate  
3 Remington, and Roger Pfoost.

4 MR. CLENMYNE: Hi. Wayne Clenmyne, 236  
5 Jones Street, Racine, Wisconsin, 53404.

6 Let me join the chorus of people thanking  
7 you for coming here now to talk. I myself have  
8 learned a lot from the informational session that  
9 was held and will have to do some more research  
10 because of questions I have because of it.

11 I welcome the fact that I can communicate  
12 with the DNR on getting these questions answered.  
13 I look forward as well to communicate with the City  
14 of Waukesha's elected officials and get their  
15 viewpoints on many important questions I have. And  
16 I rest assured, in my heart of hearts, that they  
17 too welcome these questions so we can all move  
18 forward together, because they have a problem, and  
19 I would like to be part of the solution to help  
20 that problem versus simply someone saying, no, not  
21 here, not us, not now, not ever.

22 With that, I'd like to thank you again  
23 and wish you the very best in the difficult time  
24 you have figuring out what we can do in the  
25 process. Thank you.

1 HEARING OFFICER: Next is Karen Hobbs.

2 MS. HOBBS: Thank you very much. Good  
3 evening. Thank you for the opportunity to testify,  
4 and I'd especially like to thank the DNR staff, who  
5 I think has really done an extraordinary job over  
6 the last couple of years to get us to this point.

7 My name is Karen Hobbs, and I'll be  
8 representing the Natural Resources Defense Council.  
9 NRDC is an international, non-profit environmental  
10 organization with more than 2.4 million members and  
11 on-line activists. More than 350,000 of those  
12 members and on-line activists are here in the Great  
13 Lakes Basin, and our Midwest office is dedicated to  
14 protecting and restoring the Great Lakes.

15 I attended the Waukesha hearing last  
16 night, and there, like here, there was a lot of  
17 agreement on Waukesha's need for a clean and  
18 reliable water supply, as well as a need to protect  
19 the Great Lakes. Nothing is more critical to  
20 protecting the Great Lakes than protecting the  
21 integrity of the compact.

22 The diversion exception was intended only  
23 for those communities who have no other alternative  
24 for water. Waukesha does not meet that test.  
25 Others have and will testify on the water supply

1 alternative that's been identified, along with  
2 other problems with the application.

3 I'll focus on the water conservation  
4 section, where Waukesha has clearly not met the  
5 requirements of the compact and Wisconsin statute  
6 in two key areas.

7 One, its existing water conservation plan  
8 is deficient, focusing almost exclusively on  
9 voluntary and educational programs. The plan also  
10 does not address the stated need for the diversion,  
11 which is to address radium-contaminated wells.

12 The 2009 radium stipulation and order  
13 directs Waukesha to minimize the use of  
14 non-compliant wells. Since then, such wells have  
15 only been used during summer peak demand and  
16 occasionally to back up equipment failure on  
17 compliant wells.

18 The previous conservation plan, which was  
19 created in 2005 -- or 2006 and modified in 2008  
20 contained measures to reduce peak outdoor demand.  
21 Some of those measures, including the sprinkling  
22 ordinance and the inclining block structure for  
23 residential users, were successfully implemented  
24 toward the front of the plan's 15-year timed  
25 horizon.

1                   However, the goal of the 2012 plan is to  
2                   make modest reductions, if that, in average-day  
3                   demand over a 35-year time frame. Measures to  
4                   address peak demand are either undefined or not  
5                   implemented, and yet there is ample evidence from  
6                   across the country where water utilities have  
7                   implemented strong conservation programs aimed at  
8                   key users and to address very specific water supply  
9                   programs have been successfully implemented across  
10                  the country.

11                  One example, I think someone mentioned  
12                  earlier, California. Leggett, California, has  
13                  reduced district water use by 30 percent, including  
14                  a 50 percent reduction in residential use alone.  
15                  And they used a lot of the same measures that  
16                  Waukesha has in its plan, although it hasn't  
17                  implemented those measures, which gets me to Point  
18                  No. 2, that Waukesha has not implemented its  
19                  existing plan, again, contrary to both Wisconsin  
20                  statute and the compact.

21                  And I'll give just two examples. Rebate  
22                  programs. Waukesha currently has two rebate  
23                  programs in place, but by the end of 2014, they  
24                  were supposed to have three additional rebate  
25                  programs in place, and those rebate programs were

1 estimated to save 5.5 million gallons of water from  
2 2012 to 2016.

3 Point No. 2, Waukesha has largely focused  
4 its conservation efforts on reducing residential  
5 use, ignoring industrial and the apparently growing  
6 commercial use center. To compound the problem,  
7 Waukesha is seemingly content with voluntary and  
8 educational programs to its commercial and  
9 industrial users, despite the evidence of the  
10 effectiveness of mandatory programs.

11 Thank you very much again for the  
12 opportunity to testify.

13 (Applause.)

14 HEARING OFFICER: Next is Kate Remington.

15 A WOMAN: Can you turn up the volume on  
16 that, please.

17 HEARING OFFICER: I don't have a mike.  
18 Kate Remington.

19 MS. REMINGTON: Chloride, phosphorous,  
20 pharmaceuticals, radium problems, and sewage,  
21 potential sewage coming through. This is --  
22 Waukesha is concerned about lakes and about  
23 wetlands, and it's not about a watershed.

24 The Root River in Racine is at the water  
25 table at a lot of places, and additional water is

1 going to be a problem because there was building  
2 done that really maybe shouldn't have been done  
3 many, many years ago, and there's a lot of  
4 flooding. The Horlick Dam was mentioned. And  
5 every year, there are people who are flooded out.

6 Those of us who live here, I think, are  
7 rather shocked at what Waukesha seems to think is a  
8 natural way to get their water back to Lake  
9 Michigan, because we are a watershed, and I don't  
10 think a lot of people appreciate this plan at all  
11 who live here. Thank you.

12 HEARING OFFICER: Next is Roger Pfof or  
13 Pfof.

14 MR. PFOF: Pfof.

15 HEARING OFFICER: Pfof. After Roger, we  
16 have Al Fillman, Lois Dombrowski, and Michael Hahn.

17 MR. PFOF: Thank you for allowing me to  
18 speak here. I represent nobody but myself.

19 One of the things that bothered me so far  
20 is the fact that the water is being claimed to be  
21 degraded in coming down. Well, I'll tell you, if  
22 you haven't looked at that water closely yourself,  
23 it's hard to degrade it.

24 I also would remind everybody that  
25 Racine's sewer water is pumped directly into Lake

1 Michigan, and the bub -- the area where it comes  
2 up, known as the bubbler, is probably the most --  
3 well, one of the favorite spots for fishermen in  
4 the area. So I don't think there's any worry about  
5 degrading.

6 I have a little problem determining how  
7 much flow is actually coming, but I think any  
8 additional flow and clear water, which this will  
9 be, and pure water is a boon to fishermen, and I  
10 think that's a great thing.

11 Racine can use some help in recreation  
12 areas, and if anybody has ever spent an afternoon  
13 down along the river when the spring run is on or  
14 in the fall and looked at all the license plates on  
15 the cars that are in the area, you'll know that  
16 that Root River is a very popular spot for people  
17 in the surrounding states.

18 The amount of water that's being returned  
19 by Waukesha will be virtually the same as what  
20 they're taking in. So these stories about doom and  
21 gloom and they're taking all our water, I don't  
22 think that argument holds any water.

23 So I'm very much in favor of having this  
24 put in. I think that it's a good thing for Racine,  
25 and it certainly will clear up the flow of Root

1 River. Thank you.

2 HEARING OFFICER: Next is Al Fillman.

3 And if you could remember to say your name and  
4 address before you give your comments, please.

5 MR. FLLMAN: Hello. Thanks for coming.  
6 Al Fillman. I'm at 6301 Berkshire Lane in Racine.

7 I'm opposed mostly to the diversion of  
8 the water through the Root River. I think there's  
9 other alternatives that have been proposed,  
10 especially a direct route back to Lake Michigan,  
11 which to me is a much better alternative than  
12 Racine seeing Waukesha's return water. Thank you.

13 HEARING OFFICER: Next is Lois  
14 Dembrowski.

15 MS. DEMBROWSKI: Lois Dembrowski, 7218  
16 Highway V, Caledonia.

17 I live about a mile from Root River, and  
18 I've seen it at its lowest point, I've also seen it  
19 at its highest point, and I can't imagine that that  
20 much water coming back isn't going to affect not  
21 only the river, but all the areas surrounding. And  
22 it's very populated around the river, and I just  
23 think that you, the DNR, needs to look at everybody  
24 other than Oak Creek and Waukesha, which I feel are  
25 the only two counties that want this program to go

1 through. Thanks.

2 HEARING OFFICER: Next is Michael Hahn.  
3 And after Michael, we have Melissa Warner, Christi  
4 Walasek, and Timothy Schaefer.

5 MR. HAHN: I'm Mike Hahn, Deputy Director  
6 of the Southeastern Wisconsin Regional Planning  
7 Commission, and thank you for the opportunity to  
8 comment this evening.

