

Public Hearing

Transcript of Proceedings Taken on:

August 17, 2015



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WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Public Hearing regarding the
City of Waukesha's Lake Michigan
Diversion Application



Transcript of Public Comments

Monday, August 17th, 2015

at

CARROLL UNIVERSITY - CENTER FOR GRADUATE STUDIES
2140 Davidson Road
Waukesha, Wisconsin

Reported By: Wendy L. Hanneman, RPR

1 TRANSCRIPT OF PROCEEDINGS

2 MS. PFEIFFER: So the next question I've
3 got here is, "What are nondivergent water solutions
4 that you may be considering that are cost
5 effective, and how's your radium abatement handled
6 in your proposal for the Compact requirements?"

7 So this is pretty similar to the last
8 question. So, again, with -- there were, ah, four
9 of the six alternatives had no Lake Michigan water
10 in it. So those were all alternatives that were
11 looked at to determine if they were reasonable or
12 not. And the Department determined that they
13 weren't reasonable. Um, and in the alternative
14 that includes the deep aquifer, that alternative
15 includes radium treatment. Um, all the
16 alternatives were determined to meet state and
17 federal Safe Drinking Water Act requirements. So
18 from a public health perspective, they were all
19 considered to be okay, but based on the
20 environmental impacts from that, they were
21 determined to not be reasonable alternatives.

22 This next question is, "What did you mean
23 by opportunity for legal remedy along the way?"
24 So, um, with that, that just means that depending
25 on whether it's at the state level a decision is

1 made, or at the federal level, um, that there's an
2 opportunity to contest that in state or federal
3 court. So these are, you know, these are legally
4 made decisions, and so if, um, somebody disagrees
5 with the decision that's made, they can contest
6 that in court.

7 "Waukesha has said they will ask the courts
8 for an extension of the June 2018 court order and
9 stipulation to be radium compliant at all points
10 entering the system. What will Waukesha do to be
11 radium compliant if the request is not granted?"
12 That's really outside of the scope of the
13 diversion, um, the diversion request and what we're
14 considering tonight, so I don't really have an
15 answer to that one.

16 The next one is, "Why is 1.5 million
17 gallons a day not treated?" So Waukesha is
18 currently under a court order that they have to be
19 fully compliant by 2018. And at this point,
20 Waukesha hasn't put treatment in to be able to, um,
21 make that 1.5, um, treated. They're saving the
22 money to put that towards their long-term solution.
23 So that's why that's sort -- that's sort of their
24 clarification on that.

25 And then, "How much water is used for

1 lawns, businesses or other water use which cannot
2 be returned and goes into the Mississippi Water
3 Basin?" Um, this is really the question of what's
4 the consumptive use that the City of Waukesha has
5 got. And I think it's around 12 percent. Um,
6 somebody else did that part of the review, so,
7 they'll address that if I got that wrong.

8 All right. So then this next question I
9 have is, "Why was the nondivergent solution
10 proposed by the Compact Implementation Coalition
11 not included in the alternatives considered?" Um,
12 well, the first part to that is that that's -- that
13 alternative was put together and provided as a
14 comment to the DNR after we released the technical
15 review and the draft EIS. So that's sort of the
16 first part to that answer. The second comment I'll
17 make on that is that that alternative, um, includes
18 a demand, ah, projection based on the current
19 service area rather than the proposed water supply
20 service area.

21 So that was a water supply service area was
22 proposed or was delineated by the Southeast
23 Wisconsin Regional Plan Commission. Um, and the
24 state statute requires, um, that we look at a water
25 supply service area plan with a planning area

1 developed by the Regional Plan Commission. So, um,
2 the alternative that's closest in the application
3 is this deep and shallow aquifer alternative. Um,
4 but that's -- that alternative is similar, but it
5 includes a bigger demand than -- and, um, includes
6 greater impacts to wetlands and the shallow
7 aquifer.

8 And with that, I'm going to turn it over,
9 and I think for press purposes I was asked to
10 reiterate that I'm Shaili Pfeiffer. And we'll get
11 -- um, another DNR staff person is going to come
12 up and provide, um, some additional answers to
13 questions. If you still have questions, you can
14 keep turning those in. And then you guys can just
15 identify yourselves.

16 MR. SIEBERT: Hello, I'm Dave Siebert,
17 I'm the bureau director for DNR's Environmental
18 Analysis program, and there's one question on the
19 EIS. "Was energy use looked at in the EIS?" And
20 the answer is yes. Chapter 4 has several
21 subsections for each one of the alternatives, and
22 one of the topics that's covered for each one of
23 those alternatives is the energy use.

24 MR. FUCHSTEINER: Hi, I'm Chris
25 Fuchsteiner with the Water Use Section in the

1 Wisconsin DNR, I have a couple questions here. One
2 was, "In developing the plan, what type of land use
3 is planned for areas not currently served by water
4 utility?" And, ah, the answer, I can't give
5 specifics, but the plan doesn't change anything in
6 the comprehensive plans. So the land use used in
7 any sort of projections were -- were the land use
8 that was planned in the applicable comprehensive
9 plan, either the town, city or county.

10 Secondly, "Did the Department consider any
11 other potential scenarios for future water supply
12 service areas for the Waukesha Water Utility
13 besides the submitted water supply service area?"
14 Um, the answer to that would be no. The statute
15 has SEWRPC delineate the area and submit it to us,
16 and SEWRPC did that according to the statute and
17 that's what we're considering.

18 MS. CLAYTON: Hi, my name is Nicki
19 Clayton, I'm with the Water Use Section, and I was
20 responsible for compiling all the return full
21 sections. I have a question here that says, "Waste
22 water that is returned to Lake Michigan is treated,
23 what will it be treated with?" All of the
24 municipalities that service waters in the State of
25 Wisconsin are required to have high-quality waste

1 water treatment.

2 And the next question is, "What assurance
3 is there that it won't negatively impact the Root
4 River and Lake Michigan?" We develop water quality
5 standards in Wisconsin which we put in as water
6 quality criteria into waste water treatment
7 permits. And Waukesha, the City of Waukesha, if
8 approved for a diversion, will need to get a new
9 permit, and it will need to meet the water quality
10 standards.

11 MR. EBERSBERGER: Hi, I'm Eric

12 Ebersberger, I work with the Department of Natural
13 Resources. Question states that, "Articles
14 critical of the diversion claim Waukesha will be
15 unable to return water commensurate to its usage.
16 Is there any signs to support these claims, and,
17 regardless, will these claims impede the approval
18 of the diversion?"

19 What I would say is that the Compact puts
20 forward criteria for exceptions to the ban on
21 diversions, and those criteria include, um, that
22 any water withdrawn must be returned less an amount
23 for consumptive use, and that you must maximize the
24 amount of water that's returned to the Great Lakes
25 Basin and minimize the amount of water from the

1 Mississippi Basin that would be returned to the
2 Great Lakes, and that any water returned must meet
3 WPDS standards.

4 Question is, "Will there be a method for
5 future public review of ongoing compliance of
6 conditions if a diversion is granted?" If a
7 diversion were granted, any diversion approval
8 would require annual reporting. Um, the DNR would
9 make those annual reports available on its website.

10 "Is there a possibility other Waukesha
11 County communities could also obtain diversions?"
12 The Compact, as Shaili explained, bans diversions,
13 with two limited exceptions. One for straddling
14 communities, communities where the political
15 boundaries of the community actually straddle the
16 Great Lakes Basin divide, and then communities in
17 straddling counties; just as Waukesha community
18 boundaries lie within the Mississippi Basin, but
19 the county straddles the subcontinental divide. So
20 the Compact itemizes strict criteria for those
21 exceptions, for meeting the exception criteria. So
22 any community meeting, either the community in a
23 straddling county or straddling community, could
24 propose a diversion.

25 "Will conditions be placed on the City of

1 Waukesha limiting future expansion of its
2 boundaries?" Not through this process, but the
3 aerial extent of the water supply service area
4 would be the limit of where Great Lakes water could
5 be, um, expanded without an additional diversion
6 request. So any -- if the diversion were approved
7 and the aerial extension of the water supply
8 service area to go beyond, that would require a new
9 diversion request.

10 "How is the water supply service area
11 approved?" The water supply service area,
12 according to Wisconsin's Compact implementing
13 statute, the water supply service area has to be,
14 the diversion area, rather, has to be consistent
15 with the water supply service area that's
16 delineated in accordance with statute. The statute
17 specifies that SEWRPC, the regional planning body,
18 has to delineate that area to be consistent with
19 the area-wide water quality management plan, more
20 specifically with the sewer service area. We also
21 require, through the water supply service area
22 planning, that those communities to be included
23 also agree to be in the water supply service area.
24 The DNR has not approved the water supply service
25 area plan; we have found the water supply service

1 area plan to be approvable with conditions. And
2 before any diversion were granted, the Department
3 would be approving the water supply service area
4 plan.

5 The question is, "What water conservation
6 measures are required from communities outside of
7 Waukesha that are included in the water supply
8 service area?" As a condition of getting any water
9 under a diversion, any Great Lakes water, those
10 communities would have to abide by Waukesha's water
11 conservation plan, which would have to meet NR852
12 standards.

13 "Why do communities outside of the water
14 supply service area need Great Lakes water?" The
15 communities inside the water supply service area,
16 we looked at the water supply service area as a
17 whole and made a determination that that area was
18 without adequate supplies of potable water. We
19 didn't make that determination based on political
20 boundaries; we were prevented by statute from
21 making those determinations.

22 And then, "How will DNR provide responses
23 to substantive questions raised during the public
24 hearing on the proposal?" The DNR is going to take
25 all comments into consideration, um, and we will

1 respond -- we will respond with written responses
2 to comments made on the Environmental Impact
3 Statement. We are going to take all comments on
4 the technical review into account. We have not
5 determined that we're going to give written
6 responses to comments on the technical review.
7 We've had several requests for that, we're taking
8 those requests under consideration, but we're not
9 making a commitment to make written responses to
10 comments made on the technical review, but we are
11 making a comment, or a commitment to taking those
12 into consideration when we revise our technical
13 review and issue a final technical review.

14 Do you have any other questions?

15 MS. PFEIFFER: Yeah. All right. I have
16 one more question here. I'm not going to read all
17 of this. Essentially, the gist of the question is
18 about the cost of providing the City of Waukesha
19 with water, and a concern about the additional, um,
20 five jurisdictions, the towns that are part of the,
21 um, service area.

22 And so the question here is, "Why were
23 these five outlying areas added to the original
24 proposal?" Um, and, actually, they were not added
25 to the proposal. The water supply service area was

1 delineated before the 2011 application was
2 submitted, and that -- and all of those communities
3 were part of the original application. So that
4 wasn't a change to add those, um, with the revised
5 application.

6 Um, with that, um, unless there are other
7 questions that have been handed in, does anybody --
8 any other questions around? Doesn't look like it.
9 So with that I'm going to turn it over to Cheryl
10 Heilman, who will start the public hearing portion
11 of the presentation.

12 MS. HEILMAN: We're going to -- um, can
13 you hear me? Am I on? Good enough? Okay. We're
14 going to -- we're going to go ahead and start the
15 public hearing process. It might take us a little
16 while to get set up, but as I mentioned, we have a
17 number of people who want to offer comments, and so
18 we want to give as many of you a chance as we can.
19 Is my tape recorder on?

20 Okay. Once it is, I'm going to -- I'm
21 going to again formally welcome you all to today's
22 hearing. My name is Cheryl Heilman, I am an
23 attorney with the Department of Natural Resources,
24 and I've been asked to be the hearing officer at
25 the hearing tonight. With me at the table are Eric

1 Ebersberger and Dave Siebert. You've also met a
2 number of other DNR employees who are here, and
3 staff, to listen to your comments tonight.

4 The purpose of the hearing is really to
5 hear from you, um, with regard to two documents.
6 One is the -- one is the draft technical review
7 document, um, and then the other is, and I only
8 have a portion of it, um, the draft environmental
9 impact statement. Both of these are prepared, um,
10 for the City of Waukesha's proposed diversion of
11 Great Lakes water for a public water supply with a
12 return flow to Lake Michigan.

13 As it has been mentioned already tonight,
14 under the Great Lakes/St. Lawrence River Basin
15 Water Resources Compact, the City of Waukesha is a
16 community within a straddling county, which means
17 that the City's boundaries are in a county that
18 lies partly within the Great Lakes Basin and partly
19 outside the basin. Therefore, the City of Waukesha
20 must apply to the Department of Natural Resources
21 in order to divert Lake Michigan water to the city.

22 We have already asked this, but I'm going
23 to ask again if everyone who's here would please
24 fill out an appearance slip. That's especially
25 important if you want to give a comment, but it's

1 also important for us even if you don't want to, to
2 register the number of people who come to the
3 hearing today.

4 We've set this time and place, 6:30 p.m.,
5 August 17th at the Carroll University Center for
6 Graduate Studies Auditorium in Waukesha for a
7 public information hearing on the draft technical
8 review and the draft environmental impact statement
9 prepared by the Department of Natural Resources for
10 the proposed diversion. For the record, an
11 informational presentation was held immediately
12 before this hearing, and there was an opportunity
13 for some question and answers.

14 The hearing is being held pursuant to
15 Wisconsin Statutes Section 1.11, and 281.3469. And
16 Section NR150.30, Sub 3, of the Wisconsin
17 Administrative Code. This is an informational
18 hearing. It's not a contested case hearing, it's
19 not adversarial in nature. Again, the purpose of
20 it is just to hear from you. The hearing has been
21 noticed on the Department's website and a number of
22 newspapers, the Wisconsin State Journal, the
23 Milwaukee Journal Sentinel, the Racine Times, and
24 the Waukesha Freeman, and all noticed provisions of
25 the statutes have been complied with.

1 As we've already mentioned, if you don't
2 want to give an oral statement tonight, or even if
3 you do, we are accepting written comments. Written
4 comments are welcome tonight, and also through mail
5 or e-mail through August 28th of 2015. We have
6 information as you leave and as you were entering
7 with regard to where you can send your written
8 comments. We've also scheduled two more hearings
9 tomorrow. And as I mentioned at the beginning of
10 this evening's presentation, we do have to be out
11 of this room by 9:30 when the building will close.
12 So we want to go as promptly and effectively as we
13 can.

14 If, as Eric mentioned in response to some
15 of your questions, I'd like to just talk a little
16 bit about the next steps here. We're going to be
17 receiving comments from you and from other members
18 of the public at the information hearings we're
19 having and in writing. We're going to then prepare
20 a final technical review document, and also a final
21 environmental impact statement. If in the final
22 technical review we determine that the City's
23 application is approvable under the Great Lakes
24 Compact, the Department will forward the
25 application to the Great Lakes/St. Lawrence River

1 Water Resources Regional Body. The Regional Body
2 consists of governors of the Great Lakes states and
3 the premiers of Canadian provinces of Quebec and
4 Ontario. They will be looking at the application
5 for review and consideration.

6 We'll also be forwarding the application to
7 the Great Lakes-St. Lawrence River Basin Water
8 Resources Council. The Council consists of the
9 governors of the Great Lakes states. The Compact
10 Council would need to unanimously approve the
11 diversion before any state permits can be processed
12 for the diversion proposal. So as we talked about
13 in the public hearing -- in the presentation that
14 immediately preceded this, this is -- we're at the
15 very beginning of the process.

16 We would like to hear from as many of you
17 as we can, so we're going to be limiting your
18 comments to three minutes a piece. Um, I do have
19 these cards here, and I have an assistant. So my
20 assistant, um, is going to just generally inform
21 you when 30 seconds are left in your three minutes
22 for those of you who are giving comments. And then
23 when your time is up, you'll see a card like this.
24 And of course if you're in the middle of your
25 sentence, you know, feel free to finish it, and

1 I'll give you a little bit of leeway, but we really
2 do want to try and limit you to three minutes, so
3 that's why we've got the cards.

4 I'm going to be calling people up one at a
5 time. And we'll let you know who's going to be
6 next in line. So there's two chairs behind the
7 podium. When you give a comment, we'd like you to
8 come up to the podium. And for those who are kind
9 of waiting in line, we've got those chairs there so
10 that we can move promptly.

11 I would like to now just cover just a few
12 really basic ground rules, which I know we'll all
13 respect. First, given the acoustics of the room
14 and the number of people here today, we would
15 really appreciate it if there would be no side
16 conversations. So if you decide that there's
17 something that you want to comment on or talk to
18 your neighbor about, there are rooms -- there's a
19 room over off to the side here where the restrooms
20 are and where there's beverages and that kind of
21 thing, and we'd ask you to take your comments
22 outside.

23 And that's really -- the other thing is
24 that, um, I know that this might be an important
25 issue to many people, and there might be

1 differences of opinion. And so because we would
2 like to be respectful of everyone, I would ask you
3 not to, you know, indicate either positively or
4 negatively how you feel about a comment. So no
5 applause, and maybe no, um, discontent if there's
6 -- if there's disagreement, because we do want to
7 hear from everyone.

8 So with those ground rules, um, we did make
9 a commitment to allow elected officials to speak
10 first. And so first on my list for comments, and
11 these are people who I know will respect the cards,
12 um, Shawn Reilly is the first to give a comment.
13 And then next is -- and I will apologize if I don't
14 get your name exactly right, John M-A-R-A-R.
15 Marar. Marar. Marar. Marar. Excuse me. And
16 then Larry Nelson. But if you could -- everyone
17 who comes up, if you could be so kind as to state
18 your name for the record, and your address.

19 MR. REILLY: Should I start?

20 MS. HEILMAN: You can start.

21 MR. REILLY: Okay. Shawn Reilly, Mayor
22 of City of Waukesha, 121 East Park Avenue, City of
23 Waukesha. Thank you for the opportunity to provide
24 my comments. As mayor of Waukesha, my job is to
25 see that the needs of the families and businesses

1 in Waukesha have the resources and services they
2 need. No service is more important than a healthy
3 and dependable water supply.

4 My campaign for mayor emphasized my
5 commitment to winning approval of a Great Lakes
6 water supply. I received 62 percent of the votes
7 cast in that election against the incumbent. There
8 are many that portray the review of our application
9 as a choice between providing safe drinking water
10 for Waukesha or protecting the Great Lakes. The
11 truth is, our application does both. Our use will
12 not harm the Great Lakes or set a precedent for
13 harm to the Great Lakes by others. Since our
14 application meets the terms of the Compact, its
15 approval will provide a strong and essential legal
16 defense against any attempted water withdrawals and
17 diversions that do not meet the terms of the
18 Compact.

19 Approval of our application will not lead
20 to hundreds of requests for Great Lakes water. The
21 Alliance for the Great Lakes estimated that four
22 communities similar to Waukesha may apply for water
23 under the Compact within the next decade. The
24 Compact requires that there be no reasonable
25 alternative. Opponents to our application attempt

1 to confuse the public by using the term "last
2 resort" as opposed to the correct term, "no
3 reasonable alternative." Lake Michigan is not
4 Waukesha's last resort, but it is its only
5 reasonable alternative. The Compact does not
6 require total depletion of the local aquifer in
7 order for a community to be eligible for water from
8 the Great Lakes.

9 In addition, it is frustrating that
10 opponents claim the state's service area law is
11 inconsistent with the Compact. Governor Doyle's
12 administration, who helped write the Compact, also
13 wrote the service area law. When the Compact was
14 adopted, it was expected that Waukesha's
15 application would include the proposed service
16 area. During the two years that Wisconsin's
17 Compact bill was discussed and negotiated, not a
18 single person or group opposed the provision that
19 created the water supply plan law. It is simply
20 bad faith to support a law that requires an
21 expanded service area and then insist that the
22 application be denied because of an expanded
23 service area.

24 The claim by our opponents that is most
25 troubling, however, is that the continued use of

1 groundwater by Waukesha means, in quotes, means
2 there is no environmental impact to surrounding
3 wetlands, surface waters, or the deep groundwater
4 aquifer. This blatantly false claim proves that
5 the Compact Implementation Coalition is willing to
6 say anything to prevent Waukesha from using Lake
7 Michigan water. It denies a basic environmental
8 fact, groundwater use affects surface waters.

9 In summary, the DNR's extensive analysis
10 got it right, Lake Michigan is the only reasonable
11 water supply for Waukesha. Let's move forward so
12 Waukesha can have a sustainable and healthy water
13 supply, and let's prove that the Compact does and
14 will protect the Great Lakes. Thank you.

15 MS. HEILMAN: Thank you very much. John
16 Marek. (Inaudible.)

17 MR. MAREK: I apologize for poor
18 penmanship. My name is John Marek, I'm the
19 chairman of the Town of Waukesha. One of the
20 defining issues in the election when I was elected
21 in 2013 was inclusion to the water service area for
22 the City of Waukesha. The Waukesha town board,
23 current board, as well as the previous board, was
24 in support of the Great Lakes diversion application
25 and our inclusion in it.

1 There is a clear threat to the groundwater
2 in the shallow aquifer that serves nearly all of
3 the Town residents if the City of Waukesha were
4 denied the diversion application, and would rely on
5 the shallow aquifer. Moreover, at an informational
6 meeting, this issue was discussed in May of 2013.
7 Several hundred town residents attended, and after
8 presented with the facts, over 90 percent of those
9 in attendance supported this application and
10 inclusion in the City of Waukesha's service area.

11 There is currently contamination in some
12 Town of Waukesha residents' wells, and it would be
13 short-sighted to deny any Town resident the ability
14 to at some point in the future have access to clean
15 water and sewer service. Thank you.

16 MS. HEILMAN: Thank you. Mr. Nelson.
17 And then after him, Andy Reiland. And then Joan
18 Fran --

19 MALE SPEAKER: Coeur.

20 MS. HEILMAN: Coeur. Thank you very
21 much.

22 MR. NELSON: My name is Larry Nelson. I
23 was a Waukesha alderman from 2000 to 2006, the
24 Waukesha mayor from 2006 'til 2010, and I'm
25 currently a Waukesha County supervisor since 2012.

1 City of Waukesha started its conservation
2 plan way back in, ten years ago, 2005, and I'd
3 asked people from other communities in the area,
4 "Why hasn't your city and towns and villages joined
5 us?" We have been a leader in water conservation
6 for ten years. One of the last Council meetings I
7 presided over was in April of 2010 where the
8 Waukesha Common Council voted 14 to 1 to move this
9 application forward. So it's only been five years
10 and four months to get to today. I will tell you,
11 the one alderman against it is now for it. He
12 wanted some more hearings, even though we had a
13 record number, and my understanding is the current
14 Common Council is unanimously in favor of it.

15 A little political history. In 2008 when
16 Congress passed this, it was by a huge bipartisan
17 margin. President Bush was happy to sign it.
18 Senators McCain and Obama, who were running for
19 president against each other, both supported it.
20 And there was so much support, it got very little
21 media attention. But it was passed, and this
22 really should not be a political decision.

23 As it's been already mentioned by the
24 current mayor, it was under Governor Doyle's DNR
25 when the boundaries were set by the DNR and SEWRPC.

1 I've been a member of the Sierra Club since the
2 early 1980s, and a long-time environmentalist.
3 Therefore, it's very disappointing to see the
4 groups opposed to this plan, which is the most
5 environmentally safe solution. You heard from the
6 DNR, Plan B, if this is rejected, will be forced to
7 go to shallow wells, which will not be good for the
8 environment. A successful Waukesha water
9 application will prove that the Compact works.
10 It'll be good not only for the City of Waukesha,
11 but also for Southeastern Wisconsin and the entire
12 Great Lakes region. Thank you.

13 MS. HEILMAN: Thank you. Um,
14 Mr. Reiland. Then Joan Francoeur. And then
15 Sharon -- L-E-A-I-R.

16 MS. LEAIR: Leair.

17 MS. HEILMAN: Leair. Thank you.

18 MR. REILAND: My name is Andy Reiland, I
19 reside at 1012 Fieldridge Court. I represent the
20 residents of District 13 as a member of the
21 Waukesha Common Council, and I'm also the Common
22 Council president. Thank you for the opportunity
23 to provide comment this evening on your draft
24 technical review and environmental impact
25 statement.

1 My district, as an FYI, includes the
2 southwestern part of the city, and is mainly made
3 up of residential homes. As a resident, and
4 someone that lives in this community with many
5 other residents, we all share a strong desire to
6 get safe drinking water and to make sure that the
7 solution is one that will be reliable and
8 long-lasting.

9 I'm confident from the briefings and from
10 examining the extensive and detailing engineering
11 behind this proposal, that it is the correct
12 solution. It is disappointing, although, to see
13 outside special interests proposing alternatives
14 that have obvious legal, engineering and planning
15 flaws, and that would only be at best a short-term
16 approach. The alternative promotes the application
17 of treatment technology that has only been used in
18 one smaller community. The residents of Waukesha
19 do not believe we should spend significant dollars
20 on that type of questionable approach. Let's be
21 absolutely sure that the solution will last and
22 will not have to be redone at an enormous
23 additional cost in the future.

24 There is also what seems to be a perception
25 that the Waukesha project would harm the Great

1 Lakes. I have not heard anything tangible that
2 supports that argument. As you have identified in
3 your review, this project will not only have
4 adverse impact on Lake Michigan -- will not have
5 any adverse impact on Lake Michigan, it also
6 prevents further damage to the local groundwater
7 and wetland and streams, as you have mentioned
8 several times this evening. If there are future
9 proposals by other communities that straddle
10 counties, they need to be evaluated -- evaluated on
11 a case-by-case basis, and rejected if they cannot
12 provide the same level of Great Lakes protection
13 that is provided by the Waukesha proposal.

14 On the other hand, if others do similar
15 projects with no adverse impact on the Great Lakes,
16 they should be approved. The Compact protects the
17 Great Lakes against the type of large diversions
18 without return flow that could pose a real threat
19 to the Great Lakes. Waukesha's proposal is only a
20 precedent for the possible proposals by communities
21 in need to straddle -- straddling counties that
22 return water to the Great Lakes, and that do not
23 cause environmental harm.

24 I'm going to skip some of my comments
25 because I'm running out of time here. For the

1 well-being of our families, our water supply
2 solution must include adequate flow to provide
3 reliable service to residents and private users,
4 thank you.

5 MS. HEILMAN: Thank you. And we're happy
6 to take the rest of your comments in writing.

7 MR. REILAND: I will e-mail it. Thank
8 you.

9 MS. HEILMAN: Thank you. Joan.

10 MS. FRANCOEUR: Thank you. Good evening,
11 everybody, my name is Joan Francoeur, I'm an
12 alderman in the City of Waukesha. I've served
13 since 2003, and have participated either through
14 conference calls, reading of documents, voting and
15 other ways in the past ten years with regards to
16 this application.

17 I wanted you to know that I serve a
18 district in the western part of the city, and I
19 represent those 5,000 people who are in support of
20 this application. My district neighbors, um,
21 support it, and would request that it be approved.
22 I believe it to be a safe and a sound request that
23 will offer not only today's residents, but our
24 future residents a safe supply that is sustainable,
25 and that I believe it also underscores our region

1 and our state's commitment to the environment we
2 all share.

3 I would just make a side comment that my
4 family would be surprised I didn't take three
5 minutes.

6 MS. HEILMAN: Thank you. Sharon, then
7 Peggy Bull, and Dave Pride.

8 MS. LEAIR: Thank you. I'm Sharon Leair,
9 I'm town chairman, Town of Genesee. I've been
10 chairman for about 22 years, and been on the board
11 since 1981.

12 Genesee agreed to support the City of
13 Waukesha's application for Lake Michigan water
14 supply for many legitimate reasons. We support the
15 conclusions and recommendations of the DNR in the
16 draft technical review and EIS. Portions of the
17 Town of Genesee were recommended for inclusion in
18 the proposed service area by the DNR and SEWRPAC
19 for very legitimate reasons.

20 As stated in your Department's review,
21 those particular areas were designated as special
22 casing areas which require more stringent well
23 constructions for potable wells. The Department
24 also stated that a survey of wells noted bacterial
25 well contamination in 38 percent of them.

1 The Town agreed to allow that portion of
2 Genesee to be a part of the application, after
3 extensive consideration and based on the above
4 reasons, in addition to the fact that the board was
5 very concerned that continued drawdown of the
6 groundwater from the city's high-cap wells would
7 have an adverse effect on wetlands, streams and
8 local wells. Groundwater does not stop at
9 municipal boundaries. And what Waukesha needs to
10 do to protect their water supply affects
11 municipalities all over the, you know, the area.

12 So we remain, um, in support of this and we
13 feel that this application serves to protect our
14 environment and our future freshwater supply needs.
15 Thank you.

16 MS. HEILMAN: Ms. Bull. Peggy Bull.

17 MS. BULL: Hello, I'm Peggy Bull. I am a
18 former alderman for the City of Waukesha. I spent
19 a year on the Waukesha Water Utility board. I
20 think I spent that year reading, going to
21 engineering places that the Waukesha Water Utility
22 was using, and I'm convinced that this is a sound
23 policy.

24 And if we can look at the criticisms one by
25 one and refute them, which is what I've been

1 hearing tonight, our town deserves good water. We
2 cannot have Dan Duchniak, the head of the Water
3 Utility, going to the Journal Sentinel and saying,
4 well, your house values are in the toilet now
5 because there's no water, or the water is now very,
6 very expensive. Or like the hospital in Roscoe,
7 Illinois, it's served exclusively by reverse
8 osmosis water. This is very costly, and anyone who
9 has a reverse osmosis system knows that you use
10 water to then get your filtered water in the
11 bottle. So thank you so much for allowing me to
12 speak and for this hearing.