9 In December 2010, SEWRPC published a  
10 Regional Water Supply Plan for the entire seven  
11 county southeastern Wisconsin region. Preparation  
12 of the plan was guided by a 32-member advisory  
13 committee. The plan objective was to make  
14 recommendations for providing a sustainable water  
15 supply through the year 2035, and the plan  
16 evaluated surface water and groundwater supply  
17 sources and the effects of expanded shallow  
18 groundwater sources on surface water resources,  
19 such as streams, lakes, and wetlands.

20 The recommended plan calls for Waukesha  
21 to seek the Lake Michigan supply, consistent with  
22 the requirements of the Great Lakes Compact and  
23 state law and provides four options for return of  
24 treated wastewater to Lake Michigan.

25 The plan specifically recognized that

1 more detailed engineering, legal, and environmental  
2 analysis would be needed. Of all the options  
3 considered, it was concluded that the recommended  
4 plan best meets the SPUDI planning objective and  
5 provides long-term sustainability of the deep  
6 aquifer, reductions in chloride discharges to  
7 surface waters, and improvements in  
8 groundwater-derived base fall. The recommended  
9 plan was approved by the advisory committee and was  
10 adopted by the commission.

11 The DNR draft technical review of the  
12 city application describes stringent effluent  
13 limits that would need to be placed on discharges  
14 from the Waukesha wastewater treatment plant to the  
15 Root River. It is very important that the  
16 discharge permit for the plant reflect such  
17 stringent limits to protect the designated uses and  
18 water quality of the Root River and Lake Michigan.

19 The plan recognized potential water  
20 quantity impacts on the Fox River and called for  
21 active management of the return flow to augment Fox  
22 River flow during low flow periods, typically  
23 summer and fall. The return flow management  
24 approach proposed by DNR and the City of Waukesha  
25 would provide for some treated wastewater discharge

1 return flow to the Fox River, although at a reduced  
2 rate from the current one.

3 We recommend the DNR provide additional  
4 analysis in the EIS of the effects of anticipated  
5 reductions in the flow of treated wastewater from  
6 Waukesha to the Fox River, quantifying the spatial  
7 extent along the river downstream of the treatment  
8 plant discharge for which significant water  
9 quantity and quality and associated aquatic life  
10 effects might be expected to extend.

11 And finally, I'd just like to make a  
12 couple comments on the water supply service area.  
13 In 2008, at the request of the City of Waukesha,  
14 the regional planning commission staff delineated  
15 the water supply service area, consistent with the  
16 requirements in the state statutes, and such  
17 consistency means that the area-wide water quality  
18 management plan must be considered -- the adopted  
19 planned sewer service area established under the  
20 water quality management plan must be considered.

21 Approximately 9.2 square miles of land,  
22 or 18 percent of the planned water supply service  
23 area, could potentially be developed; 2.7 square  
24 miles, or 5 percent of the planned service area of  
25 that total, are located within the current

1 boundaries of the city; and six and a half square  
2 miles, or 13 percent of the area, are outside the  
3 city of Waukesha.

4 In addition, the proposed water supply  
5 service area was approved by each local government  
6 which is wholly or partially included in the  
7 service area. Thank you.

8 HEARING OFFICER: Next is Melissa Warner.

9 MS. WARNER: I'm Melissa Warner, 4444  
10 North Green Bay Road in Caledonia. I'm a member of  
11 Sierra Club, an environmental advocate, and a  
12 long-time supporter of the Great Lakes Compact.

13 I have one of the pens used by  
14 then-Governor Doyle to sign Wisconsin's  
15 ratification on the lakefront at Discovery World in  
16 2008, and while it has long since run out of ink,  
17 it still retains private place on my desk.

18 As a straddling county, Section 4.9.3,  
19 Waukesha has the right to request a diversion  
20 subject to conditions, and I want to address three  
21 of them.

22 The first is the amount of water. The  
23 compact refers to, quote, "The corporate boundary  
24 existing as of the effective date of the  
25 contract -- compact," which would be 2008, and that

1 would be a much smaller amount of water than what  
2 they're requesting, which seems to be planning for  
3 this larger build-out area.

4 Now, whether that meets the compact's  
5 strict requirement of corporate boundary existing  
6 on the effective date or not, it's not up to me to  
7 decide, it's not even up to you to decide, it's up  
8 to the other seven Great Lakes states to decide.

9 And I want to remind you that Michigan,  
10 lying as it does almost completely within the  
11 watershed, has nothing to gain by approving any  
12 diversion at all. And so I would suspect they  
13 would look very askance at a request that seems,  
14 well, greedy.

15 Second is whether or not all alternative  
16 avenues have been sufficiently explored, leaving  
17 withdrawal as the only reasonable alternative, or  
18 is it just the most convenient and the most  
19 desirable? I did not hear references, for  
20 instance, to withdrawing water from the Fox River,  
21 although you may have done that.

22 People more knowledgeable than I disagree  
23 on this point, and the DNR says yes, you have, but  
24 this just pains me a great deal to say, but given  
25 the gag orders within the DNR and the dismantling

1 of much of the DNR's science and education staff, I  
2 do not have the trust in the DNR that I once had.

3 I wonder -- I can't help but wonder what  
4 the DNR knows or suspects that they are not allowed  
5 to tell us. And be assured, the signatories will  
6 look at this requirement closely.

7 Third, the water withdrawn returning to  
8 the lake through Root River. As a resident of  
9 Caledonia, of course I am concerned about that  
10 return flow. Whatever the amount of return flow  
11 is, it will be flashy. It will be a peak and ebb  
12 every day, and that pulsating water will cause far  
13 more damage than a steady flow.

14 The daily pulses will change the stream  
15 morphology by accelerating migration of sandbars  
16 and meanders and undercutting riverbanks. It will  
17 result in excessive erosion and increases in the  
18 suspended sediments. The uneven flow will also  
19 resuspend bottom sediments, increasing turbidity  
20 and nutrient spiraling, all of which reduce water  
21 quality and affect fish and invertebrate ecology  
22 negatively.

23 The compact language calls for  
24 maintaining the integrity of the river basin  
25 ecosystem, the entire basin ecosystem, and I don't

1 see any assurance that these concerns have been  
2 addressed. But thank you for your attention, and  
3 thank you for having the hearing in Racine.

4 (Applause.)

5 HEARING OFFICER: Next is Christi  
6 Walasek.

7 MS. WALASEK: Hi. I'm Christi Walasek,  
8 5901 Quaker Hill, Racine, Wisconsin, and I'm  
9 opposed to the diversion, mainly because of the  
10 wastewater treatment going through the Root River.

11 I think if Waukesha would just spend the  
12 money and have the direct pipeline, we wouldn't  
13 have any of these problems here with environmental  
14 impacts.

15 I volunteer at River Bend Nature Center.  
16 It's on the Root River. We have tons of children  
17 every summer in that water. They are canoeing,  
18 they are looking for insects, they are putting  
19 their heads, you know, this close, if not in the  
20 water.

21 I am also concerned with the -- in the  
22 summertime, they say that the Root River runs low,  
23 and that's when 90 percent of Root River will be  
24 the wastewater from Waukesha. And there is not  
25 enough scientific information about the effects of

1 pharmaceuticals, and these kids are in this water  
2 constantly in the summer, and I'm worried about the  
3 pharmaceuticals affecting them negatively. Thank  
4 you very much.

5 HEARING OFFICER: Next is Timothy  
6 Schaefer. And after Timothy we have Ed St. Peter,  
7 Chuck Johnson, and Carol Grant-Fogarty.

8 MR. SCHAEFER: Good evening. My name is  
9 Tim Schaefer, and I'm with the Alliance for the  
10 Great Lakes.

11 The Alliance has been protecting the  
12 Great Lakes for more than 40 years, with a  
13 volunteer base in numbers in the thousands. Thank  
14 you for giving citizens like myself a chance to  
15 speak today.

16 I grew up in Glendale, about 15 minutes  
17 from Lake Michigan, and I'd like to remind everyone  
18 here that Lake Michigan is essentially  
19 irreplaceable. Glaciers formed the Great Lakes  
20 thousands of years ago, and while precipitation can  
21 replace some of the water withdrawn from the lakes,  
22 they are a one-time gift from the glaciers, which  
23 is why the compact only allows diversions when  
24 those diversions are absolutely necessary and not  
25 when a diversion is simply a city's preferred

1 option.

2 Lake Michigan water is a last resort.  
3 Waukesha has plentiful water right now. It's  
4 important to note that it has enough potable water  
5 right now and can treat its existing water supply  
6 to meet the city's needs for decades.

7 DNR noted in the Milwaukee hearing that  
8 1.5 million gallons of their water is untreated,  
9 and it's not clear why this is the case, other than  
10 Waukesha seems to be banking on the diversion as a  
11 long-term solution. It seems to me that that  
12 should be treated before any other solution is  
13 looked at, but we shall see.

14 I'd also like to comment on the return  
15 flow and the unclear effects of it. Waukesha has  
16 not shown with certainty that it can safely return  
17 water to Lake Michigan. It has not shown that  
18 that's the only way to return water to Lake  
19 Michigan, through the Root River.

20 And as is, the diversion could cause  
21 water quality problems and flooding in Racine.  
22 There's not a lot of data, as I believe there are  
23 only a few points on the river they actually looked  
24 at to evaluate flooding, which seems to me to be  
25 insufficient.