13 MS. HEILMAN: Dave Pride, followed by
14 Cheryl Nenn, and then Mary Baer.

15 MR. PRIDE: I'm Dave Pride. I live at
16 750 Penbrook Way, Hartland, Wisconsin. I just want
17 to start by thanking everyone here who has so much
18 knowledge about water, it's just a pleasure to be
19 able to say anything to this great group. I also
20 want to thank WisconsinEye organization who's doing
21 a web live feed tonight of these hearings, as well
22 as the television to be broadcast on Time Warner
23 Cable Channel 363, to be announced to the Milwaukee
24 area, as well as the Charter Cable broadcast in the
25 Madison area.

1 The Great Lakes is a vast, easy source of
2 soft water, largely untapped by those living
3 outside the Great Lakes Basin. I'm going to ask
4 everybody to think outside the box now a little
5 bit. We just had a map up here a little while ago,
6 it had Brookfield, a lot closer to us than Oak
7 Creek. We have two wastewater treatment facility
8 plants; the one we're dealing with is Central
9 Drive. Last year's water discharge, about a
10 billion gallons. They're in noncompliance, they've
11 got radium problems. Enterprise Drive, Barker
12 Road, your neighbor, Brookfield, 1 billion gallons
13 wastewater, 70 percent treated, at your back door.

14 What I'm suggesting is that's a lot shorter
15 to take a pipe from that treatment plant that's
16 already 70 percent treated, to potable, potable,
17 whatever you want to call it, take it over there,
18 use this reverse osmosis system that they're
19 talking about, put those osmosis systems at those
20 four deep wells.

21 Now, what's the benefit of this? Does the
22 Great Lakes have to worry about somebody putting a
23 straw in the lake? No. Are we doing conservation
24 with people within our own backyard above the
25 Brookfield hill beyond the basin? Yes. The Great

1 Lakes is Pandora's Box. If we don't protect the
2 Great Lakes from everybody's need, from Kenosha, to
3 going 30 miles from Chicago to Des Plaines, to
4 doing a diversion from Fond du Lac to Green Bay,
5 it's all over. And once this is legal, are we
6 really conserving anything?

7 We have 503 municipal wastewater treatment
8 plants in this state. Every one of them do the
9 same thing, they discharge all our water west.
10 Most gets to the rivers, most is gone. Seventy
11 percent of everything that all the residents in the
12 State of Wisconsin drink when they pull the tap is
13 from a municipal well. It's below our feet, we
14 don't even understand our aquifers. There has to
15 be more conservation. Thank you.

16 MS. HEILMAN: I'm going to show you the
17 red. Thank you very much. If you have more to
18 say, we're happy to take it in writing. Cheryl
19 Nenn, then Mary Baer. And then after Mary, William
20 M-I-E-L-K-E.

21 MALE SPEAKER: Mielke.

22 MS. HEILMAN: Mielke. Thank you.

23 MS. NENN: Thank you. My name is Cheryl
24 Nenn, I'm with Milwaukee River Keepers and the
25 Compact Implementation Coalition. I'd like to

1 start by thanking everyone for the opportunity to
2 provide comments on the draft EIS, which could lead
3 to a precedent-setting water diversion from the
4 Great Lakes under the Great Lakes Compact. We
5 appreciate the Department's efforts over the many
6 years and iterations of Waukesha's application.

7 The Great Lakes Compact, as folks have
8 already mentioned, was enacted in 2008, really to
9 keep Great Lakes water in the Great Lakes, and to
10 protect and enhance the water quality of this
11 amazing resource. There are very limited
12 exceptions to a diversion, and it was always
13 intended that the Great Lakes be used as only a
14 last resort for communities that have no reasonable
15 water supply.

16 While River Keepers has concerns with
17 several areas surrounding this application, and the
18 EIS and technical review, I'm going to just talk a
19 little bit tonight about return flow aspects of the
20 application.

21 The Great Lakes Compact requires the
22 Department, when deciding to grant an exception to
23 diversion, to return all the water that is
24 withdrawn from the lake to the source, less an
25 allowance for consumptive use, to minimize the

1 amount of water from the Mississippi River Basin
2 that's introduced to the Great Lakes Basin; to
3 treat all surface and groundwater from the
4 Mississippi Basin to meet applicable water quality
5 discharge requirements; and to protect and sustain
6 the physical, chemical, and biological integrity of
7 the receiving water, so in this case, the Root
8 River.

9 Although Waukesha will return almost all of
10 the water it diverts from the Great Lakes, its
11 return flow plan will still have significant
12 environmental impact to both the Root River and the
13 Fox River. Waukesha's plan to treat all of its
14 wastewater before returning it to the Root, does
15 not remove all of the pollutants and contaminants
16 that could be harmful to aquatic and human health.
17 The City's current treatment facilities will need
18 significant improvements in order to meet the DNR's
19 proposed water quality standards for a Root River
20 discharge.

21 The EIS does not clearly state what
22 facility improvements will be made, or how much
23 those improvements will cost the rate payers. The
24 EIS mentions that Waukesha is working on several
25 plans and studies to meet its existing standards

1 that it's having a hard time meeting, including
2 phosphorous, chloride and temperature. Some of our
3 major concerns are that during low-flow periods,
4 particularly during drought periods and summer
5 months, Waukesha's return flow will make up about
6 80 to 90 percent of the water in the Root River,
7 making it a, quote, (inaudible) dominated stream.
8 This could pose risk for recreational use as state
9 law currently requires bacteria testing, but not
10 testing of viruses or pathogens and other things
11 that can make people sick.

12 EPA and DNR will (inaudible) discharge to
13 result in a significant lowering of water quality
14 for some of the discharge pollutants from
15 Waukesha's return flow. They'll need to do
16 significant planning and improvements to the
17 facilities to ensure the discharges does not result
18 in backsliding of water quality, or harm the
19 already significant improvements that have been
20 made in the Root River Watershed.

21 DNR's own analysis shows that Waukesha's
22 wastewater discharge will not meet the temperature
23 standard for the Root River, um, for the hottest
24 parts of the year, and will have a difficult time
25 meeting phosphorous and chloride standards without

1 significant upgrades. Because this wastewater
2 discharge will be a new discharge into a river
3 already impaired by several pollutants, these
4 issues must be resolved before the discharge permit
5 is given to Waukesha and any discharge can
6 commence.

7 Finally, the Fox River will see about a
8 reduction in 2 to 3 million gallons per day in
9 flow, about a 15 percent reduction, and this will
10 likely also have significant impacts on the
11 fisheries and aquatic life during very low periods
12 of water. Thank you.

13 MS. HEILMAN: Mary Baer is next, followed
14 by William Mielke, and then Michael Hahn.

15 MS. BAER: Good evening, thank you for
16 giving me this opportunity to speak to you today.
17 My name is Mary Baer, and my husband and I live in
18 the City of Waukesha, and I also work in the city.
19 I've watched and learned a lot about the importance
20 of a sustainable water supply for the Waukesha
21 water service area through the many years of
22 following this issue. It also helps when you are
23 married to an engineer with a focus on
24 hydrogeology, so I learn more than I probably ever
25 really wanted to.

1 Today I want to express my gratitude to all
2 those people and organizations involved in arriving
3 at this point in time. I want to thank the
4 visionaries who wrote the Great Lakes Compact,
5 recognizing that for a straddling county with no
6 other options, that access to Lake Michigan water
7 was critical for the ability to provide safe, clean
8 water to their citizens, while returning the,
9 quote, borrowed, unquote, water back to the lake.
10 I want to thank the tireless scientific efforts of
11 the Waukesha Water Utility Team and Water
12 Commission, and especially Dan Duchniak.

13 All of us who have followed this process,
14 read about the multitude of options that were
15 scientifically vetted, testified at Common Council
16 meetings many times, and now can be expected to
17 support the final outcome of this lengthy process,
18 that is, Lake Michigan water is the only viable
19 option for a safe, long-term water supply that will
20 address the radium issue and the needs of the
21 Waukesha Water Service area now and for generations
22 to come.

23 I also want to say thank you to Waukesha
24 Mayor Reilly and the members of the Common Council
25 for their support of this effort. A lot of time

1 and energy and effort went into arriving at the
2 point we are today. Thank you for realizing that
3 this application was the right decision for the
4 City of Waukesha and its citizens. And thank you
5 to the DNR, who through five years of study
6 analysis, challenged suggestions and science, have
7 moved the Waukesha water application to this
8 critical point. Your efforts to make this
9 application the best it could be are recognized and
10 appreciated.

11 Finally, I would like to thank those that
12 oppose this application. Your efforts meant that
13 all possible options were studied, questioned,
14 challenged, reviewed, and yet the same conclusion
15 was reached. I look forward to the day when the
16 water that comes out of my tap is the clean, safe
17 water that only can be provided to the Waukesha
18 service area from Lake Michigan. I also look
19 forward to the Root River's revitalization through
20 the return flow of Waukesha's treated water. Thank
21 you for giving me this opportunity to speak to you
22 today. And nobody that knows me can believe that I
23 got done in less than three minutes, also.

24 MS. HEILMAN: Thank you. William.

25 MR. MIELKE: My name is William Mielke,

1 I'm a registered professional engineer and I'm CEO
2 of Rickert & Mielke, an engineering firm in
3 Waukesha. I'm submitting these comments on behalf
4 of our firm that supports the Waukesha application.

5 I did serve on the Wisconsin Legislative
6 Council Special Committee on Great Lakes Water
7 Resource Compact, so I'm very familiar with the
8 Compact, having been one of the people working on
9 it. And, in addition, our firm has been involved
10 in almost every water utility in Waukesha County
11 for development of wells and water systems
12 throughout the area, so we're very familiar with
13 this area.

14 Over the time that we've been involved with
15 all that over the last 69 years as a firm, we have
16 noticed a tremendous decline in the deep water
17 aquifer that goes down under the sandstone in the
18 Mt. Simon and St. Peter sandstone throughout the
19 area. And this decline in the water table has
20 caused the water quality or the amount of radium,
21 and the amount of other chemicals that are in the
22 water, to increase and have poorer and poorer water
23 quality. And because we're mining that aquifer,
24 that cannot be sustained at the current levels that
25 we're currently utilizing, and so something needs

1 to be done.

2 We were retained by the Southeast Wisconsin
3 Regional Planning Commission to provide the
4 technical support to develop the, what became the
5 SEWRPAC Planning Report No. 52, which was a
6 regional water supply for all of Southeastern
7 Wisconsin. Brought in a ton of experts and a lot
8 of people, we had a lot of comments, a lot of
9 public hearings, and with all of those things that
10 were done as part of that study, the recommendation
11 was that Waukesha should be receiving water from
12 Lake Michigan.

13 While the report that SEWRPAC did put out
14 envisioned that Milwaukee would be the supply of
15 that water, Oak Creek is now the party that would
16 be supplying it. Oak Creek is a well-run water
17 utility and will be able to provide the same
18 high-quality water that Milwaukee could and get it
19 to Waukesha at a reasonable rate. As part of the
20 application, the requirement for return flow will
21 also provide that the Lake Michigan water levels
22 will not be impacted by this application.

23 The other thing is that the return flow
24 does go to the Root River, and as pointed out, the
25 Root River has very low summertime base flow that

1 cannot support aquatic life year round. And if
2 you, again, get a return flow, you will have
3 increased benefit to that river. The other thing
4 is is the plan does totally support the regional
5 land use plan for the region. So this is not
6 something that will spur sprawl or unreasonable
7 growth that was not envisioned by the experts a
8 long time ago.

9 Waukesha did a tremendous amount of data to
10 submit to DNR. We think DNR did a very good job in
11 reviewing that plan. We've looked over the DNR
12 technical review, and they've done a magnificent
13 job, I've never seen this much in-depth study. So
14 we do support what they found as far as findings.

15 MS. HEILMAN: It's hard to cut somebody
16 off when they're saying you did a good job. Thank
17 you. Michael Hahn. Next is Mike Sullivan, and
18 then Elizabeth Wheeler.

19 MR. HAHN: I'm Mike Hahn, deputy director
20 of Southeastern Wisconsin Regional Planning
21 Commission, and thank you for the opportunity to
22 comment this evening.

23 In December 2010, SEWRPAC published a
24 regional water supply plan for the entire
25 seven-county Southeastern Wisconsin region.

1 Preparation of the plan was guided by an advisory
2 committee that included representatives from
3 municipal water utilities, county governments, DNR,
4 the Wisconsin Geological and Natural History
5 Survey, the U.S. Geological Survey, Town and
6 Country resource Conservation and Development,
7 University of Wisconsin-Milwaukee faculty and
8 private industry.

9 The plan objective was to make
10 recommendations for providing a sustainable water
11 supply through the year 2035. The plan evaluated
12 surface water and groundwater supply sources, and
13 the effects of expanded shallow groundwater sources
14 on surface water resources such as streams, lakes
15 and wetlands. Four regional alternative plans
16 addressed combinations of surface water and
17 groundwater supplies, including combinations of
18 deep and shallow aquifer wells, expansion of a Lake
19 Michigan supply in the Great Lakes Basin, provision
20 of a Lake Michigan supply, and selected areas in
21 the Mississippi River Basin consistent with the
22 requirements of the Great Lakes Compact.

23 It also included water conservation and
24 groundwater recharge enhancement. Two composite
25 plans were developed for the region. Common

1 components of those two plans are planned shallow
2 and deep aquifer municipal wells and storage
3 facilities in some locations, conversion of
4 selected areas of the Lake Michigan Basin to a
5 surface water supply. Conversion of two straddling
6 communities, New Berlin and Muskego, to a Lake
7 Michigan supply, subject to the terms of the Great
8 Lakes Compact.

9 Differences between the two composite plans
10 are one considered an expanded shallow aquifer
11 supply for Waukesha, and the other considered a
12 Lake Michigan supply for Waukesha. Once again,
13 meeting the requirements of the Great Lakes Compact
14 as a community in a straddling county. The
15 recommended plan calls for Waukesha to seek a Lake
16 Michigan supply consistent with the requirements of
17 the Compact and state law. Options for return of
18 treated wastewater to Lake Michigan identified
19 under the plan include Underwood Creek and the
20 Menomonee River watershed, the Root River,
21 splitting the flow between those two locations and
22 returning the treated wastewater directly to Lake
23 Michigan.

24 The plan specifically recognized that more
25 detailed engineering, legal and environmental

1 analysis would be required. Of all the options
2 considered, it was clear the recommended plan that
3 best provides long-term sustainability in the deep
4 aquifer, reductions in chloride discharges to
5 surface waters, and improvements in groundwater
6 derived baseline. The recommended plan was
7 approved by the advisory committee and adopted by
8 the Commission. The plan recognized potential
9 water quality impacts on the Fox River, and called
10 for active management of return flow to augment Fox
11 River flow during low-flow periods, typically
12 summer and fall.

13 The return flow management approach
14 proposed by DNR and the City of Waukesha would
15 provide for some (inaudible) discharge of return
16 flow to the Fox, although at a reduced rate from
17 the current one. We recommend the DNR provide
18 additional analysis in the EIS of the effects of
19 anticipated reductions in the treated wastewater
20 from Waukesha to the Fox River, quantifying both
21 the spatial extent and the temporal variability in
22 that flow. Thank you very much.

23 MS. HEILMAN: Thank you. Mr. Sullivan.

24 MR. SULLIVAN: My name is Mike Sullivan,
25 I'm the general manager of the City of Oak Creek's

1 Water and Sewer Utility, and I'm here to speak on
2 support of the Waukesha application for diversion.

3 We support the DNR's conclusion that using
4 and returning Lake Michigan water is Waukesha's
5 only reasonable water supply alternative. Waukesha
6 received letters of intents to sell water to them
7 from the City of Milwaukee, the City of Racine, and
8 the City of Oak Creek. Oak Creek helped find some
9 creative solutions, and ultimately garnered a
10 letter of intent between the two communities. This
11 is a good example of regional cooperation.

12 Decisions in this application, I believe
13 the DNR is doing a fantastic job on the review and
14 analysis to date, needs to be made based -- needs
15 to be made based on science and not on politics,
16 and I think that's being done very well within the
17 analysis. The need to look to the future -- there
18 also is a need to look at future water supply
19 service area. What we need is a long-term
20 solution, and I believe the application provides
21 that.

22 The return water should not harm the
23 environment. I live, as an example, less than
24 1,000 feet from the Root River, and I'm extremely
25 concerned about how -- what the effect the return

1 water would have on the Root River. From what I've
2 read, I'm very pleased with what I'm seeing.

3 I'm standing here to tell you that Oak
4 Creek stands willing to provide award-winning
5 drinking water to the City of Waukesha and the
6 service area as outlined in the application, and
7 supports the application and the DNR's conclusions.
8 Thank you.

9 MS. HEILMAN: Thank you. After Elizabeth
10 Wheeler, will be George Meyer, and then Laura
11 P-R-I --

12 MS. PRIEBE: Priebe.

13 MS. HEILMAN: Priebe, thank you. Thank
14 you.

15 MS. WHEELER: Good Evening. My name is
16 Elizabeth Wheeler, I'm a senior staff attorney with
17 Clean Wisconsin. Today I'm presenting these
18 comments on behalf of the Compact Implementation
19 Coalition, a coalition of state and regional
20 nonprofit organizations that have been advocating
21 for strong implementation of the Great Lakes
22 Compact since its inception.

23 My comments this evening address
24 deficiencies in the draft environmental impact
25 statement, or EIS, on Waukesha's application.

1 According to both federal and state law, an EIS
2 serves two purposes. It ensures that the reviewing
3 agency, in this case the DNR, in reaching its
4 decision, will have available and will carefully
5 consider detailed information, including the
6 significant environmental impacts of the proposal,
7 and it guarantees that the relevant information
8 will be made available to the public at large, who
9 may also play a role in the decision-making process
10 and implementation of the decision.

11 Under the law, an EIS must be prepared with
12 objective good faith, and take a hard look at
13 environmental consequences and alternatives to a
14 proposed action. The EIS must contain a reasonably
15 thorough discussion of the significant aspects of
16 the probable environmental consequences, and must
17 make a pragmatic judgment as to whether the EIS can
18 foster both informed decision-making and informed
19 public participation.

20 A court may overturn the Agency's decision
21 under the hard look standard if the Agency failed
22 to consider an important impact -- impact -- aspect
23 of the problem, or if the decision does not rely on
24 the factors that Congress intended the Agency to
25 consider.

1 When preparing an EIS, the Agency's
2 analysis of alternatives is of particular
3 importance. According to governing regulations
4 promulgated by the Federal Council on Environmental
5 Quality, agencies must rigorously explore and
6 objectively evaluate all reasonable alternatives.
7 Particularly instructive here in finding an EIS
8 inadequate, the 9th Circuit Court of Appeals held
9 that the existence of a viable but unexamined
10 alternative renders an EIS inadequate. Thus, in
11 order for the State of Wisconsin to conduct a fair
12 and proper assessment of the potential (inaudible)
13 impacts of the diversion proposal, the State's EIS
14 must identify and rely on important, up-to-date
15 information and contingencies germane to the
16 proposed taxpayer -- taxpayer-funded project.

17 Wisconsin's draft EIS, however, falls short
18 of this basic standard by virtue of the Agency's
19 failure to examine an important and viable
20 alternative, and the extent of uncertainty
21 remaining with respect to important aspects of
22 Compact compliance, significantly undermining
23 informed and meaningful public participation.

24 Significantly, the Wisconsin DNR fails to
25 examine water demand parameters or modeling

1 predicated upon the City of Waukesha's existing
2 water supply service area, notwithstanding
3 repeated indications that the -- of the legal and
4 technical infeasibility of the City's proposed
5 water supply service area plan, DNR has declined to
6 integrate into its draft EIS water demands that are
7 attributable to City of Waukesha's current water
8 supply service area. Instead, DNR has limited its
9 alternatives analysis to the outdated expanded
10 water service area plan, which encompasses an
11 additional 17-square miles and portions of four
12 neighboring communities, and unsurprisingly pointed
13 to greater water demands and a heightened risk of
14 adverse environmental impact. Thank you for the
15 opportunity to comment.

16 MS. HEILMAN: We're happy to get more of
17 your comments.

18 MS. WHEELER: You will.

19 MS. HEILMAN: We can tell, yes.

20 MS. WHEELER: Thank you.

21 MS. HEILMAN: Mr. Meyer.

22 MR. MEYER: Thank you very much. I'm
23 representing the Wisconsin Wildlife Federation,
24 which is comprised of 190 hunting, fishing,
25 trapping groups throughout the State of Wisconsin,

1 with at least a dozen of those being fishing
2 groups.

3 And our primary interest is not whether or
4 not there's a permit issue to the City of Waukesha,
5 our interest is protecting the Great Lakes Compact
6 to assure that it is protected so we don't have any
7 decisions made by this body or any other body which
8 will open the door to litigation to people outside
9 of the Basin to take water out of the Great Lakes.

10 Based on our analysis, unfortunately, we
11 must oppose this particular application. If it met
12 the standards, we would support it. And there's
13 several reasons why we don't believe it does. I
14 will address briefly two.

15 It is because of the expanded service area.
16 While the statute may say one thing, the Compact
17 doesn't. The Compact supersedes the state law on
18 this. There's others that will address that issue.
19 And the other reason is because there is another
20 reasonable alternative. And that alternative is
21 not the Plan B we've heard about, it is an
22 alternative which uses the existing well system of
23 the City of Waukesha.

24 There would not be any need for a Great
25 Lakes diversion by putting treatment onto three of

1 those wells, proven treatment that's used. There's
2 two different techniques, reverse osmosis and ion
3 exchange. Both are used in between 30 and 40
4 communities in this country already, and are very
5 operable. In fact, would be done at one-half the
6 cost of the proposed alternative.

7 I sat on the Madison Water Utility, and I
8 realize the sensitivity of rate increases to
9 citizens, especially those on fixed incomes, and I
10 think one-half the cost would be greatly
11 appreciated by rate payors. There would be
12 sufficient water for the full build-out of the
13 current sewer service area out to year 2050, based
14 on project -- what the past projections have shown
15 in terms of growth. And that would also involve
16 the City implementing its full conservation plan.

17 In fact, the water -- the deep aquifer is
18 rebounding. There's others users that have gone
19 off that system, and in the last 15 years, it has
20 rebounded between 60 to a hundred feet. There's --
21 this plan would not involve any additional impact
22 to wetlands or surface areas. It isn't Plan B,
23 which would affect hundreds of wetlands, and we
24 would not have supported as a conservation
25 organization.

1 So I would ask DNR to do its analysis based
2 on the language of the Compact, in addition to what
3 I understand they have to do in terms of the
4 statute to look at the sewer service area, but do
5 an analysis on both, and then, before you submit it
6 to regional review. Thank you very much.

7 MS. HEILMAN: Very good. Thank you.
8 Laura.

9 MS. PRIEBE: Priebe.

10 MS. HEILMAN: Priebe. And then Mark
11 Smith. And then Todd A-M-B-S.

12 MALE SPEAKER: Ambs.

13 MS. HEILMAN: Ambs. Ambs. Sorry.

14 MS. PRIEBE: Thank you for allowing me to
15 come up and speak. I'm presently a resident of
16 Milwaukee, but I've had family members living in
17 Waukesha, so we've been concerned about some of the
18 conditions as well.

19 And I, um, first of all, I just wanted to
20 kind of summarize. I -- I understand the need for
21 water, but I also feel that the proposal, as
22 thorough as it is, and as well done as it is, is
23 not adequate. Because there's a lot of areas, even
24 as a citizen and without any background in
25 hydrology, I can see some missing links, even just

1 as a few people that have spoken in terms of the
2 water conditions.

3 One of the ones, though, that has come up
4 for me is, um, several things that are not
5 considered in terms of not even brought up that I
6 did research on, there's a Nike plant that was
7 here, and the missiles were buried here in -- in
8 the Waukesha area. In fact, I was told they were
9 right under the water tower. And that those
10 casings for those missile burials were done in
11 1950. And so the casings are going to continually
12 leak more and more as the years go on. And that
13 kind of leakage of the chemicals haven't even been
14 addressed in terms of the increase in pollution and
15 contaminants in the water, and the purification
16 plant and the diameters. Which means the
17 purification plant that you have now and the
18 processes that you have now are going to be
19 obsolete, they're not going to be adequate. You're
20 going to need a brand-new purification plant with a
21 whole new perspective in terms of the ongoing
22 increasing contaminants, ones with the, you know --
23 and, also, the other problem, too, is that I heard
24 before that manufacturing residential water
25 supplies would be considered separate, and that

1 could be utilized in separate conditions, you know
2 in separate methods of accomplishing those, so that
3 you don't have to withdraw the water from the Lake
4 Michigan in order to accommodate maybe a limited
5 number of manufacturing.

6 And, you know, some of the people in
7 Milwaukee have expressed the sense of why
8 manufacturing in Waukesha, why not just keep it
9 where the water supply is and keep that
10 manufacturing in the Milwaukee area, which is, you
11 know, really needed, and then provide for the
12 residential areas and work with the water supplies
13 that are in existence here.

14 So, um, the other thought, too, is that
15 what happens with this new water plant, this new
16 water purification plant? What if they privatize?
17 I mean, are we seeing some public land starting to
18 be sold off? Do you think your water plant would
19 be sold off? Do you think you'll have any control
20 over your water bill whatsoever if it's sold to
21 another country? Why, you know, here we are, we're
22 talking about this wonderful plan, but we have no
23 regulations for the plan to secure your own bills,
24 and to secure, actually, the growth and development
25 that -- that be will become demands.

1 MS. HEILMAN: Thank you. Mr. Smith.

2 MR. SMITH: Good evening, I'm Mark Smith,
3 I'm with the Great Lakes Office of the National
4 Wildlife Federation. The National Wildlife
5 Federation is here for two real big reasons. One
6 is that everyone's here talking about water. And
7 we're talking about Great Lakes water. And that's
8 one of the main things that we do in this region,
9 is protecting and restoring our Great Lakes. We
10 worked for many, many years on negotiating
11 compromising, passing, and implementing the Great
12 Lakes Compact; huge achievement that a lot of
13 people in this room played a huge role in. This
14 application is the first application under the
15 Compact, so in a lot of ways, we have to get this
16 right.

17 So our two concerns that we have with this
18 application are: It provides water, Great Lakes
19 water, to towns that don't need it. That's first
20 and foremost in the Compact; you have to have a
21 need for the water. There's a Compact that bans
22 diversions, this is an exemption, and they don't
23 need the water. Number two, there's an
24 alternative. And as we've heard before from George
25 Meyer specifically saying this, is that the towns

1 in the application, if they are -- if they are
2 removed and Waukesha basis its current water use,
3 we think there's an alternative that is a
4 non-diversion alternative that basically would
5 allow Waukesha to have its current water use and
6 into the future without drilling any new wells if
7 they treat, they treat the water for radium.

8 It's a simple concept that was actually a
9 conversation before the Compact was even
10 negotiated. What would it cost if Waukesha would
11 simply treat its water, invest in technology and
12 infrastructure to do that? Why go through a seven,
13 eight-year process, millions of dollars on
14 consultants, and propose a high rate increase for
15 its consumers when there's an alternative that's
16 half the cost?

17 So this is about Great Lakes water, it's
18 about supporting the Great Lakes Compact that
19 everyone in this room has said that they support.
20 Now, the precedent aspect of this is that if we
21 don't get this right, there are other areas that
22 could be looking at this and saying Waukesha didn't
23 do its checklist and it got approved. What does
24 that mean for the Compact? That could unravel all
25 the hard work that we worked on, including the

1 Wisconsin DNR in this. So we want to make sure
2 that the Compact is upheld. We want to make sure
3 that people who need water get it, but follow the
4 law.

5 And the Compact is federal law, and some of
6 the things that are in this application are not
7 consistent with the federal law, which is the
8 Compact. So we appreciate the time. There's going
9 to be many chances for us to submit additional
10 comments that will keep you up at night, but I
11 appreciate the time. Thank you.

12 MS. HEILMAN: Mr. Ambs. And then after
13 Mr. Ambs, James Pindel. Pindel. And then Carol
14 McAllister. Mr. Ambs.

15 MR. AMBS: Thank you. I really
16 appreciate the opportunity to testify today at this
17 hearing. I'm speaking only on behalf of myself. I
18 find it's easier for me to achieve consensus that
19 way.

20 I bring some background in this -- to
21 today's hearing, having had the honor to serve as
22 one of the negotiator's of the Great Lakes Compact
23 for the State of Wisconsin when I was the water
24 division administrator for the DNR from 2003 to
25 2010. Others who have already spoken at some

1 length on many of these issues and others will
2 follow, so I will focus on one aspect of this
3 proposal, the extended sewer service area and the
4 suggestion that these areas are the, quote,
5 equivalent thereof of a city or town.

6 I was there when this language was
7 developed for the implementation of the Compact in
8 Wisconsin. While it is true that some interests
9 hoped that this broad definition could be advised a
10 diversion request, namely, Waukesha, that concept
11 was specifically rejected and should be rejected
12 today as well. The statutory construct of the
13 phrase "city, town or equivalent thereof," was
14 discussed at length over many meetings and phone
15 calls as the Great Lakes Compact was developed.