1 Further, the current plan potentially  
2 allows up to 40 percent of the return to be  
3 out-of-basin water, which opens up the entire river  
4 to invasive species. And Waukesha even admits in  
5 their application that it is only planning to  
6 reduce the possibility of invasive species, not to  
7 eliminate it, which contradicts the compact.

8 And so I'd like to thank everyone for  
9 their time, and thank you to the DNR.

10 HEARING OFFICER: Next is Ed St. Peter.

11 MR. ST. PETER: Good afternoon. My name  
12 is Ed St. Peter, 4401 Green Bay Road, Kenosha,  
13 Wisconsin.

14 I'm the general manager of the Kenosha  
15 Water Utility. I've been there for 45 years. I  
16 don't have a horse in this race. I'm not supplying  
17 the water, it's not coming through our community,  
18 but I was part of the Great Lakes Compact, the  
19 Regional Water Quality Plan with SEWRPC, and I'm  
20 here just to say that public health is what's most  
21 important.

22 I have a brother who lives in Waukesha  
23 who doesn't drink the water. They need a  
24 resolution to this. With that being said, you  
25 know, I'm listening to the issue with what's going

1 down the Root River, and I have concerns with that,  
2 but again, that is not something I've spent a lot  
3 of time in.

4 What I want to say to this committee is  
5 that I have full confidence, unlike others that  
6 I've heard, with the DNR. I have confidence that  
7 they will come up with the right decision and they  
8 will take care of the requirements that are needed  
9 in Waukesha and the issue with the discharge.

10 So thank you for the work that you guys  
11 do.

12 HEARING OFFICER: Next is Chuck Johnson.

13 MR. JOHNSON: Good evening. My name is  
14 Chuck Johnson, 7211 Linwood Road, Racine.

15 I live directly on the river. I have  
16 concerns about -- I'm opposed to it, let me say  
17 that to start with, because I don't believe all the  
18 facts are being stated and have been researched  
19 completely.

20 We live on the river, and it was June  
21 seven years -- six years ago, excuse me, that we  
22 got flooded out. It will happen again if you're  
23 adding more water to the river.

24 I place the City of Waukesha, village --  
25 County of Waukesha responsible for my home, my

1 neighbor's home, the neighbors across the river for  
2 being flooded out again, legally responsible. And  
3 anybody who approves this without looking at  
4 discharge of the water and the quality will be held  
5 responsible.

6 The other thing is, I don't believe  
7 everything has been considered, as far as water  
8 resource for Waukesha, including closed cycle.  
9 Technology exists. If that water is clean enough  
10 to dump back into the lake, it's water clean enough  
11 to be processed and turned into drinkable water.  
12 Thank you.

13 HEARING OFFICER: Next is Carol  
14 Grant-Fogarty. And after Carol we have Bill Sasse,  
15 Greg Davies, and June [sic] Kinzelman.

16 MS. GRANT-FOGARTY: My name is Carol  
17 Grant-Fogarty. I am from Kenosha, Wisconsin, 516  
18 70th Street.

19 I have been a member of the Alliance for  
20 the Great Lakes for the past ten years, was very  
21 much interested in, supportive of, and involved  
22 with the creation of the compact.

23 And we have heard a little bit about the  
24 compact this evening in bits and pieces, but I  
25 wanted to take the opportunity to tell those here

1 the work involved in creating that contract and the  
2 enormous challenge that the people involved took on  
3 in order to preserve and protect the Great Lakes  
4 ecosystem, not just Lake Michigan, the entire  
5 system, for generations to come.

6 The Great Lakes speaks for the entire  
7 Great Lakes water and ecosystem. They wanted to  
8 protect from diversions. They wanted to promote  
9 sound water management, conservation methods. They  
10 looked at the tremendous problems involved with  
11 corporate waste, manufacturing waste, community  
12 waste, and sewage wastes that have been  
13 accumulating and ignored in many ways over the  
14 years.

15 They wanted to preserve wildlife health.  
16 They wanted to deal with foreign species that came  
17 through the Saint Lawrence Seaway. It is a large  
18 and has become over the years a very fragile  
19 ecosystem because of neglect and some of the things  
20 that I have mentioned already.

21 And so the compact has taken on the task  
22 of improving these things, and it cannot be done  
23 just overnight. The compact was signed into  
24 federal and state law in 2008, and then came the  
25 process of who was going to do what, how is it

1 going to be done, who was going to start, where are  
2 we going to get the money, the volunteers, so on  
3 and so forth.

4 It is a work in progress. It's making  
5 some progress, but it has taken decades to create  
6 those problems, and we are no sooner making some  
7 progress, and now a community wants to divert the  
8 water from the system that is just trying to get  
9 well, especially since more obvious climate change,  
10 not just Lake Michigan, but all of the lakes  
11 involved.

12 The algae right now that Lake Erie is  
13 trying to deal with, that has to be addressed. The  
14 carp situation, it's already been talked about.  
15 And now, with all of the things that already exist,  
16 in 2014, what are we finding in all of the Great  
17 Lakes, but micro-organ -- micro -- what do they  
18 call them, I forget now -- micro beads, you know,  
19 that can go through the filters --

20 A MAN: Your three minutes are up.

21 HEARING OFFICER: Yeah, we need to limit  
22 it to three minutes.

23 MS. GRANT-FOGARTY: All right.

24 HEARING OFFICER: Thank you.

25 MS. GRANT-FOGARTY: Thank you.

1 HEARING OFFICER: Next is Bill Sasse.

2 MR. SASSE: Thank you. My name is Bill  
3 Sasse. I live at 5010 3 Mile Road in Caledonia.

4 I come before you as the president of the  
5 Root-Pike Watershed Initiative Network. We are an  
6 environmental non-profit agency that has a  
7 non-efficacy role in trying to protect our  
8 environment.

9 The Root-Pike WIN has a fervent desire to  
10 protect our water resources, and I'm not here to  
11 stand in support or against this proposal. Our  
12 interest is ensuring water quality is maintained.

13 WIN has worked very hard to obtain  
14 funding for and to help facilitate the development  
15 of watershed management plans for the Root River,  
16 the Pike River, and direct drainage areas to Lake  
17 Michigan.

18 The Root River and Pike River plans have  
19 been recognized by the EPA as meeting their nine  
20 elements for watershed planning. Our focus is to  
21 strive to improve water quality by working with  
22 communities and property owners to complete  
23 implementation projects as recommended within the  
24 adopted plans.

25 Root-Pike WIN believes that impacts to

1 the Root River water quality should be mitigated.  
2 This could be done by funding projects that would  
3 occur in communities in the Root River watershed  
4 that may have been identified in the watershed plan  
5 or other approved plans.

6 Bottom line is that if a diversion is  
7 approved, the negative water quality impacts for a  
8 diversion within the Root River Basin should be  
9 mitigated by the City of Waukesha, even if needed  
10 funds to implement work outside the City of  
11 Waukesha to remove the equivalent pollutant base  
12 loads. The addition of pollutant loads should not  
13 be allowed to degrade water quality or impact  
14 downstream community water permits or their use of  
15 the water. Thank you.

16 HEARING OFFICER: Next is Greg Davies.

17 MR. DAVIES: My name is Greg Davies. I  
18 live at 4849 West Knollwood Drive in Mount  
19 Pleasant.

20 I'm not an expert at this, by any means,  
21 and I did not read the two extensive documents that  
22 you referred to. I was not aware of them prior to  
23 the meeting.

24 I guess a couple things. You know, there  
25 are several people from Waukesha that talked, and

1 in reference to what the last gentleman said, they  
2 talked about assuring us that there would be no  
3 problems, but I didn't hear any offer of money to  
4 help with any of the problems that do come.

5 If you want to come here to Racine and  
6 tell us there's not going to be a problem with what  
7 you're doing, offer us the insurance, offer us the  
8 money. What are you going to do when there's a  
9 great flood? We have flooding in Racine, and when  
10 there are bad floods, it causes extensive damage  
11 along the Spring Street area. And 10 million  
12 gallons a day is not going -- is going to make that  
13 significantly worse. How do you determine which  
14 damage was caused by that, and what is Waukesha  
15 going to do to help us pay for that damage?

16 And I guess my other concerns are, you  
17 know, I thank -- I thank a lot of the previous  
18 speakers, because they gave me very detailed  
19 answers, and some of the answers that were asked, I  
20 understand it was a limited time for the open  
21 question time, but the answers provided by the DNR,  
22 I'm kind of left with the thought that the DNR came  
23 here trying to sell the program, not trying to  
24 share the real information about what happened.

25 You know, there's things that were

1 brought up with a lot more detail about -- and the  
2 easy one for me, as an unintelligent person on this  
3 topic, is when you talk about the conservation  
4 efforts that have been put in place, will they meet  
5 the standard? Well, what's the standard? Well,  
6 the standard has no measurement. They just said  
7 they have a plan. They have a plan, that's good  
8 enough. That's unacceptable.

9 And if the rule of the -- if the rule of  
10 the compact is that you have to put conservation  
11 methods in place, I would think you'd want to have  
12 some type of measurement as to how good are those  
13 conservation plans.

14 And it seems to me like there's an awful  
15 number of people -- a lot of people that seem very  
16 informed on this topic that disagree with the DNR's  
17 opinion on whether the alternatives have adequately  
18 been looked into, and yet the compact, it sounds  
19 like, is stating that it has to be your last  
20 chance. There are other choices, it sounds like.  
21 It's just that Waukesha does not prefer them.