16 The whole purpose of the discussion was to
17 capture those entities that exist somewhere in the
18 Great Lakes Basin, they're not cities or towns, but
19 have equivalent meaning in those states or
20 provinces. Some states have villages. New York
21 has whole rules and provisions that apply to
22 townships. The Canadian provinces use their other
23 terms of art. The whole discussion leading up to
24 the inclusion of the term "equivalent thereof," was
25 to find a phrase for those communities that were

1 not already cities or towns.

2 Waukesha already is a city. It can't also
3 decide to be something else under the Compact. And
4 even if it was able to, under their approach, this
5 new city should have to consider all alternatives
6 for this new entity under the Compact. If the
7 (inaudible), then why isn't Waukesha looking at
8 getting water from the City of Pewaukee? Why not
9 build a pipeline to the Town of Delafield and pump
10 water to Waukesha from there? The Town of Genesee
11 could be a source of potable water within the
12 Mississippi -- within the Mississippi River Basin.
13 Those options haven't been considered, of course,
14 because those places aren't part of a community
15 called "equivalent thereof." They are separately
16 incorporated cities and towns, a term that is
17 already defined as a community under both Wisconsin
18 state law and the Great Lakes Compact.

19 Another reason that this rewrite of history
20 and the intent of the term "equivalent thereof" as
21 a definition of community is dead wrong, is the
22 case of New Berlin. At the same time that the
23 language in question was being debated in the
24 Wisconsin state legislature, the City of New Berlin
25 was seeking approval to get Lake Michigan water as

1 a straddling community. They did not apply as an
2 extended sewer service area, they applied as what
3 they are, a city. And to make their request more
4 palatable to all concerned, and to demonstrate that
5 their only desire was to provide potable drinking
6 water to existing customers in the city, they
7 agreed to limit their request to the central basin
8 of the city, and actually specified in the approval
9 the number of new dwellings that could receive this
10 water.

11 So if Waukesha, and indeed the DNR's
12 interpretation of this "equivalent thereof" phrase
13 is correct, the New Berlin application should have
14 been rejected as incomplete, and it would have been
15 even clearer that the intent of the law was at that
16 time, since the New Berlin application was approved
17 in May 2009, less than a year after the new state
18 implementing legislation was approved here in
19 Wisconsin.

20 In short, Waukesha, and in this case the
21 DNR, can't have it both ways. Waukesha should be
22 required to apply as a city, constrained to
23 existing city limits. Thank you for allowing me to
24 present my views here today.

25 MS. HEILMAN: Thank you. Mr. Pindel.

1 And then, um, after Carol McAllister, Joe
2 P-I-A-T-T. Piatt.

3 MR. PINDEL: Hello, my name is Jim
4 Pindel, I'm the secretary-treasurer of the
5 Southeastern Wisconsin Fox River Commission. I
6 want to start by saying we certainly support the
7 Great Lakes Compact.

8 During dry periods of discharge of the City
9 of Waukesha's water treatment plant, about
10 10 million gallons per day, represents
11 approximately 90 percent of the flow in the Fox
12 River. During dry periods, portions of the Fox
13 River is already so shallow that canoes need to
14 forage to get through. Motor boat navigation is
15 already limited to -- and lower even the water
16 level will further decrease recreational boating
17 opportunities.

18 The Fox River is a high-quality fishery.
19 Lessening a river's flow or lowering the water
20 level will likely have a detrimental effect on the
21 fishery. Lower water levels could cause the
22 temperature to rise, encouraging algae growth. The
23 loss of recreational opportunities such as boating,
24 canoeing and fishing would result in reducing
25 property values for landowners along the river

1 system. The Great Lakes Compact does not concern
2 itself with possible -- possible consequential
3 damages to other ecosystems, and I'm afraid that's
4 what's happening with us. Thank you.

5 MS. HEILMAN: Thank you. Ms. McAllister.

6 MS. MCALLISTER: My name is Carol
7 McAllister, I live in the City of Delafield. I'd
8 like to present some facts which I think are worth
9 mentioning.

10 First, 40 other communities in Wisconsin
11 have had the same water problem. They have chosen
12 to treat their water and have thus not needed
13 diversion water. Second, diversion is an expensive
14 solution, one that will vastly increase water bills
15 for homeowners. It is rough -- it will cost
16 roughly twice as much to divert water as to treat
17 it. Third, projections indicate that diverted
18 water will run out in ten years or so. The
19 non-diversion solution will certainly last at least
20 35 years.

21 Fourth, I note with great disappointment
22 that the City of Waukesha hasn't instituted
23 meaningful conservation measures. I think that's a
24 major failure on their part. Fifth, diversion is
25 not the only way to deal intelligently and

1 responsibly with the water problem. I request that
2 the DNR seriously consider the non-diversion
3 solution proposed by the Compact Implementation
4 Coalition and add it to the EIS. Thank you.

5 MS. HEILMAN: Thank you. After
6 Mr. Piatt, Suzanne Kelley and then Simon
7 B-E-L-I-S-L-E.

8 MR. PIATT: Hello, my name is Joe Piatt,
9 and I'm here today at the request of our president
10 to represent Carroll University as an institution.
11 I'm a faculty member at Carroll University with
12 expertise in some water resources, specifically
13 environmental chemistry, but also with a background
14 in environmental engineering and groundwater
15 hydrogeology. I also happen to be a citizen of the
16 City of Waukesha, and serve as president of the
17 Waukesha Water Utility Commission.

18 Carroll University hosts 3300 students for
19 most of the year, and has roughly 500 full-time
20 employees. Carroll is a city within a city that
21 relies on a safe, reliable and predictable water
22 supply system. In fact, Carroll has benefited from
23 commercial conservation programs offered by the
24 water utility. We support the Lake Michigan option
25 as the only reasonable water source for the city.

1 In term -- I'll try to parse some comments,
2 but, other things that have already been repeated
3 tonight. In terms of delivering potable water,
4 simpler is better. The Lake Michigan option is
5 totally accountable and predictable from both a
6 quantity and quality perspective for both flow to
7 and from Waukesha to Root River.

8 A multi-well groundwater system access and
9 deep and shall aquifers requiring above-ground
10 advanced treatment technologies, is much more
11 complex and uncertain than pumping in return water
12 for 14 miles each way. Not to mention the
13 environmental impacts for wetlands and other
14 surface water features, and the need for continuing
15 water softening with the release of both sodium and
16 chloride to waters, which are also concern to
17 regulators.

18 My hat as water utility commissioner also
19 leads to same conclusion. The Lake Michigan source
20 is the best and only reasonable option to assist
21 Waukesha and its water service area. And for those
22 critical of the service area, keep in mind any
23 change to that service area triggers a regional
24 review. So getting Lake Michigan water is not an
25 open invitation to grow at will, not to mention

1 much of the surface area is already developed. I
2 can skip the rest, I think. Thank you.

3 MS. HEILMAN: Thank you. Suzanne Kelley.

4 MS. KELLEY: Good evening. My name is
5 Suzanne Kelley, and I'm president of the Waukesha
6 County Business Alliance. The Alliance is the
7 largest business association in Waukesha County,
8 representing more than a thousand member companies
9 and community organizations. Collectively, our
10 members employ approximately 60,000 people in this
11 area. An estimated 25 percent of our member
12 businesses are located in Waukesha, and employ
13 several thousand individuals who work and/or live
14 in the city.

15 The Alliance stands firm in its support of
16 the City's application for Lake Michigan water.
17 The City's proposal has been thoroughly vetted by
18 our infrastructure policy committee, our policy
19 board, and the Alliance board of directors. We've
20 spent years updating and educating our entire
21 membership about this issue, and have asked for
22 their feedback. Support for the City's application
23 has been widespread among our members.

24 We believe it's essential to provide safe
25 and healthy water to the citizens, employers and

1 their many employees in Waukesha. And after
2 considering all the information that has been
3 presented over many years now, we remain convinced
4 that Waukesha's application provides the only
5 practical, environmentally sound and long-term
6 solution for the city, its inhabitants and its
7 workers.

8 As you've heard tonight, Waukesha has
9 examined many water supply alternatives, all others
10 have greater adverse environmental impact and are
11 less protective of public health. Lake Michigan
12 would provide a reliable water supply for the
13 long-term, without any adverse impact to this great
14 lake. Whether you're looking at this from the
15 perspective of a business person or an
16 environmentalist, the City's application is the
17 only solution that really makes sense. Thank you
18 for your time.

19 MS. HEILMAN: Thank you. Um, after Mr.
20 -- how will I say your name?

21 MR. BELISLE: Belisle.

22 MS. HEILMAN: Belisle. We have Michael
23 Bera and then Suzanne Schalig.

24 MR. BELISLE: Members of the committee,
25 thank you for giving the public the opportunity to

1 present in-person comments on this important
2 project.

3 My name is Simon Belisle, and I am program
4 manager with the Great Lakes and St. Lawrence
5 Cities Initiative. The Great Lakes and St.
6 Lawrence Cities Initiative is a bi-national
7 coalition of 117 mayors representing over
8 70 million people in cities across the Great Lakes
9 and (inaudible), Ontario and Quebec as well. The
10 Cities Initiative (inaudible).

11 Mayors and municipal governments are the
12 closest form of government to citizens. Our mayors
13 certainly understand the importance of providing
14 abundant, clean, safe and fairly priced water to
15 their residents. They understand the
16 responsibility of the City of Waukesha to achieve
17 that. Our mayors are also very much aware of the
18 importance of the Great Lakes and St. Lawrence
19 Rivers as a resource for our quality of life, our
20 economic well-being, and as a source of drinking
21 water.

22 Over the 12-year history of the Great Lakes
23 and St. Lawrence Rivers -- Great Lakes and St.
24 Lawrence Cities Initiative, excuse me, mayors have
25 always expressed concern over any project,

1 development, or activity that would harm not only
2 their city, but the entire Great Lakes region, its
3 residents, and the people that travel to them for
4 business or pleasure. Despite being local
5 officials, mayors understand the basin-wide
6 dynamics of water management, and are fierce
7 defenders of the lakes and their health. This
8 ever-present concern is the main reason why I'm
9 here representing them and the Great Lakes and St.
10 Lawrence Cities Initiative tonight.

11 The Great Lakes and St. Lawrence Cities
12 Initiative does not believe the application of
13 diversion for Great Lakes water for the City of
14 Waukesha should go forward. Considering evidence
15 that the City of Waukesha can achieve its goal of
16 providing abundant, clean and safe water to its
17 residents at a lower cost than with Great Lakes
18 water, which should only be used as a last resort,
19 whether we like the term or not. The
20 precedent-setting nature of this application is too
21 unsettling for it to go forward. Mayors do not
22 want to see this diversion become the foot in the
23 door through which Great Lakes water is taken away
24 and sold to many regions of this country or even
25 abroad.

1 In addition to the precedent-setting nature
2 of the City of Waukesha's application, our mayors
3 have concern regarding the geography of the water
4 service area proposed in the application. The
5 additional communities that are part of the service
6 area have indicated that they do not need new
7 sources of water now or in the foreseeable future.
8 Also, these communities have implemented -- or not
9 implemented the necessary water conservation
10 measures to make themselves eligible to receive
11 Great Lakes water under the rules of the Great
12 Lakes Compact.

13 Mayors of the Cities Initiative will not
14 support a project that would be contrary to the
15 terms of the Great Lakes and St. Lawrence water
16 resources management Compact, equally effective and
17 enforceable provision of federal law. Members of
18 the communities of Great Lakes and St. Lawrence
19 Cities Initiative respectfully request that you
20 consider these comments submitted before you today,
21 and we thank the Wisconsin Department of Natural
22 Resources for holding these public sessions. Thank
23 you.

24 MS. HEILMAN: Thank you. Michael Bera.
25 Maybe Michael is not here. Susan Schalig, if I've

1 said the name correctly. S-C-H-A-L-I-G.

2 FEMALE SPEAKER: I think she left.

3 MS. HEILMAN: She left, okay. Carol
4 Lombardi. Ms. Lombardi. Then Thomas Constable.
5 And Terry Thiene, T-H-I-E-N-E.

6 MS. LOMBARDI: Am I on?

7 MS. HEILMAN: You are on.

8 MS. LOMBARDI: I'm Carol Lombardi, and I
9 don't go by former job descriptions. I was mayor
10 of the City of Waukesha for eight years. I was a
11 member of the Waukesha Common Council. I now have
12 soon been retired ten years. As you can see, the
13 color of my hair continues to get whiter and
14 whiter. I have been part of the request for water
15 for my community going way back to the very
16 beginning in the early 1900s. To understand the
17 disappointment that Milwaukee, that was on the same
18 aquifer that Waukesha is until they got Lake
19 Michigan water in the late '50s, gave our aquifer
20 50 percent drawback and drawdown already. So the
21 contaminants that we have discovered partly came
22 because of the use of Milwaukee.

23 Milwaukee has an opportunity, and had, and
24 I had contact with Milwaukee when I was mayor to
25 consider selling us Milwaukee water because they're

1 not using the quantity that they can take out of
2 Lake Michigan anymore, but we were turned down. To
3 understand that Waukesha city is the county seat,
4 we have over a hundred thousand people a day coming
5 into Waukesha. Why would we not want to provide
6 the safest community, whether it's police, fire or
7 water consumption to those persons coming into our
8 community?

9 To also comprehend that Waukesha County,
10 Elm Grove, Brookfield and New Berlin currently have
11 Lake Michigan water coming into their community, I
12 compliment the DNR for finally getting where you
13 are tonight. And I'm going to be 80 in February
14 and I would really love to drink Lake Michigan
15 water before I get to be 83. Thank you very much.

16 MS. HEILMAN: Thank you. Thomas
17 Constable.

18 MR. CONSTABLE: Good evening, and thank
19 you for this opportunity to speak with you. I'd
20 like to give you one citizen's nonpolitical,
21 nontechnical viewpoint.

22 I -- my name is Tom Constable, and I live
23 at 2609 Pendelton Place. I've lived in the City of
24 Waukesha for, continuously for 34 years. I pay my
25 taxes, I pay my utility bills, including my water

1 bill. And every time I pay my water bill, I get to
2 read about the problems in Waukesha water. I don't
3 know how many years I've been reading that, but
4 it's got to be 10, 15 years. I'm now well aware of
5 the 2018 deadline that the City has received.

6 And I've been watching the City very
7 carefully as it has assessed all of the options
8 that it has before it, and how it developed the
9 current plan. I'm supportive of the current plan.
10 It makes sense to me. I'm just Joe Blow citizen,
11 but it makes sense. Take water from Lake Michigan,
12 use it, clean it, and return it to Lake Michigan.
13 It makes sense and I ask you to continue to support
14 this process. Thank you.

15 MS. HEILMAN: Thank you. After -- and
16 how will I say your last name properly?

17 MR. THIEME: Thieme.

18 MS. HEILMAN: Thieme. After Mr. Thieme
19 will be Jennifer McKay and Tim Stewart, if they're
20 still here.

21 MR. THIEME: Hi, thank you for the
22 opportunity to allow me to speak. My name is Terry
23 Thieme, I live at 1712 Stardust Drive in the City
24 of Waukesha. I've been an alderman since 2008, and
25 currently on the Water Utility Commission. Again,

1 thank you very much for the opportunity to address
2 this very important issue.

3 The quality of Waukesha's drinking water is
4 on the mind of every one of my constituents,
5 because it's so important to the long-term health
6 of our community. Much has been said in favor and
7 in opposition during the debate over whether
8 Waukesha should be able to use and return water
9 from Lake Michigan, as is allowed by Wisconsin law
10 and the Great Lakes Compact.

11 What seems to have been lost in the
12 discussion is a sense of who Waukesha is, and how
13 we figure into the local ecological system.
14 Waukesha is a historic city with an urban center
15 surrounded by tightknit neighbors around a
16 revitalizing downtown. We engage in responsible
17 planning that emphasizes the preservation of
18 traditional environment corridors with special
19 emphasis on the conservation of water resource.

20 We have a stable population that is growing
21 in diversity every year, and we have the same
22 opportunities and challenges as cities in Michigan,
23 Ohio, and throughout the Great Lakes region.
24 Contrary to what some opponents may say, Waukesha
25 is not a sprawling new suburb that is looking for

1 water to help promote some uncontrolled growth.
2 There's no evidence to support that claim in all
3 the available documents, and growth projections
4 confirm just the opposite: A mature, slow-growth
5 community.

6 It's truly a geological anomaly that
7 requires us to make this rare request for the use
8 and return of water from the Great Lakes. The DNR,
9 the Great Lakes governors, and the people of the
10 Great Lakes states should know that we would not
11 make this request if the science had guided us in
12 any other direction. But years of study and
13 analysis by water experts throughout the country
14 has determined that drawing and returning of Great
15 Lakes water is the only reasonable alternative and
16 the choice that best protects the entire watershed.

17 If you look at a map of the Great Lakes
18 Basin, you'll see that Waukesha is about as close
19 as you can be to a Great Lake without being in the
20 basin. We're 15 miles from the shores of Lake
21 Michigan, not hundreds of miles away like some
22 communities that are still within the basin. That
23 proximity is a feature that makes us one of the few
24 areas in which the Great Lakes are a viable option.
25 Straddling counties further from the source will

1 find it too expensive to consider the Great Lakes
2 water in the future. The geography of the Great
3 Lakes Basin in many ways will help the number of
4 future applicants for water.

5 Our service area boasts 8850 acres of
6 protected wetlands, and other green space is
7 irreparably harmed if we are forced to dig more
8 wells because our application is rejected. Not
9 only is such an alternative unsustainable, it will
10 compromise the health of people, the wildlife, and
11 the environment of Southeast Wisconsin. Thank you
12 very much.

13 MS. HEILMAN: Thank you. Jennifer.

14 MS. MCKAY: Good evening, and thank you
15 for the opportunity to be here tonight to comment.
16 My name is Jennifer McKay, and I'm policy
17 specialist at Tip of the Mitt Watershed Council.
18 The Watershed Council, as a means of introduction,
19 is a non-profit organization based out of northern
20 Michigan, and our goal is to restore, protect and
21 enhance the water resources, which includes inland
22 lakes, rivers, streams, wetlands, groundwater, and
23 of course the Great Lakes.

24 Coming from Michigan, I'm going to focus
25 not necessarily on Wisconsin's (inaudible), but

1 the Compact. The Watershed Council was
2 instrumental in the development and passage of the
3 Compact, and are greatly concerned what this
4 application could do to it. Waukesha is only a
5 first of a number of communities that may line up
6 for Great Lakes water in the coming decades. The
7 outcome of this diversion application will set a
8 precedent for future diversion applicants and
9 basically determine the threshold for conditions
10 that warrant a Great Lakes diversion.

11 The Great Lakes Compact does allow for
12 straddling communities and communities within
13 straddling counties not currently using Great Lakes
14 water to be granted an exception to its ban on
15 diversions, but only if the community can prove an
16 inadequate supply of water, and that has
17 demonstrated water conservation.

18 The Waukesha application that is predicated
19 upon an expanded water service supply area, and
20 includes portions of communities that do not
21 satisfy either of those criteria, will not pass
22 legal muster upon the Great Lakes Compact regional
23 review. Waukesha has not met the legal and
24 technical requirements set forth in the Compact,
25 specifically, Waukesha has not demonstrated the

1 need for a diversion. The application includes the
2 extended service areas that have not shown a need
3 for water now or in the future.

4 To date, none of the communities within the
5 extended service area have demonstrated that it is
6 without supply of safe drinking water.

7 Additionally, some officials in those areas have
8 indicated that they do not need any of the water
9 either now or in the foreseeable future. Including
10 these towns in the application is, therefore, not
11 consistent with the Compact. The Compact is very
12 clear that the need for water must exist in a
13 community for it to be eligible for a diversion.
14 If these areas are to be included as part of the
15 application, the City must demonstrate that they
16 meet all Compact requirements, including water
17 conservation and efficiency before the application
18 is finalized.

19 And, second, Waukesha has a feasible
20 alternative to meet its water needs. You've heard
21 about the non-diversion solution that is cheaper
22 for taxpayers and will provide safe water and
23 healthy water to the Waukesha residents and
24 businesses today and into the future.

25 So as the first request for a diversion of

1 Great Lakes water outside the Basin under the Great
2 Lakes Compact, this review and decision making will
3 establish a valuable precedent, setting the bar for
4 future diversions, and currently this application
5 fails to meet every standard and requirement.

6 Thank you.

7 MS. BULL: Thank you. After Mr. Stewart,
8 we will have Lynn Preston and then Joan Fritzler.
9 F-R-I-T-Z-L-E-R. Mr. Stewart.

10 MR. STEWART: Thank you for pronouncing
11 my name right.

12 MS. HEILMAN: I'm not doing very well.

13 MR. STEWART: Well, you could spell it
14 because I wrote it, but. My name is Tim Stewart,
15 I'm a resident of Muskego, and I work in
16 Brookfield. I'm here to support the City of
17 Waukesha's application for Lake Michigan water, but
18 I do not want to be redundant, so let me just drive
19 home a couple points which either have not been
20 made or not been stressed. In particular with
21 regard to the return of the water to Lake Michigan
22 through the Root River.

23 So two points I just wanted to stress
24 quickly. Waukesha's return flow will improve the
25 quality of the Root River. Return flow water

1 quality will meet all state and federal water
2 quality -- quantity and quality limits. In some
3 cases return flow to the Root River will actually
4 improve the water quality in the river.

5 And the second point is, adding to the flow
6 of the Root River would improve the level of the
7 Root River, particularly during fall spawning runs
8 of salmon and trout. Since 1996, the base flow of
9 the Root River has been reported to be too low to
10 support water quality recreation and fishery goals
11 in the watershed. Both the DNR and Southeastern
12 Wisconsin Planning Commission have previously
13 explored adding to the volume of the water in the
14 river, but until now have been unable to augment
15 the river's flow because the costs were too high.

16 During the summer and fall, some sections
17 have been very -- have very low flow, which does
18 not support functional habitat and water quality for
19 fish. So that is a true win-win. That's it.

20 Thank you.

21 MS. HEILMAN: Thank you.

22 MS. PRESTON: Hi, my name is Lynn Preston
23 from Waukesha, Wisconsin. I actually live on the
24 edge of the Vernon Marsh, and so originally I was
25 really concerned that if Waukesha had to dig some

1 more shallow wells, that it would really affect the
2 Marsh.

3 And I've listened to two presentations
4 today. And what appears to me is that with this
5 request for water from Lake Michigan, that Waukesha
6 is asking for a lot more water than it uses. I
7 think it was quoted that 6.5 million gallons is
8 used, but they're requesting 10.1. And so I don't
9 know if that's because they think more people are
10 going to use more water, or if it's because of that
11 expanded area, you know, not just the city.

12 And another speaker eloquently explained
13 why they didn't think that this expanded area
14 should be included. So, um, I guess what I would
15 request that if this area isn't included, um, it
16 seems like you don't need the extra wells, so the
17 Vernon Marsh and all the wildlife would be
18 protected. And with conservation programs and
19 maybe expanding them, I know Waukesha has some
20 conservation programs already, that, you know,
21 perhaps that they could manage with just treating
22 the water rather than getting water from Lake
23 Michigan. Thank you.

24 MS. HEILMAN: Thank you. I had -- it is
25 Joan Fritzler, F-R-I-T-Z --

1 MS. FRITZLER: Joan Fritzler has nothing
2 new to add to the conversation, it's all been said,
3 I'd be redundant.

4 MS. HEILMAN: Fair enough. Nancy
5 G-L-O-E, Gloe. Nancy. Ellen Gennrich,
6 G-E-N-N-R-I-C-H. And then Joe Fahl. If any of
7 them are still here. Nancy.

8 MS. GLOE: Um, thank you for the
9 opportunity to speak today. Most of what I had
10 written down has already been said, so I'm not
11 going to waste everybody's time, but I would like
12 to go on record to say that I support continued
13 monitoring of the recovery of the deep sandstone
14 aquifer and its ability to meet Waukesha's needs.

15 I don't necessarily have a problem with
16 Waukesha getting Great Lakes water, but, um, I
17 don't -- I for one am not convinced that they truly
18 need it. And the Great Lakes are just way too
19 important and this application is
20 precedent-setting, and I think that needs to be a
21 very, very carefully done, um, demonstration that
22 they do need the water. Um, so we should continue
23 to watch the recovery of the aquifer, Waukesha
24 should treat the water. They should have much more
25 aggressive water conservation strategies.

1 And then the last thing I'd like to say is,
2 um, I think the water service area is bogus. It --
3 much of it needs to be redone. And, um, I hope
4 that if this application does move forward, that
5 it's done for a good reason, and at this point I
6 don't think we have a good reason. Thank you.

7 MS. HEILMAN: Thank you. So you must be
8 Joe?

9 MR. FAHL: Yes.

10 MS. HEILMAN: And I see nobody next to
11 you. So Ellen G-E-N-N-R-I-C-H, not here. Okay
12 Mr. Fahl.

13 MR. FAHL: Hi, my name is Joe Fahl, I'm a
14 resident of Waukesha, I'm also a dentist in
15 Waukesha. I've been here since 1991. My freshman
16 high school class earth science is no competition
17 for the engineers and all the people that have come
18 here, so I don't know that I can really comment
19 specifically on some of that stuff.

20 So, anyways, I will say that the science
21 does make sense on this sort of thing. We got to
22 this point because the EPA arbitrarily set a number
23 of the amounts of radium that's going to be in our
24 water. And, you know, we've talked about treatment
25 and stuff. Anything I've read, you cannot take 100

1 percent of the radium out of the water. So if we
2 do this and treat this stuff and the, um, radium
3 level is down to below what the EPA says, and we
4 spend a hundred and some million dollars, if
5 everybody is talking about half of the original
6 cost, what's to say that they don't come back in 10
7 to 15 years and say that the water has to be zero.
8 Then we're going to do this whole process over
9 again.

10 So I'm for doing the Lake Michigan water
11 for this particular reason. And I think later on,
12 you know, you're going to be pushing the cost of
13 this down the road. And I think that the, you
14 know, the return of the water to Lake Michigan is,
15 you know, if it's good enough to go down the Fox
16 River, it's good enough to go down the other river,
17 too. Thank you.

18 MS. HEILMAN: Thank you. Next is
19 Charlene Lemoine, L-E-M-O-I-N-E. Followed by Steve
20 Edlund and Steve Baas, B-A-A-S. Go ahead.

21 MS. LEMOINE: My name is Charlene
22 Lemoine, and I live in the City of Waukesha. And
23 I've lived in the city for more than 20 years.
24 During this time, I've followed Waukesha's failed
25 attempts to raise the radium standards through

1 lawsuits without regard for depletion of the
2 aquifer or proposals for any type of conservation.
3 And I think it's important to look back at our
4 history to understand where we are today.

5 I've read the EIS draft and the materials
6 provided by the City over the years, and I do
7 agree with the non-diversion solution proposed, um,
8 that we've heard about this evening. I also feel
9 the water conservation plan developed by the City
10 needs to be drastically expanded. In particular,
11 the issue with the sale of sprinkling credit
12 meters. This is an issue I have addressed many
13 times over the years. And the sprinkling credit
14 meters allow residential and commercial water
15 customers to bypass sewage charges. When water
16 appeared to be abundant, this practice may not have
17 been objectionable; however, when the City is
18 stressing a water diversion, the sale of these
19 meters does come into question.

20 I received an e-mail from the City of the
21 water utility back in November 14th, 2013,
22 addressing this issue. And, basically, the e-mail
23 had two constituencies they discussed: Those
24 passionate about conservation and those passionate
25 about gardening. And I would argue they may not be

1 two separate constituencies. They did say the
2 decision to install sprinkling credit meters
3 expresses the desires of another constituency that
4 feels strongly they should not be charged for sewer
5 services they are not using. Since multi-acre
6 gardens on residential properties are virtually not
7 existent within the City of Waukesha, gardeners and
8 those who want to use a lot of water can install
9 and should install rain barrels. This would avoid
10 the cost of water, and it would also eliminate any
11 sewage charges. Commercial properties can also
12 install underground water collection systems.
13 These are very common in other areas.

14 One method of conservation the City has
15 addressed is, um, rates. And I would argue that
16 charging residential customers 4.89 per thousand
17 gallons when 30,000 gallons are used quarterly, and
18 businesses \$2.88 if they use up to 1.5 million,
19 does not address conservation. So I think they
20 need to go back. Conservation matters. And
21 although I support the non-diversion solution,
22 there must be a strong conservation component.
23 Thank you.

24 MS. HEILMAN: Thank you. Mr. Edlund.
25 Which one are you?

1 MR. EDLUND: That would be me. I feel
2 the darts and arrows already being thrown my way.

3 MS. HEILMAN: And I will just say, after
4 the next speaker, Mr. Baas, am I saying that
5 correctly? Paul Furner, and then Lyman Welch.

6 MR. EDLUND: The graph that I have here
7 is representative of the aquifer currently that's
8 being monitored in Waukesha by the USGS and the
9 actual (inaudible) of the aquifer. As a consumer
10 of the Waukesha Water Utility, I pray for
11 consideration by the Wisconsin DNR to find the
12 application deficient for consideration of
13 diversion exception of Great Lakes water, to the
14 service area of the Waukesha Water Utility. My
15 conclusion is based on the following. And some of
16 these are my opinions. Some of them are facts.