22 And it seems a little crazy to me that  
23 Oak Creek and Waukesha -- you know, Oak Creek, I'm  
24 assuming, will get some financial benefit from  
25 this. I'm assuming they're going to be selling the

1 water to Waukesha. I'm not sure. I would just  
2 assume that. There's money going to Oak Creek,  
3 there's a benefit going to Waukesha, but Racine is  
4 the one that has to deal with all of the discharge.  
5 Where's the benefit coming to us? It seems like we  
6 should be as active of a partner in that whole  
7 situation as the other two communities.

8 And my question earlier about will the  
9 input from the people that talk here have an impact  
10 on the decision, I hope that purely Racine being  
11 opposed and showing that we're not being adequately  
12 represented, nor adequately being reimbursed, that  
13 that holds a great share, a great weight on that  
14 decision.

15 (Applause.)

16 HEARING OFFICER: Next is Julie  
17 Kinzelman. And after Julie, Ann Brodek, Laurie  
18 Longtine, and Angelo Trentadue.

19 DR. KINZELMAN: Hi, my name is Julie  
20 Kinzelman. I am the laboratory director for the  
21 City of Racine Health Department and a research  
22 scientist, and our work around the state and in  
23 Racine focuses on water quality.

24 And I think the DNR, I think they had a  
25 large task to try to assemble whatever existing

1 data there was on the Root River. As Bill Sasse  
2 said, we had recently had a watershed restoration  
3 plan developed for the Root River in helping to  
4 accumulate that data with the Milwaukee  
5 Metropolitan Sewerage District and the U.S. YES. I  
6 know how hard it is to try to find existing data,  
7 and I also know that in many segments of the Root  
8 River, that there is very little data.

9 So in making a determination that there  
10 would be no adverse impact on the Root River and on  
11 Lake Michigan, it leads me to wonder on where the  
12 amount of data that that information was drawn and  
13 knowing that it was very difficult in some places  
14 for us to find data and that there was little that  
15 existed.

16 For example, Melissa Warner spoke about  
17 having increased flow and adverse impacts due to  
18 flashiness and the potential for that extra flow to  
19 transport materials like nutrients, bacteria,  
20 suspended solids. So in areas where there is  
21 little flow, things may remain in place, versus if  
22 you have increased flow, anything that's remaining  
23 in place will now be transported to downstream  
24 locations.

25 So while the gentleman that spoke to

1            fisheries, you know, the increased flow quantity  
2            might be good. I don't know that there is enough  
3            information available to look at the movement of  
4            sediment-bound things, like phosphorous, bacteria,  
5            and things like that, because we know when we  
6            monitor coastal recreational water quality, that  
7            anytime that we had a push of water from a  
8            tributary, it's high in sediments, it's turbid, it  
9            carries a lot of pollutants, including those that  
10           cause recreational water quality advisories, not  
11           just in Racine, but also in Kenosha, in Milwaukee,  
12           and all around the state. So that's something to  
13           consider.

14                    Also, in releasing treated effluent to  
15           the Root River, that would cause the utility in  
16           Waukesha to make upgrades to reduce temperature,  
17           phosphorous, chloride. Achieving those standards  
18           is not something to be taken lightly. We need to  
19           consider, you know, if they achieve that, you know,  
20           how is that sustained? What would happen -- if  
21           there are any infrastructure breakdowns, what would  
22           happen to that effluent that comes into the Root  
23           River?

24                    And also it was noted that a great  
25           portion of the summer base will be treated

1 effluent. So one of the things that I've heard  
2 often in public meetings is that because there's a  
3 greater amount of water within the tributary, that  
4 will provide a dilutional effect.

5 Well, if 80 to 90 percent of the base  
6 flow of the water within the tributary is treated  
7 effluent that might be high in phosphorous or have  
8 some other constituents, it's not really going to  
9 be diluted by any existing water within that  
10 tributary; and therefore, the base flow will be  
11 sediments found in materials that I haven't heard  
12 in any meetings that there's really a monitoring  
13 plan in place.

14 When it was asked at a public meeting  
15 previously, to the City of Waukesha, what kind of  
16 program do you have in place for monitoring to  
17 determine areas where there's little data existing  
18 and future data, you know, they said, well, we'll  
19 think about it if we get the diversion.

20 So I think that's not the thing. In  
21 looking at monitoring water quality, I need to know  
22 what exists now and have a plan moving forward.

23 (Applause.)

24 HEARING OFFICER: Next is Ann Brodek. Is  
25 she not here?

1                   A MAN:    She left.

2                   HEARING OFFICER:   Okay.   Laurie Longtine.

3                   MS. LONGTINE:    Hi again.   I'm Laurie  
4                   Longtine.   My husband and I live in the Town of  
5                   Waukesha and have so -- have lived in there for 22  
6                   years, the highly -- in the highly controversial  
7                   expanded water service area, a stone's throw from  
8                   the Town of Genesee, another area also in the  
9                   expanded service area.   We've lived in -- we lived  
10                  in the City of Waukesha for ten years prior to  
11                  that, so I'm well versed in the nuances of this  
12                  issue.

13                  The DNR says it looked at the expanded  
14                  water service area and determined there's no supply  
15                  of potable water.   This comes as quite a surprise  
16                  to my husband and myself, as our private well and  
17                  septic system have served us quite well for these  
18                  last 22 years and his parents the 35 years before  
19                  that -- we live -- we bought their house -- and our  
20                  neighbors and our fellow Town of Waukesha  
21                  residents, all of whom enjoy plentiful, clean water  
22                  that is recyclable and quite sustainable, in that  
23                  it is replenished by rainfall.

24                  And by the way, this is my Waukesha well  
25                  water.   Absolutely delicious.   I've been drinking

1           it all day.

2                     Understand this about the water -- the  
3           expanded water service area. It adds 17 square  
4           miles to the City of Waukesha's current water  
5           service area, almost doubling it in size. It  
6           includes portions of the Towns of Genesee and  
7           Delafield and a chunk of the City of Pewaukee. It  
8           includes all of the Town of Waukesha.

9                     All of the expanded water service area,  
10          towns and cities alike, are on private wells and  
11          septic. Zoning is one to two acres minimum, enough  
12          to support this kind of a system. There is not  
13          widespread contamination of these wells, nor a  
14          dwindling water supply. There is no way that an  
15          overturned rail or road tanker could contaminate  
16          the entire Town of Waukesha, much less all four  
17          separate communities, because they're spread out  
18          and ring the City of Waukesha on all four sides.

19                    That's no way that these areas can comply  
20          with the Great Lake Compact -- Great Lakes  
21          Compact's requirement to employ water conservation,  
22          because without a central water supply point,  
23          there's not even a way to measure the water we use,  
24          much less measuring any conservation.

25                    In 1998, when SEWRPC set the boundaries

1 of the much touted sewer service area, no one in or  
2 out of the expanded water service area, or SEWRPC,  
3 for even that matter, could imagine that 15 years  
4 hence, they'd be put in the City of Waukesha's  
5 water service area and made part of an application  
6 for water to be diverted from the Great Lakes over  
7 the subcontinental divide.

8 No public input then, and none in 2008  
9 when SEWRPC again arbitrarily dumped these areas  
10 into the water service area, citing Wisconsin  
11 statute, also passed in 2008, that said the water  
12 service and sewer service areas must match.

13 The City of Waukesha claims that this  
14 expanded water service area is not about growth.  
15 Not true. The proof is in the city's own plan to  
16 develop a Bluemound-style industrial and commercial  
17 corridor all along Highway 164, stretching 5 miles  
18 from 59 on the south of Waukesha --

19 A MAN: What don't you understand about a  
20 red sign?

21 MS. LONGTINE: Okay. Thank you.

22 -- to I-43 in the south. This is the end  
23 game that no one is copping to, but the tax-paying  
24 and rate-paying burden --

25 A MAN: I guess you didn't hear too well.

1 MS. LONGTINE: -- of which will weigh on  
2 the backs of the City of Waukesha residents and  
3 their children and grandchildren for decades to  
4 come.

5 HEARING OFFICER: I'd like to just  
6 mention, we do have the cards up here. We'd like  
7 you to observe the time limits, just because  
8 everyone's being kept to the same time limit. And  
9 you can submit written comments of whatever length  
10 that you want to.

11 Next is Angelo Trentadue. And after  
12 Angelo, we have Alice Erven, Dane Anderson, and  
13 Helen Sarakinos.

14 MR. TRENTADUE: Hi. My name is Angelo  
15 Trentadue, 151 Ohio Street, Racine.

16 The wastewater is going to be returning  
17 the diversion into the Root River, and part of the  
18 reason for Waukesha doing that was for cost savings  
19 instead of doing it in another way.

20 They could have also got water from the  
21 City of Racine or the County, but chose not to go  
22 that route because it would cost more, and thus  
23 Racine County doesn't benefit from that, but we end  
24 up getting all their crap in the river. And that's  
25 why Oak Creek got the water instead of us.

1           During flood conditions, there will be --  
2           there could be raw sewage. I don't know.

3           Milwaukee Metro Sewer District ends up releasing  
4           all kinds of water into the lake, and who says  
5           we're not going to get the same thing in the Root.