17 Application documents submitted by the DNR,
18 submitted to the DNR, have contained significant
19 erroneous and misleading information about the
20 drawdown of the deep aquifer. Two, that the
21 misleading information has lead readers and authors
22 to come to unsubstantiated and misleading
23 conclusions about Waukesha's current supply of the
24 deep aquifer.

25 The DNR has become a -- number three, the

1 DNR has become a politically driven, core
2 development culture less sensitive to environmental
3 issues with recent executive leadership
4 appointments.

5 Number four, the application is not
6 approvable to meet, and not necessarily limited to
7 one key provisions of the Compact requirements.
8 Particularly that the straddling -- the straddling
9 county that Waukesha is located in is without
10 adequate supplies for potable water. The utility
11 states that it is without adequate supplies of
12 water because the deep aquifer which supplies
13 approximately 87 percent of the current volume is
14 severely depleted.

15 The utility has substantiated its claim
16 based on the 2005 regional planning report number
17 52 by the Southeastern Wisconsin Regional Planning
18 Commission. The report contains a water supply
19 report which incorporates scientific modeling of
20 the deep aquifer. The data use for the modeling
21 was selected for a seven-year period ending in
22 2001.

23 During that period, the deep aquifer was
24 declining; however, based on data from the USGS
25 groundwater monitoring station on Baxter Street,

1 the utility water reports the deep aquifer stopped
2 declining in approximately the year 2000, and has
3 now risen to levels not seen since the 1980s. The
4 deep aquifer is 1,785 feet deep, and the level is
5 370 feet below -- below ground, and the drawdown is
6 much less below the shale layer. SEWRPC has not
7 rerun the same scientific modeling based on current
8 aquifer trends. While the data by SEWRPAC is not
9 -- isn't an important benchmark, it's not relative
10 to any claim that Waukesha's current water source
11 is not sustainable. Waukesha has not submitted
12 scientific evidence that is -- that is -- that it
13 is without an adequate supply of water, and,
14 therefore, is without just cause for this request.

15 Radium in Waukesha's water. Radium in
16 Waukesha's withdrawals from the deep aquifer is not
17 relative to this application, because Waukesha
18 cannot be compliant with the June 2018 stipulation
19 court order with the Great Lakes diversion.
20 Furthermore, Waukesha does not need another source
21 of water to be radium compliant. This can be
22 accomplished by the installation of filters on the
23 four remaining wells. Thank you.

24 MS. HEILMAN: Thank you. Mr. Baas.

25 MR. BAAS: Thank you very much. I'm

1 Steve Baas, I'm the senior vice president for
2 government affairs and public policy for the
3 Metropolitan Milwaukee Association of Commerce.
4 The MMAC represents just a little shy of 2000
5 member businesses, employing over 3,000 workers in
6 the Southeast Wisconsin Metro Milwaukee area.
7 We're also a founding partner of the Milwaukee
8 Seven Regional Economic Development Consortium, and
9 we are pleased to urge your favorable consideration
10 of the City of Waukesha diversion application.

11 MMAC's vision statement for our
12 organization says that we will work to make the
13 Metro Milwaukee region globally competitive in an
14 innovation economy. There are few public policy
15 proposals that more directly and positively serve
16 that vision than this request to provide a safe,
17 sustainable water supply to an area that is one of
18 the key economic drivers of our regional economy.
19 Access to plentiful safe waters is one of the key
20 economic advantages we boast as a region.

21 In an effort to protect and maximize that
22 advantage, the MMAC worked hard with local, state
23 and regional policymakers to ensure approval of a
24 Great Lakes Compact that prohibited Great Lakes
25 water diversion to counties outside of the Great

1 Lakes Basin, but allow diversions within counties
2 straddling the Basin. The Waukesha water diversion
3 request is a key test for this Compact. The City
4 of Waukesha has followed the requirements of the
5 Compact to the letter.

6 Their diversion request follows the use,
7 recycle and return model that would result in a
8 zero loss impact on the Great Lakes. It not only
9 benefits Waukesha, but also provides a benefit to
10 Oak Creek as well by providing a market for the
11 excess capacity they have in their water treatment
12 infrastructure.

13 In short, the Waukesha diversion request is
14 a model for how intra-basin diversions can be and
15 should be responsibly and cooperatively executed.
16 While there are individuals and organizations who
17 will oppose any water diversion for any reason
18 under any conditions, their opposition to
19 Waukesha's request cannot be sustained by
20 environmental rationale and is antithetical to both
21 the letter and spirit of the Great Lakes Compact.

22 Indeed, if the Waukesha proposal is
23 rejected, it is hard to imagine any future
24 diversion of Great Lakes water ever being approved.
25 The Waukesha water diversion request before you

1 addresses a serious public health threat in a way
2 that does not threaten Great Lake water levels or
3 water quality, and that does not deplete our deep
4 or shallow groundwater aquifers. Further, the
5 request strengthens our regional economy by
6 deploying the economic advantage our abundant water
7 resources give us in a responsible and sustainable
8 way to facilitate continued job growth and
9 development in Waukesha County. I urge your prompt
10 approval of the City of Waukesha diversion, and
11 thank you for this attention to these comments.

12 MS. HEILMAN: Thank you. Mr. Furner.
13 Then Lyman Welch. Then Paul Ybarra.

14 MR. FURNER: My name is Paul Furner, 727
15 Hamilton Avenue in the City of Waukesha. On full
16 disclosure, I used to be a city alderman here.
17 And, um, I voted affirmatively for the diversion
18 when I was on the Council. Um, I continue to
19 defend that -- that vote.

20 Um, I'm a third, fourth generation
21 Waukeshonian. The legacy that my parents and
22 grandparents have given me is a wonderful one, with
23 the possible exception of some of our intersections
24 and the -- and the water dilemma that we find
25 ourselves in today. Quite simply, I am not willing

1 to leave this problem to my children. I think we
2 can solve it here and now with the diversion from
3 Great Lakes.

4 If -- if I had my -- my wish, we wouldn't
5 be the poster child for the diversion, you know,
6 I'd like to go third or fourth. We don't have that
7 option. And if we do move this forward, which I
8 think obviously it should be, and we may be
9 rebuffed by one or more of the Great Lakes
10 governors. Um, we will filter and we will stomp on
11 our neighbors and we will drawdown, and we will not
12 be the first to have Great Lakes diversion, because
13 we will be back asking for Great Lakes water in the
14 future. But it will be my children, or their
15 children that will have to do that. And I find it
16 unnecessary. So thank you.

17 MS. HEILMAN: Thank you. Mr. Welch.

18 MR. WELCH: Good evening, my name is
19 Lyman Welch, I'm the legal director with the
20 Alliance for the Great Lakes. The Alliance for the
21 Great Lakes is a non-profit organization working to
22 protect and restore the Great Lakes. We have
23 thousands of supporters around the Great Lakes
24 region, including a few here in Waukesha,
25 Wisconsin. I appreciate the chance to speak to you

1 tonight.

2 I want to frame my comments on the thought
3 that seven years ago in 2008 our region came
4 together and accomplished an amazing feat; all of
5 the Great Lakes states and two Canadian provinces
6 came together and agreed on the Great
7 Lakes-St. Lawrence River Basin Water Resources
8 Compact, and the agreement with the Canadian
9 provinces. This is an incredible feat. Every
10 state, all eight Great Lakes states passed and
11 approved this Compact.

12 It was designed under the framework that
13 the Great Lakes Basin values its water resources,
14 that we intend to protect our water resources and
15 to use them sustainably within the Basin, and that
16 the Compact would prevent those outside the Basin
17 from taking resources away from the Great Lakes
18 region. There is provision within the Compact to
19 allow communities in straddling counties to apply
20 for Great Lakes water, but you must meet stringent
21 requirements to apply for that exception.

22 It's critically important that Wisconsin
23 DNR looks very carefully and takes a strong, hard
24 look at this application. This decision will be
25 the first of its kind under the Great Lakes Water

1 Resources Compact. All of the Great Lakes states
2 and the Canadian provinces are looking to Wisconsin
3 DNR and its decision here. This will be
4 precedent-setting under the Compact, and many, many
5 people are paying attention to this around the
6 region.

7 Waukesha and its application has failed to
8 comply with the strict requirements of the Compact
9 for approval. The Compact requires looking at the
10 needs of the community. And, unfortunately, the
11 Waukesha application expands and goes beyond that
12 definition and provision. There has been no proof
13 that Waukesha needs this water. The non-diversion
14 alternative you've heard spoken of today shows that
15 Waukesha can sustainably use its existing resources
16 looking within that community.

17 And for those reasons, the Alliance for the
18 Great Lakes requests that you not approve
19 Waukesha's application, and provide detailed
20 reasons and explanations looking at the Compact
21 language. Thank you very much.

22 MS. HEILMAN: Thank you. Thank you. Mr.
23 Ybarra. And then after -- wait just a minute.
24 Sorry. After Mr. Ybarra, Steven McArthur, and then
25 Guy, um, Uuker, U-U-K-E-R. Thank you. Mr. Ybarra.

1 MR. YBARRA: Thank you. My name is Paul
2 Ybarra. I've been deeply involved in this issue
3 for many years as a member of the Waukesha Common
4 Council, serving two years as the Waukesha Common
5 Council president, and still a member of the
6 Waukesha Water Utility Board of Commissioners.

7 Throughout this process I continue to be
8 struck by the constant claim that Waukesha has
9 artificially inflamed -- inflated its need for
10 water in order to justify leveraging Great Lakes
11 water, instead of using a groundwater supply.
12 These same people also claim that staying on
13 groundwater would be just as effective, but much
14 cheaper. They make inflated claims such as the
15 20-year-present value on the alternative would be
16 \$150 million cheaper, and complained that the City
17 is intentionally ignoring this alternative. It's
18 an incredible claim, and it's absolutely
19 inaccurate.

20 What would the City's motivation be for
21 doing that? Why would it impose additional costs
22 on our families, ourselves, our families, friends,
23 neighbors, and people who vote for us, if it was
24 not necessary? The simple answer is we wouldn't.
25 The claim makes no sense and neither does their

1 proposal.

2 For those who would like stats, here's some
3 quick numbers for you. Waukesha has studied our
4 water supply alternative for more than ten years.
5 The SEWRPAC has -- had a panel of 32 experts study
6 the issue, and the DNR has spent the last five
7 years reviewing the application. And all -- and
8 the consensus from all three of these bodies were
9 the same, Great Lakes is our only reasonable water
10 supply alternative. Did the idea of staying on
11 groundwater, or simply using less water just never
12 occur to any of these three bodies? Again, the
13 answer is obviously no.

14 In fact, the DNR modeled the effects of
15 staying on groundwater, and the DNR assumed for
16 hypothetical purposes that Waukesha would use far
17 less water than it was deemed as reasonable --
18 reasonable projections. In other words, it looked
19 at exactly what the opponents tonight are
20 proposing. In fact, it even used groundwater
21 modeling suggested by the environmental groups.

22 The DNR said staying on groundwater, even
23 with reduced demand, would damage 700 to 2300 acres
24 of wetland. That's the same as 550 or 1800
25 football fields of damaged wetlands, plus negative

1 impacts on the streams, lakes, aquifers, not to
2 mention the impact on wildlife in those same
3 streams, lakes and wetlands. Our technical experts
4 have done extensive research on the 28-page memo
5 submitted by our opponents, and they found the
6 following four issues. One, it doesn't comply with
7 the (inaudible). Two, it does not provide the
8 claimed amount of water. Three, it does not
9 account for dealing with the waste products of that
10 suggested treatment, which alone can cost up to
11 \$200 million. And it did not account for the need
12 to replace aging wells and wells that suffered.

13 In conclusion, it's important that
14 opponents listen closely to this next piece.
15 SEWRPC, Waukesha and DNR have not ignored the
16 alternatives, they've rejected them because they're
17 unreasonable, environmentally unsustainable, and
18 incapable of relying on for long term. Thank you
19 for your time.

20 MS. HEILMAN: Thank you. Mr. McArthur.
21 No? No Mr. McArthur. You are Guy?

22 MR. UUKER: Yes.

23 MS. HEILMAN: And I --

24 MR. UUKER: Uuker.

25 MS. HEILMAN: Uuker?

1 MR. UUKER: Yes.

2 MS. HEILMAN: After him would be David
3 Fowler, and then Steve --

4 MALE SPEAKER: Schramp.

5 MS. HEILMAN: Schramp, is our guess, from
6 Oak Creek.

7 MR. UUKER: Thank you. I'm Guy Uuker.
8 You know, if there's an advantage to being towards
9 the end here, I guess it would be that much of what
10 I could possibly say has already been said, much
11 more intellectually and eloquently than I can, so I
12 won't bore you with a lot of that. I will say, as
13 a construction worker who has worked in the
14 Milwaukee area and surrounding areas for decades,
15 um, I would just urge you to not approach this with
16 a Band-Aid approach of, you know, yeah, we'll get
17 by for the next ten years or whatever, but, again,
18 I would stress that you look at it with a long-term
19 approach. And -- and that, you know, that
20 obviously is the diversion. So I'll just keep it
21 very brief and say that I speak in support of that.

22 MS. HEILMAN: Thank you. If you could
23 give your address for the record.

24 MR. UUKER: Yeah, N9098 Hustisford Road
25 in Watertown. And though I'm not from here, I do

1 have a vested interest, as all communities do,
2 because we all face the same challenges, the same
3 types of challenges, and I am still fond of the
4 city of my birth, which is Waukesha.

5 MS. HEILMAN: Thank you. Is Mr. Fowler
6 here?

7 MR. FOWLER: Yeah, right here.

8 MS. HEILMAN: Oh. If you could state
9 your name and address for the record. Thank you.

10 MR. FOWLER: My name is Dave Fowler, I'm
11 at 7549 Riverview Road in Franklin, Wisconsin. And
12 I've spent 15 years with the Planning Commission
13 for the City of Franklin, though I'm here speaking
14 as a citizen, I'm not here (inaudible) just myself.

15 I've listened with great interest. I truly
16 believe Waukesha residents deserve clean drinking
17 water. I think that's a good thing. I think it
18 would be a good thing for the whole region. My
19 concern is for my community of Franklin. I heard
20 the gentleman who was representing, I think the
21 group from Milwaukee, talking about the economic
22 benefit to Oak Creek and Waukesha. They skipped
23 the community that I live in, which is Franklin,
24 and I think rightfully so.