6           Another thing, the Root River is half the  
7           distance from our water treatment plant to where  
8           our water is coming in and being treated for our  
9           drinking water. It's that much closer, and it's  
10          just north of the city, out in the lake where the  
11          pipes come in that we get our drinking water. So  
12          this is another major consideration.

13          By allowing a diversion, this could just  
14          be setting a precedent. At one time California  
15          wanted to pipe water out there because they didn't  
16          have enough, and that could still happen.

17          And I've been boating on the Root River  
18          since the early '70s, and I've had a moored boat in  
19          the river since '79, and I don't feel that this is  
20          a good thing for the City of Racine.

21          Our unemployment has been high, and  
22          manufacturing jobs have been lost, but we have the  
23          water, so we could take that, where Waukesha wants  
24          to continue to grow, and we need the growth more  
25          than they do.

1                   Pharmaceuticals are being found in the  
2                   water being treated by the water treatment plants,  
3                   and that is something new, and that may be a  
4                   problem for our water coming into that, especially  
5                   seeing as how it is being so close to our drinking  
6                   water coming in.

7                   So I urge you to vote against this  
8                   proposal.

9                   And also, they gave us this time in the  
10                  early part of the meeting just asking questions,  
11                  so -- and those aren't going to be heard. You have  
12                  to submit your proposals, your questions, and make  
13                  sure they're heard, because that part wasn't being  
14                  recorded. Thank you.

15                  HEARING OFFICER: Next is Alice Erven.

16                  MS. ERVEN: Thank you for holding this  
17                  hearing. My name is Alice Erven, and I would like  
18                  to speak to you as a child who grew up playing on  
19                  the shores of Lake Michigan, as did the five  
20                  previous generations of my Wisconsinite family.

21                  I am speaking to you as a mother, a  
22                  teacher, a homeowner in the City of Racine, a  
23                  taxpayer, and a representative of my four-year-old  
24                  daughter, who is one of the children that all these  
25                  speakers are talking about.

1           She's four years old, and I do not want  
2           her having an increased risk of cancer, fertility  
3           problems as an adult, or any other health problems  
4           that we don't know about because we are taking  
5           people at their word that we can't prove. She is  
6           the one who will pay the real price of your mistake  
7           if you ignore the laws of nature and sell our water  
8           to other places who fail to heed nature's warning  
9           signs.

10           Industrial and residential expansion is  
11           not a sound cause to usurp the rules of the compact  
12           that was put into federal law. If the worry  
13           about -- worry about alternative flowage source is  
14           the wetlands south of Waukesha, why is it  
15           continually allowed to be built upon?

16           The Root River that feeds into our lake  
17           would be the means of transporting wastewater from  
18           Waukesha County. The Root has had a serious  
19           problem with phosphorous and pollution, and there  
20           is no concrete evidence to date that would prove  
21           beyond a shadow of a doubt that this diversion  
22           would not cause environmental problems with  
23           pollution, overflow flooding, or anything else in  
24           the surrounding areas of Racine County.

25           Your own colleague, who studied the Root

1 River, could not give us a finite answer as to what  
2 the potential problems pharmaceuticals coming  
3 through this flowage would cause to our community.

4 In allowing an outlying community to draw  
5 upon Lake Michigan's water, it sets an extremely  
6 dangerous precedent for all other communities who  
7 want to follow suit. According to the Sierra Club  
8 of Wisconsin, quote, "The Townships of Waukesha,  
9 Genesee, and Delafield have not demonstrated the  
10 need for alternative water supplies, nor are they  
11 meeting the other compact provisions, such as  
12 implementing meaningful water conservation programs  
13 prior to requesting a diversion. There are more  
14 fiscally responsible methods of water conservation  
15 and usage that are not currently being imposed or  
16 implemented by the communities asking for this  
17 diversion."

18 The bottom line is that Waukesha has  
19 safe, sustainable, treatable water, and does not  
20 need to pull from Lake Michigan.

21 As the DNR, please remember that before  
22 you make your decisions, we are each individuals  
23 and human beings who deserve a clean, healthy  
24 environment.

25 Politicians in Waukesha have known for

1 years about the poor quality of their water and  
2 radon seeping through their basement floors and  
3 have not only allowed, but over -- encouraged  
4 overconstruction to continue, in spite of warnings.  
5 Now they somehow believe Racine should bail them  
6 out.

7 They may believe, because their  
8 particular political posture, they are somehow  
9 entitled to special treatment, but in the final  
10 analysis, like everyone else, those who fail to  
11 plan can plan to fail.

12 Your job is not to play favorites, and  
13 please remember who you represent and why you are  
14 allowed to represent us, and leave our lake alone.  
15 Thank you and good night.

16 (Applause.)

17 HEARING OFFICER: Next is Dane Anderson.  
18 Or it could be Diane Anderson. Anyone named  
19 Anderson?

20 (Laughter.)

21 HEARING OFFICER: Helen Sarakinos,  
22 followed by Peter McAvoy, Mercedes -- I can't read  
23 the last name -- and Wendy McCalvy.

24 MS. SARAkinOS: Good evening. My name is  
25 Helen Sarakinos. I'm with the River Alliance of

1 Wisconsin.

2 The River Alliance is a statewide river  
3 conservation group. We're a member of the Compact  
4 Implementation Coalition, and more personally, I  
5 worked closely for seven years with the City of  
6 Racine on the revitalization of its riverfront.

7 The River Alliance echoes many of the  
8 concerns that the compact has communicated, but I'm  
9 going to take my three minutes to focus  
10 specifically on return flow.

11 We've heard a lot about how the return  
12 flow will benefit the low flows of the Root River  
13 at the point of return, and this might be a  
14 legitimate consideration if we're only looking at  
15 water flows. But the reality is, wastewater  
16 treatment is not going to take care of all of the  
17 contamination or all the pollutant issues.

18 Both DNR and EPA have found that the  
19 discharge will potentially result in, and I quote,  
20 "A significant lowering of water quality for some  
21 of the discharge pollutants." And we're looking  
22 specifically at temperature, phosphorous, and  
23 chlorides.

24 DNR's own analysis shows that Waukesha's  
25 wastewater discharge will not meet temperature

1 standards for the Root River for the hottest parts  
2 of the year -- sorry, I've got an eye watering up  
3 all of a sudden -- and will have a difficult time  
4 meeting phosphorous and chloride standards without  
5 significant effort and upgrade to its facilities.

6 Waukesha will need to ensure that its  
7 discharge does not result in any backsliding of  
8 water quality and water quality improvements in the  
9 Root River.

10 The federal compact language is  
11 unequivocal about the need for this. Any  
12 approvable diversion must, and I quote, "Protect  
13 and sustain physical, chemical, biological  
14 integrity of the receiving water and consider  
15 potential adverse impacts due to changes in both  
16 temperature and nutrient loadings."

17 Many of the water quality concerns that  
18 we are looking at will need to be addressed before  
19 Waukesha gets its state permits to discharge  
20 wastewater. We're glad to hear that the WPDES  
21 permit will need to be granted prior to any final  
22 diversion approval.

23 We do, however, remain concerned about  
24 the fact that the other states will not have a  
25 chance to evaluate whether Waukesha will meet its

1 obligation under the compact to protect receiving  
2 water, since they will need to approve this  
3 diversion years before that WPDES permit will ever  
4 be completed.

5 The application also proposes to return  
6 almost 100 percent of the water it diverts back to  
7 the Great Lakes, which will be possible in ideal  
8 climatic conditions. However, Waukesha will only  
9 be held accountable to return 86 percent, as the  
10 DNR and Waukesha have calculated a consumptive loss  
11 of 14 percent.

12 That means during drought years and low  
13 water years, they will not be required to return  
14 100 percent of the water, and I think it's  
15 important that we recognize this as another  
16 consideration. It's 86 percent they will be  
17 required to return, even though they are stating an  
18 ideal situation of 100 percent.

19 Waukesha's wastewater discharge will make  
20 up anywhere from a third to up to 80 to 90 percent  
21 of the discharge during low flow months. This  
22 could pose a risk for recreational use. State law  
23 currently requires bacterial testing, but not the  
24 testing of viruses and pathogens that could  
25 otherwise make recreational users sick in the Root

1 River. This is another concern.

2 And finally, because the discharge will  
3 be a new discharge into a river that's already  
4 impaired by water quality, these issues must all be  
5 resolved before the discharge permit is given to  
6 Waukesha and before their very first day of  
7 discharging, and we just want to reiterate that we  
8 are concerned that that does indeed happen. Thank  
9 you.

10 (Applause.)

11 HEARING OFFICER: Next is Peter McAvoy.

12 MR. McAVOY: Good evening. I'm Peter  
13 McAvoy. I'm a member of the Compact Implementation  
14 Coalition.

15 AUDIENCE MEMBER: We can't hear you.

16 AUDIENCE MEMBER: Microphone.

17 MR. McAVOY: I'm a member of the Compact  
18 Implementation Coalition.

19 And first, I want to thank the DNR for  
20 hosting this, and I also want to applaud the staff  
21 for the professionalism that they've exhibited over  
22 the last several years in going through this  
23 process. It's quite complicated and quite  
24 controversial, and we appreciate that. We may  
25 disagree with your decisions, but we appreciate

1 your professionalism.

2 I'm coming at this right now from the  
3 perspective that there's a lot of new information  
4 that has been provided to the department, and some  
5 of it fairly recently, and very significant  
6 information. Some of it has been collected but  
7 hasn't been publicized that effectively until  
8 recently.

9 But one important new feature is a water  
10 supply alternative that we have supported, our  
11 coalition has supported, and it is now before -- it  
12 is part of the record for the Department of Natural  
13 Resources. It has not yet been considered as part  
14 of the environmental impact statement or the  
15 technical review.

16 We also are aware of the fact that a  
17 number of changes have occurred in the natural  
18 environment, including, importantly, the rebounding  
19 of the water levels in the deep aquifer, which is a  
20 very important and new development, relatively new  
21 in the sense of public information, but has in fact  
22 been going on for a number of years. But it was  
23 never considered by the SEWRPC when it was  
24 developing its Regional Supply Plan.

25 There have been new models that have been

1 developed in the meantime that were also not used  
2 or employed by the SEWRPC as it was developing it's  
3 Regional Water Supply Plan.

4 All of this information now is before the  
5 Department of Natural Resources, and I guess one  
6 thing that I would strongly recommend is to cure  
7 the defects already in the DEIS and the technical  
8 review by adequately considering this information.

9 It will take time, but you know, Waukesha  
10 and a number of the parties have been involved in  
11 this now for almost ten years. It would be wise  
12 for the department to take the time now to look at  
13 this information. We think it would have serious  
14 impacts on your ultimate decision before moving it  
15 out of the state to the other states. It could be,  
16 I think, a really questionable thing for the state  
17 to do that at this time with this new information.

18 The one other thing I would say, to add  
19 to some of the comments about the expanded service  
20 area, that whole process is in direct conflict with  
21 the Great Lakes Compact. You know it, and we know  
22 it. And to go forward right now with that process,  
23 when the towns themselves that are included in the  
24 expanded service area do not need the water, and  
25 they've made that very clear, in fact, Waukesha

1           itself, in trying to get the towns into the  
2           expanded service area, indicated that it was a  
3           future contingency.

4                        So I would ask you to consider all of  
5           this information before moving forward. It's very  
6           fundamental.

7                        Thank you again for hosting this.

8                        (Applause.)

9                        HEARING OFFICER: Next is Mercedes -- I  
10          can't make out the last name. Sorry about that.

11                       MS. DZINDZELETA: Mercedes Dzindzeleta.  
12          And please take it off the sheet because I'm not  
13          going to take the time to spell it.

14                       Some of the things that have been said I  
15          don't need to say because many others are going to  
16          state it.

17                       A statement was made that Waukesha cannot  
18          solve its problems through conservation alone, but  
19          I'm going to read a quote from this thing that was  
20          handed today.

21                        "But Waukesha will continue to be the  
22          leader in water conservation. It has already  
23          adopted the first daytime ban in sprinkling."  
24          Finally. "The first conservation rate structure  
25          and the first toilet rebate program." Toilet?

1 Hope it's a half-a-gallon flush. "Along with  
2 public education and outreach." It's about time.  
3 "It is continuing to increase and expand its  
4 conservation efforts. Waukesha's most recent  
5 revision of its conservation plan can be found  
6 in" -- and I'll let you look at it -- "waterhome.  
7 The city's goal is to achieve 365 million gallons  
8 of measurable water savings by 2050, or an  
9 estimated 10 percent of the total water that would  
10 have been used if not for conservation."

11 Environmentally feasible? Hardly. Not  
12 at all. They're trying to save water? It's about  
13 time. They don't even worry about waste. They've  
14 been wasting too long. Now it's caught up with  
15 them. Taking 35 years to only reduce 10 percent  
16 from 2015 to 2050? I think they need to do much  
17 more. It's taking too long to face what was known  
18 for over 20 to 30 years.

19 In a previous career I had, we knew that  
20 Waukesha had trouble with their water needs at that  
21 time, and they didn't do anything, and now they're  
22 coming. I think they need to really do hard looks.  
23 They need to conserve. And how am I to believe  
24 that they will reduce their usage? They haven't in  
25 all these years.

1           How about putting wastewater back to the  
2 water plant? Many places in the world do that.  
3 What you take out, you do, as part of survival and  
4 stuff.

5           I have something to ask, and this was  
6 probably there, who pays for the diversion? The  
7 answer was the utility. Which utility? I think I  
8 heard you say that Waukesha was going to pay. But  
9 are they going to pay Oak Creek, and then are they  
10 going to pay us for treating it afterwards?

11           Also, but Waukesha would recycle high  
12 quality, treated water back to the Great Lakes  
13 Basin, ensuring no impact on the Great Lakes. Via  
14 the Root River? No, thank you.

15           And I thank you for having this hearing,  
16 and I'm sorry that many of you are gagged.

17           HEARING OFFICER: All right. We'd like  
18 to limit comments to the diversion and respect  
19 everyone here.

20           Wendy McCalvy is the next person.

21           Following Wendy, we have --

22           MS. McCALVY: Everybody has represented  
23 me fine. I don't need to say anything.

24           HEARING OFFICER: You don't need to say  
25 anything. Okay.

1           So the next three are Mary McIlvaine,  
2 Cheryl Nenn, and then George Meyer.

3           Is Mary McIlvaine here? If not, Cheryl  
4 Nenn can go.

5           MS. NENN: Good evening. Thank you.

6           Okay. Can people hear me?

7           Hi. Thanks for the opportunity again.

8           Thanks to the DNR for listening to all of us.

9           My name is Cheryl Nenn. I'm here  
10 representing Milwaukee RiverKeeper and also the  
11 Compact Implementation Coalition.

12           I'm just going to go ahead and say I  
13 agree with testimony that's already been presented  
14 by several of my colleagues, including Helen  
15 Sarakinos and Dr. Kinzelman. I just wanted to make  
16 a few additional points or maybe stress a few  
17 points that we're concerned about.

18           As Helen mentioned, Waukesha's wastewater  
19 discharge would make up about a third of the flow  
20 of the Root River at the point of discharge, which  
21 is about 60th and Oakwood, during low flow months,  
22 so largely July through October. But during  
23 drought conditions, this could be up to 80 to  
24 90 percent, and this is mentioned in the EIS.

25           We are concerned that this could pose

1 risk for recreational use, as state law currently  
2 requires bacteria testing and not testing for many  
3 other things that are likely to make people sick.

4 People also mentioned that the extra  
5 flow, so it's an additional 15 cubic feet per  
6 second or so, that there could be benefits for  
7 fish. And I think that is true, but it's also  
8 equally true that there could be water quality  
9 degradation, in particular from increased nutrients  
10 and temperature, you know, that could provide, you  
11 know, harm to fish and other aquatic life.

12 And this is also partially due to the  
13 fact of what Dr. Kinzelman was talking about, that  
14 there will be very little dilution or mixing zone  
15 during those type of conditions.

16 Because this wastewater discharge is a  
17 new discharge into an impaired waterway, it's our  
18 expectation, and I think the department agrees,  
19 that Waukesha would have to meet all of their  
20 permit limits on day one of the discharge. So  
21 we're really happy to see that. However, there's  
22 no guarantee that they'll really meet these water  
23 quality-based effluent limits on the day of  
24 discharge, at least at this point.

25 The EIS and the technical review have

1       lots of plans mentioned and plans to do more plans  
2       and plans to do engineering, but, you know, the  
3       worst possible scenario would be that this  
4       application will be sent to the region for  
5       approval, come back to the state, and not be  
6       approvable, that they wouldn't be able to get a  
7       WPDES permit. So that's a concern.

8               The Fox River, which some have talked  
9       about, will see about a two to three million gallon  
10      per day reduction in flow, which is about a  
11      15 percent reduction. This is likely to have  
12      significant impacts on fisheries and mussels and  
13      aquatic life during the very low flow periods, so  
14      very close to what we have now, and we would  
15      support recommendations by SEWRPC and others that  
16      those impacts should be better studied and  
17      mitigated, if possible.

18              I would also agree with some other  
19      speakers tonight that it would be great if Racine  
20      could get some additional funding for monitoring,  
21      especially given the fact that, you know, this  
22      river is going to have 80 to 90 percent of treated  
23      effluent during drought conditions. It seems like  
24      that's a very reasonable request by the City of  
25      Racine.

1                   And that, you know, impacts to the Root  
2 River should be mitigated as much as possible.  
3 Maybe there could be pretreatment wetlands or  
4 something else that could be constructed prior to  
5 the discharge location.

6                   Lastly, I'd just say from a flooding  
7 perspective, you know, a quarter of an inch is  
8 pretty minimal. However, it may not be minimal to  
9 people who are already flooding.

10                   I know as an environmental group, if we  
11 take out a dam or a drop structure or do another  
12 type of improvement, we have to show that there's  
13 no increase in water levels. We can't increase  
14 water levels more than a hundredth of an inch. And  
15 so I'm a little confused of why a diversion that  
16 adds .24 inches wouldn't have to essentially meet  
17 those same -- those same standards or they wouldn't  
18 have to show the number of impacted structures.

19                   In closing, I would just say, you know,  
20 the Great Lakes, they are vast, but they're not  
21 infinite. As other speakers have mentioned, only  
22 1 percent of the Great Lakes are renewable each  
23 year by rainfall and snow melt. And so if we take  
24 out more than that 1 percent, you really threaten  
25 the long-term viability of this resource. And so

1 in that context, we are very concerned about  
2 cumulative impacts, and we'd ask you to deny this  
3 current diversion request. Thank you.

4 (Applause.)

5 HEARING OFFICER: Next is George Meyer.  
6 And following George, David Hecht, Jean Verber, and  
7 Todd McMahon.

8 MR. MEYER: Good evening. George Meyer,  
9 representing the Wisconsin Wildlife Federation from  
10 Madison, Wisconsin.

11 The Wildlife Federation is comprised of  
12 190 hunting, fishing, and trapping groups  
13 throughout the state, including many Great Lakes  
14 sport fishing groups.

15 And the reason we are here is because of  
16 the Great Lakes Compact. We are strong supporters  
17 of that compact to protect the great natural  
18 resource, our Great Lakes, and we want to make sure  
19 that it's properly implemented so that it will  
20 remain in place.

21 I've testified previously -- we have  
22 testified previously about the cheaper and better  
23 alternative that the City of Waukesha has to meet  
24 its water supply needs because of the radium  
25 problem, and I'm not going to go into that again,

1 but at this hearing I'd like to focus on the  
2 language of the Great Lakes Compact that we're  
3 dealing with, quote, "A community in need."

4 The compact basically prohibits diversion  
5 of water outside of the Great Lakes Basin. There  
6 is an exception, a narrow exception, for diversions  
7 to community in need. To a common layperson, that  
8 means a community that needs water because it  
9 doesn't have enough quantity of the water currently  
10 to meet its customers and citizens, or that water  
11 is too contaminated to be used. But that is not  
12 what Waukesha's application is all about.

13 It does have a contaminated water supply,  
14 but that can be corrected with currently available  
15 radium treatment, like many other cities are using.  
16 That means no further need. It is not a community  
17 in need according to its current sewer service  
18 area.

19 I've been sitting at these hearings for  
20 the last two days. I've been reading all of the --  
21 hearing all the testimony and reading -- have done  
22 a lot of the reading, and my conclusion is what  
23 this is all about is to furnish a long-term  
24 expansion and development program for the City of  
25 Waukesha. It's a 40 percent increase in the water

1 supply service area.

2 Wisconsin's compact implementation law  
3 that allows such an expansion makes the compact  
4 definition of a community in need stand on its  
5 head. What if they had come in with an 80 percent  
6 increase? Would it still be a community in need?  
7 According to our implementation statute, yes, but  
8 that's not what was intended. We all know that was  
9 not what was intended by the Great Lakes Compact.  
10 To allow people outside of the basin to get water,  
11 they had to have a current serious problem.

12 Approving Waukesha's application may  
13 comply with the Wisconsin law, but it would violate  
14 the compact. Please take that into consideration  
15 and look at the alternatives that meet the compact.

16 And if I could have ten more seconds, I  
17 would like to address the staff that are here  
18 tonight. Like Peter, you have been extremely  
19 professional over the last several years working on  
20 that, you have done an outstanding job of working  
21 with concerned citizens, and you have held  
22 excellent hearings. You just have a bad law to  
23 work with. But thank you very much for what you've  
24 done.

25 (Applause.)

1 HEARING OFFICER: Next is David Hecht.

2 A MAN: He left.

3 HEARING OFFICER: He left. Jean Verber?

4 MS. VERBER: My name is Jean Verber. I  
5 live at 718 Lake Avenue here in Racine.

6 I was part of a committee in '07 and '08  
7 that worked very hard to get the Great Lakes  
8 Compact passed. We actually were part of an  
9 advocacy group working with environmental groups  
10 and public officials of the eight states that  
11 surround the Great Lakes, and the whole idea was to  
12 acknowledge the fact that 20 percent of the fresh  
13 water of the world is situated right here.

14 In these past years, we've seen water  
15 resources in many parts of the world slowly fading  
16 away because of climate change and global warming,  
17 and so we have a treasure here that it is mandatory  
18 that we stay committed to the terms of the  
19 contract -- compact in order to preserve what we  
20 have here.

21 As we understand it, it does not meet the  
22 request that has come from Waukesha, does not meet  
23 minimum requirements of the compact. This kind of  
24 a request can only be granted, for example, if, as  
25 the gentleman just before, it is shown to be the

1 last resort, not a preferred option for acquiring  
2 water for a region.

3 Other requirements related to the area to  
4 be served, the cost factors, adequately meeting for  
5 a growing population, the questionable safety of  
6 return waters, all point to reasons why it should  
7 be seriously questioned and possibly denied.

8 Water preservation, assurance of the  
9 purity of the water return, and sustainable for  
10 generations to come are all part of the tenets of  
11 the Great Lake Compact.

12 The Waukesha request, we believe, does  
13 not meet these standards, especially in light of  
14 other viable alternatives that are available for  
15 meeting these needs.

16 And this is not the first time I've sat  
17 in on a hearing. In 2009, Waukesha came with a  
18 similar request. And since six years have passed  
19 since that request was made, it has not been known  
20 to have any kind of major crisis that would  
21 legitimize coming back at this point to make a hard  
22 sell for getting this exception.

23 I'm concerned about the precedent that  
24 this may follow. This was a very serious and very  
25 well debated piece of legislation, and I would hope

1 we wouldn't water it down by making these kinds of  
2 exceptions. Thank you.

3 (Applause.)

4 HEARING OFFICER: Next is Todd McMahon.

5 MR. McMAHON: It's already been  
6 addressed.

7 HEARING OFFICER: Okay. Thank you.

8 So the next three commenters are James  
9 Ozzello, Dorothy Bosley Ozzello, and Ralph Packard.

10 Is James Ozzello here? What about  
11 Dorothy Bosley Ozzello? Ralph Packard?

12 MR. PACKARD: Good evening. My name is  
13 Ralph Packard. I'm a long-time resident of Racine  
14 and a boater. I live at 1540 South Main. From  
15 there, I can see the harbor. And on high flow days  
16 on the river, there's a plume, a brown plume of  
17 silt going out into the lake.

18 MS. PFEIFER: Mr. Packard, can I ask you  
19 to speak just a little louder or closer to the  
20 microphone? I realize it's not ideal.

21 MR. PACKARD: Can you hear that?

22 MS. PFEIFER: Yes, that's much better.  
23 Thank you.

24 MR. PACKARD: I asked -- I submitted a  
25 question earlier about sedimentation. Excessive

1 flow, increased flow, will increase the erosion in  
2 the river all the way from Franklin down to Racine.  
3 The City of Racine would be responsible, according  
4 to what you've said, for any dredging or any flood  
5 damage in the city.

6 I don't see how Waukesha gets away with  
7 this. They should be held responsible for any  
8 damages or conditions that result from dumping this  
9 excess water back into the river.

10 You're increasing the flow, you're  
11 doubling the flow, and that's just going to create  
12 havoc. There's boat slips that will be filled in,  
13 and who's going to pay for the dredging? That's  
14 not an insignificant cost.

15 That's -- there's other things, but  
16 that's -- I was just -- I came here tonight to find  
17 out if Racine was going to be reimbursed for any of  
18 this cost, and it sounds like it's not going to be.  
19 On the question of whether there's any  
20 sedimentation, it sounded like no, there won't be,  
21 but I don't believe that. Thank you.

22 (Applause.)

23 HEARING OFFICER: The next three are Ezra  
24 Meyer, Steve Edlund, and Dan Duchniak.

25 MR. MEYER: Hello. Ezra Meyer here with

1 Clean Wisconsin. We're a member, as folks from the  
2 department know, of the Compact Implementation  
3 Coalition out of Madison.

4 I just wanted to cover this non-diversion  
5 solution that our coalition has submitted to the  
6 department and that we really want to get into the  
7 public record for everyone's consideration while  
8 this process is ongoing and just wanted to mention  
9 some of the details about that. We've got lots  
10 more details about it on our coalition website,  
11 [www.protectourgreatlakes.org](http://www.protectourgreatlakes.org).

12 But we had to take on doing this analysis  
13 ourselves this past year because it wasn't  
14 something that Waukesha covered in its analysis.  
15 But we think that based on these problems that have  
16 been delineated by other folks about the water  
17 supply service area and how it doesn't meet compact  
18 requirements, when we took a look at that as a  
19 basis for an alternative where the area to be  
20 served would be just Waukesha's current water  
21 supply service area as a basis, again, for reasons  
22 I don't need to repeat because they've been  
23 mentioned already, we followed up a number of key  
24 assumptions that the Waukesha application itself  
25 used in assessing future demand for that area,

1 including growth in population, growth in industry,  
2 growth in commerce within Waukesha's boundaries, we  
3 followed the projections that Waukesha came up with  
4 for future water conservation savings in that area,  
5 and the amount of water that would be needed at  
6 future build-out in 2050, it ends up to be six and  
7 a half million gallons per day, so significantly  
8 less than what's asked for in the application.

9 And what we found, and there's a lot of  
10 new information, which is why we're asking the  
11 department to please consider this in the next  
12 stage of the process, is that that level of demand  
13 can easily be met with existing wells that the city  
14 already owns and operates, some of them shallow  
15 aquifer, some of them deep aquifer, and using the  
16 same peaking ratio as Waukesha used in terms of  
17 peak level demand, beyond those average-day levels  
18 that we're talking about, it's six and a half.

19 The only thing that's required is  
20 investment in additional treatment to meet the  
21 radium requirements that Waukesha currently doesn't  
22 meet, but after 2018 is required to meet. And the  
23 cost ends up being half of what the costs are that  
24 Waukesha estimated for the diversion. Following  
25 the same protocols for assessing those costs, we

1           came to those numbers.

2                       The other important thing the  
3           department -- Shaili mentioned in her presentation  
4           about the potential impacts from shallow wells to  
5           wetlands, but our solution has no additional wells  
6           for the city, so there are none, zero of those  
7           wetland impacts.

8                       The other thing that's important to  
9           mention is, of course, the concern around the  
10          impacts on the deep aquifer. At the level of  
11          pumping that's built into our scenario, the deep  
12          aquifer will continue to either be stable or to  
13          rebound, as it has been doing in recent years. So  
14          that that, in our mind, is a sustainable level of  
15          use of that deep aquifer as part of this solution  
16          going forward.

17                      So we just want to get that information  
18          out there and always do what we possibly can.  
19          Obviously, it's in the department's hands, but for  
20          the benefit of those that came up and took time  
21          away from their evenings tonight, we want to get  
22          that information out there for everyone's  
23          consideration. And we think it's a reasonable  
24          water supply alternative that needs consideration,  
25          and frankly, leads to an answer of a denial here on

1 the application as it's been submitted. Thank you.

2 (Applause.)

3 HEARING OFFICER: Steve Edlund.

4 MR. EDLUND: Good evening. My name is  
5 Steve Edlund. I live at 426 Prospect Avenue in  
6 Waukesha.

7 I testified in the Waukesha hearing as a  
8 member of the -- as a user of the Waukesha Water  
9 Utility. Tonight I'm here as an elected official,  
10 which I'm pretty disappointed in, that the DNR gave  
11 preference to all the elected officials in Waukesha  
12 except school board members. Okay? I represent  
13 the school district that encompasses the entire  
14 service area that's proposed. I was not invited as  
15 an elected official.

16 HEARING OFFICER: We only know you're  
17 elected if you put it on your form. That's why --  
18 otherwise we would have.

19 MR. EDLUND: Nobody notified me of that  
20 at the beginning.

21 HEARING OFFICER: Okay.

22 MR. EDLUND: Okay. Anyway.

23 HEARING OFFICER: Sorry about that.

24 MR. EDLUND: Thank you. Our school  
25 district covers the entire service area, but not

1 everybody lives in the Waukesha Water Utility  
2 boundaries.

3 We have 12,000 students in the school  
4 district. My concern is that the DNR sued the  
5 Waukesha Water Utility for the radium level. You  
6 came to a lawsuit, and the Department of Justice  
7 satisfied this lawsuit with an agreement, a  
8 temporary solution until June of 2018. That  
9 temporary solution hasn't been working.

10 The Waukesha Water Utility files a report  
11 annually with the DNR, and we've exceeded that  
12 radium level every single -- we haven't had a  
13 single year where we've been fully compliant.

14 So as a school board member, what am I  
15 supposed to be telling these parents who don't get  
16 an annual report from the Waukesha Water Utility?  
17 Should we hang signs above our water fountains that  
18 say, we might have radium in our water this day,  
19 which can be a cancer-causing agent, so drink at  
20 your own risk?

21 As a school board member, I'm going to  
22 have to bring this up as an issue with our safety  
23 committee. And I intend to introduce action on  
24 ways that we're going to have to address this with  
25 our parents. Because the DNR is telling us that

1 the application of approval, because Waukesha  
2 doesn't have a safe supply of potable water, that's  
3 simply not true.

4 If we installed radium filters, HMO  
5 filters on all of our aquifers, this lawsuit would  
6 have been settled years ago. But the utility does  
7 not want to spend the money on those filters  
8 because they're pursuing Lake Michigan water for  
9 quantity, not quality.

10 So am I supposed to take risk that the  
11 12,000 students in the school district, if the  
12 application is approved, are going to be at risk  
13 for another two years, because this solution can't  
14 be met by the June of 2018 deadline.

15 You've put me in a real pickle. I'm  
16 going to have to bring this up as a school board  
17 member. Thank you.

18 (Applause.)

19 HEARING OFFICER: Next is Dan Duchniak.

20 MR. DUCHNIAK: Good evening. My name is  
21 Dan Duchniak. I'm the general manager of the  
22 Waukesha Water Utility.

23 First off, I would like to applaud the  
24 DNR and the DNR staff here tonight for listening  
25 and taking the opportunity to listen to the public,

1 and I'd also like to thank the public because --  
2 for providing input, because it's only going to  
3 make our application better.

4 That being said, I did not plan to  
5 testify here tonight, or today, at all, but I'm up  
6 here to just provide some clarifying points, and  
7 I'm going to concentrate on return flow, because  
8 that seems to be many of the comments that were  
9 made.

10 I've heard -- like I said, we've heard a  
11 lot of comments, and we will respond to those  
12 comments in our written comments and then resubmit  
13 to the DNR.

14 First off, we plan on providing  
15 1 million gallons of measurable conservation with  
16 regards to our application. That was in our  
17 application, and we submit regular reports to the  
18 DNR and SEWRPC with regards to that measurable --  
19 measurable conservation that we have.

20 I'd like to point out once again that  
21 95 percent of the dischargers in the state  
22 discharge to local rivers and streams. So this is  
23 not something new, discharging to the Root River.

24 We won't harm Lake Michigan because we  
25 will return all the water to the lake. So we will

1 take out and we will return approximately 100  
2 percent. We did a study over the last eight years  
3 and found that we would return between 99.8 and  
4 100.6 percent of the water.

5 We recognize that there are flooding  
6 events, and there are ways to potentially mitigate  
7 that, but we looked during flooding events, and  
8 it's less than one-tenth of 1 percent of the water  
9 that's flowing down the river at that time during  
10 the flooding events.

11 The return will also prevent invasive  
12 species. We have advanced treatment with filters,  
13 and we provide that advanced treatment, and we will  
14 return a high quality effluent that will prevent  
15 the invasive species from entering the Great Lakes.

16 There will be no raw sewage coming down  
17 the Root River. I know that there was mention of  
18 the raw sewage, but there is no -- there is no  
19 combined sewers in the City of Waukesha, and the  
20 only possible water that could come back, from an  
21 engineering perspective, would be water that is  
22 fully treated to the standards.

23 We've heard too that we will improve the  
24 fisheries and fishing opportunities on the Root  
25 River. DNR and SEWRPC reviewed some of their

1 models to show that we can -- DNR and SEWRPC have  
2 been looking to augment flow on the Root River for  
3 a number of years, since the 1950s, and we can  
4 accomplish that. They haven't been able to  
5 accomplish that because of dollars.

6 The city has used a DNR- and  
7 SEWRPC-approved model to evaluate nutrients and  
8 sediments, and the conclusion -- the conclusion is  
9 that we will improve water quality for nutrients on  
10 the Root River.

11 We did negotiate with the City of Racine.  
12 Unfortunately, we couldn't come to an agreement  
13 with them because they couldn't overcome the costs.

14 And in conclusion, I will say we're happy  
15 to work with the local partners on the Root River  
16 to accomplish some of the improvements that have  
17 been identified. Thank you.

18 HEARING OFFICER: There were at least a  
19 couple of people who I called their names earlier.  
20 I'm just going to check one last time to see if  
21 they're here. Ann Brodek? And Diane Anderson?  
22 No?

23 (No response.)

24 HEARING OFFICER: Okay. Then is there  
25 anyone else that wishes to speak that has not yet

1 given a comment?

2 (No response.)

3 HEARING OFFICER: If not, then I would  
4 like to remind you that DNR will take written  
5 comments until August 28th.

6 And I'd like to thank you all for coming.  
7 I'd like to thank you for all being respectful of  
8 all the speakers. And the record is now closed for  
9 the hearing but will remain open for the receipt of  
10 written comments.

11 (Concluded at 8:22 p.m.)

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1 STATE OF WISCONSIN )  
 ) SS  
2 MILWAUKEE COUNTY )

3 I, JULIE A. POENITSCH, RPR/RDR, Certified  
4 Realtime Reporter, and Notary Public in and for the  
5 State of Wisconsin, do hereby certify that the preceding  
6 public hearing was recorded by me and reduced to writing  
7 under my personal direction.

8 I further certify that said public  
9 hearing was taken before me at the RACINE MASONIC  
10 CENTER, 1012 Main Street, Racine, Wisconsin, on the 18th  
11 day of August, 2015, commencing at 6:33 p.m. and  
12 concluding at 8:22 p.m.

13 I further certify that I am not a  
14 relative or employee or attorney or counsel of any of  
15 the parties, or a relative or employee of such attorney  
16 or counsel, or financially interested directly or  
17 indirectly in this action.

18 In witness whereof, I have hereunto set  
19 my hand and affixed my seal of office at Milwaukee,  
20 Wisconsin, on this 31st day of August, 2015.

21

22

23

\_\_\_\_\_  
JULIE A. POENITSCH - Notary Public  
In and for the State of Wisconsin

24

My commission expires January 25, 2019.

25

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