25 I have some strong concerns with both the

1 quality and the quantity of the discharge. I think
2 anybody within the community would have some
3 skepticism if the City of Franklin decided we would
4 increase the Fox River flow by taking our
5 wastewater discharge and trying to divert it to the
6 Fox River. So my concerns are with water quality
7 and with quantity. I am a certified flood plain
8 manager, and I realize that my -- the modeling
9 friends that I have will tell me that this increase
10 in the water discharge is de minimis, and I agree
11 with that, it's almost imperceptible. But Franklin
12 has large flood plains in our community that
13 prohibit some of our development. We work very
14 hard to keep those flood plains where they are.
15 And even though this is a de minimis increase, it
16 would still be an increase. We should be proud
17 that Wisconsin has a zero rise floodway, and we try
18 to maintain those kinds of records.

19 And I would urge Waukesha, if this
20 diversion is going to be approved, and I have --
21 I'm skeptical about it at this point for these two
22 reasons. One, I'm concerned that what type of
23 discharge the sewage is going to have; you're going
24 to be putting a sewage discharge, treated sewage
25 discharge into my community. You're going to be

1 having certain industries and residential in that
2 discharge coming to my community. I'm concerned
3 about the ability to treat that to a standard I
4 think that should be above and beyond what the
5 national -- or what the WTDS permit says.

6 Also, if you are going to be increasing,
7 even if there's a de minimis increase, I would like
8 to see some mitigation to that increase, or at
9 least going above and beyond that standard to show
10 that they're being a good neighbor. We're going to
11 be a good neighbor, we're accepting this sewage
12 discharge point inside our community. I'd like
13 them to be a good neighbor and do some things to
14 mitigate that, which I've not seen. I've not read
15 everything, but what I've read, I've seen nothing
16 in the guise of mitigation for both the water
17 quality and for this water quantity. Thank you
18 very much.

19 MS. HEILMAN: Thank you. Steve S-C-O --
20 we think it's Schramp, but, from Oak Creek,
21 Wisconsin. Steve. Sorry.

22 MR. SCOFIMI: That's all right.

23 MS. HEILMAN: And then we have Mike, with
24 also a difficult last name, R-U-Z-I-C-K-A, from
25 Milwaukee. And then Dennis Briley.

1 MR. SCOFIMI: My name is Steve Scofimi,
2 I'm the mayor of Oak Creek.

3 MS. HEILMAN: Oh. Sorry. I'm so sorry.

4 MR. SCOFIMI: That's not a problem. I
5 have horrific handwriting, and that's demonstrated
6 to me (inaudible - laughter). I'll keep my
7 comments brief. I certainly echo the comments of
8 our utility director, Mike Sullivan.

9 In 2012, our Council, our Common Council,
10 supported a decision for memorandum of
11 understanding with Waukesha. I believe always that
12 leadership involves looking to the future. And I
13 think Waukesha has done that. They also respect
14 the process. Since I was involved in this
15 discussion, they have done everything they should
16 have done to move the process along, and that's
17 what they continue to do to this day.

18 I've been on both sides of DNR issues,
19 winning and losing in Oak Creek, and I still have
20 tremendous respect for the department and the work
21 that you do. It's not easy. You make some real
22 tough decisions respecting all the viewpoints that
23 are out there. So I always applaud the way you do
24 your business, the way you gather the public input.
25 Those aren't easy things to do. And no one wants

1 to have to sit here until 9:30 at night on a Monday
2 or Tuesday night, but you do it.

3 I'll just say this, if we can help
4 Waukesha, and if we can help the region be better,
5 and help them solve their problem, Oak Creek
6 certainly (inaudible). Because that's, I think,
7 what strong, vibrant, good communities in Wisconsin
8 do. We don't have a monopoly on Lake Michigan
9 water, I believe they have just as much right as we
10 do, as an adjoining community, and I would support
11 the decision to move it forward. Thank you.

12 MS. HEILMAN: Thank you.

13 MR. BRILEY: Dennis Briley.

14 MS. HEILMAN: You're Dennis Briley, okay.
15 From the Realtor's Association, Mike from the
16 Realtor's Association. Maybe not here anymore. So
17 Dennis. Then after that, Laurie Longtine and
18 Patrick Henderson.

19 MR. BRILEY: I'm Dennis Briley, I live in
20 the City of Pewaukee. I receive my water from a
21 well, but I live within a hundred feet of the
22 Waukesha utility water system.

23 Will my well ever run die -- run dry?
24 Probably. Will I and my neighbors mind Lake
25 Michigan water? Maybe. If so, I'm willing to see

1 it provided under strict interpretation of the
2 Great Lakes Water Compact.

3 I worked on the initiative to help pass
4 Great Lakes Compact for a number of years. And
5 Waukesha got a gift through that adoption that is
6 immensely important. We'll never receive a gift
7 more favorable for the provision than that Compact.
8 But I don't think the residents of Waukesha and
9 their political leadership understands the issue,
10 even after listening to it tonight.

11 This application for Great Lakes water is a
12 weak one, crafted on what Waukesha wants as a
13 business as usual, growth model, not on the
14 specific requirements of the Compact. This issue
15 is too important to take the risk of submitting
16 this weak Compact application. The Compact has
17 four criteria required for Waukesha to be a
18 candidate for receiving Great Lakes water, and it
19 is my opinion that the application fails to meet
20 all of those criteria, but I'm going to speak to
21 just one this evening, other voices have covered
22 the other three.

23 In addition to advocating for the Compact's
24 passage, I served on a Waukesha Water Conservation
25 Coalition for a number of years. Some good things

1 were accomplished, bur far from enough. Water
2 conservation actions applied before the Compact is
3 submitted should have been robust, they're minimal.
4 For example, Waukesha provides a hundred-dollar
5 rebate for replacing old, water-hogging toilets.
6 The utility should have offered to pay for the
7 whole cost of those toilets. Look at the
8 difference between the non -- not getting a Compact
9 -- getting the water from Lake Michigan and the
10 Lake Michigan water, there's a large number of
11 dollars there. And that much more dollars could
12 have been put into replacing all of the toilets
13 that are old, for example.

14 The millions spent on pipes and pumps to
15 get Lake Michigan water could be diverted into
16 better consumption toilets. The spirit of the
17 Compact was missed. And there are a number of
18 other water saving -- conservation savings method
19 that have been glossed over and not really
20 addressed. Thank you.

21 MS. HEILMAN: Thank you. I just remind
22 everyone, I really appreciate that everybody's
23 staying to the three-minute timeline, but we can
24 always -- we're welcome to submit written comments,
25 so thank you all very much. Laurie. And then

1 Patrick Henderson is next. Then Ezra Meyer.

2 MS. LONGTINE: I'm Laurie Longtine, I'm a
3 member -- board member of the Waukesha County
4 Environmental Action League. I'm really glad
5 tonight that -- I'm sorry, Cheryl, I don't remember
6 your last name.

7 MS. HEILMAN: It's Heilman.

8 MS. LONGTINE: Heilman?

9 MS. HEILMAN: Yeah.

10 MS. LONGTINE: Had said at the beginning
11 that they want to hear from everyone, and that the
12 purpose of this hearing is to hear from you,
13 meaning the public, or at least that's how I
14 interpreted it. And I hope that the DNR will
15 continue to listen to the public with respect and
16 not -- and take our comments into serious
17 consideration as you're formulating the final
18 aspects to the EIS.

19 I hope that the DNR will listen to our
20 comments and not dismiss multiple comments. Um,
21 700 so far, written comments, according to the
22 Waukesha Freeman on Saturday, as really just only
23 one comment, as it was dismissed in the Freeman.
24 It's not only more than one comment here tonight,
25 but it is -- and tomorrow at the hearings in Racine

1 and Milwaukee, but tens of thousands of Wisconsin
2 members of our organizations that we are
3 representing.

4 I'm -- I learned something new, so I'm glad
5 I came. I had no idea that there were so many
6 environmentalists at the Chamber of Commerce, the
7 Greater Milwaukee Realtor's Association, the Common
8 Council, and all of these people who have spoken
9 tonight so valiantly in favor of what they consider
10 an environmental solution. I find that highly
11 interesting and invite you all to join WEAL, we
12 have membership forms in the back.

13 We have lived in our home in the Town of
14 Waukesha for 22 years. Prior to that, it was about
15 ten years in the City of Waukesha. So we have
16 covered the whole gamut of this issue. We're in
17 the expanded water service area, and also in the
18 way of access to the Town of Genesee also in the
19 expanded service area. There's no way that the
20 Town of Genesee could get water or sewer with the
21 City of Waukesha if they didn't come through our
22 area.

23 I was surprised also to learn tonight that
24 the DNR thinks that they looked at the expanded
25 service area and determined that there's no supply

1 of potable water. I would really be interested to
2 see where that is in the EIS; I did not see
3 anything. Our private well and septic are serving
4 us very well, as well as our neighbors and fellow
5 Town residents, all of whom have plentiful clean
6 water that is recyclable and quite sustainable,
7 especially in the fact that rainwater as it falls
8 on the ground will replenish our aquifer.

9 The water service area, the expanded water
10 service area, is 17 additional square miles. There
11 is no way that all of that area can need water. I
12 agree that there are some that do, but it's
13 households, not whole square miles at a time. And
14 I do have some other comments about SEWRPAC
15 setting the boundaries in 1998 of the water service
16 area, but I will include those in my written
17 comments. Thank you.

18 MS. HEILMAN: Thank you. Mr. Henderson.

19 MR. HENDERSON: Good evening. So in a
20 former life I was -- I had the pleasure of being
21 Governor Doyle's representative on the Great Lakes
22 government during the Compact negotiations, and I
23 led his efforts to enact Wisconsin's implementing
24 legislation. So you all have a tough job, and I
25 was proud to be a little bit a part of making that

1 a tough job. So you really do, these are hard
2 decisions to come to and I appreciate all the
3 effort going into it.

4 So at the time the Compact was being
5 written, there was a lot of talk about this
6 jurisdiction or that jurisdiction simply would
7 never allow a diversion under the old law world
8 because politics in their state simply wouldn't
9 allow for it, regardless of the merits of that
10 proposal. So this was not a reasonable way to
11 ensure that the Great Lakes and the local needs
12 were both protected.

13 So under the Compact, political dealings
14 were replaced by deliberate decision making based
15 on sound science and environmental protection. The
16 idea that the communities must return the water to
17 the Basin, we've heard a lot about that today; not
18 cause cumulative negative impacts; and establish a
19 reasonable test for determining if the supply --
20 supplies are available.

21 Now, that was a key part of the discussion
22 during the negotiations, it was reasonable. And we
23 chose not to say no other possible water, but we
24 chose reasonable instead. And that was done for
25 very good reason. So the Compact by no means

1 guarantees water, but it does provide a roadmap for
2 communities to follow and to have the proposal
3 judged based on objective criteria, not politics.

4 So the key to success when enacting the
5 Compact was the assertion of the communities and
6 straddling counties provision, which is why we're
7 here today. And I can tell you from every
8 jurisdiction along the way, everybody did it with a
9 full understanding that Waukesha was going to be
10 coming down the path. In fact, Waukesha was often
11 the litmus test for the criteria being put into
12 place. So it was clear from the very beginning of
13 the regional negotiations that the Compact could
14 not have been adopted without protecting the
15 interests of all communities in need of water
16 throughout the Great Lakes region, not just
17 Waukesha, but throughout the Great Lakes.

18 So the Great Lakes governors as well as the
19 U.S. Congress ratified the Compact knowing full
20 well that limited diversions would be a
21 possibility, and they decided in their wisdom that
22 those limited exceptions were acceptable, assuming
23 they met the Compact's environmental protections.
24 So a key part of both the regional Compact
25 negotiations and the Wisconsin implementing

1 legislation, was to build off the idea that
2 services should not be limited by municipal
3 boundaries, but by the service area. This was done
4 to build off Wisconsin's successful wastewater
5 treatment laws, avoid the purchase from one
6 watershed to another, and meet the Compact's
7 requirements to maximize return flow while
8 minimizing (inaudible) Basin water.

9 So during those negotiations, it became
10 clear that in every state and Canada, there were
11 simply too many potential jurisdictions that we
12 simply could not list them all for fear that we
13 would unintentionally miss one. Therefore, we
14 developed the language of equivalent thereof. In
15 Wisconsin, the DNR has determined that the water
16 supply service area meets this definition, and
17 consider the language of the Wisconsin implementing
18 statute, they really had no other choice.

19 And I'd also like to point out, this was in
20 the Wisconsin legislation, nobody objected to it at
21 the time. And when Congress ratified it, their job
22 was determine that the state had adopted Compact
23 compliant laws. So Waukesha is not a threat to the
24 Compact. Waukesha is an opportunity to show that
25 the Compact works, and that decisions will be made

1 on what is best for the resource as well as for the
2 folks that turn on their kitchen faucet each day to
3 give their sons and daughters a clean drink of
4 water. Thanks.

5 MS. HEILMAN: Thank you. Ezra Meyer.
6 Then Mr. Tim Roebke. And then Steve Schmuki.
7 Schmuki.

8 MR. MEYER: Schmuki.

9 MS. HEILMAN: Schmuki.

10 MR. MEYER: I can help you with that one.

11 MS. HEILMAN: Schmuki. Thank you. Thank
12 you.

13 MR. MEYER: I thought I was last, but I'm
14 glad to know that there are more behind me.

15 MS. HEILMAN: We've got a few more to go.

16 MR. MEYER: I'm Ezra Meyer, I'm with
17 Clean Wisconsin out of Madison. I won't give an
18 address, because it's right out there on the web,
19 you probably can track it down. Eric knows where I
20 live.

21 I want to clarify a few things. There have
22 been so many points that Clean Wisconsin, ah, view
23 -- you know, views in terms of the application
24 here, in terms of the DNR's review of it. They've
25 been stated already, I'm not going to reiterate

1 those. We're part of the Compact Implementation
2 Coalition, and share the views that are expressed
3 by that group tonight, and that will be coming in
4 writing. It won't be as thick as your report, but
5 it may be close, so keep an eye out for that.

6 The Coalition are not opponents to
7 Waukesha, to diversions. This needs to be
8 clarified, because, there's been -- this word has
9 been (inaudible) around in the press and a bit
10 tonight, and I think it needs clarification. We're
11 strong supporters of the Great Lakes Compact, is
12 what we are. And science and the law drive how --
13 how we look at this issue. Not politics, but
14 science and the law. And our look at it through
15 science and legal lenses has brought us to the
16 conclusion that we've clearly shared in public, and
17 tonight as well, that Waukesha's application just
18 doesn't pass muster. I think that bore clarity --
19 clarifying tonight.

20 Another point I want to clarify. Clean,
21 safe, healthy drinking water for residents is what
22 we do, it's what we're about. So when folks
23 suggest that somehow we're against that, um, again,
24 I can't sit idly by and let that happen. It's not
25 true. It's what we do every day in our work. I'm

1 a water policy specialist at Clean Wisconsin. If
2 it's not water quantity, it's water quality that
3 I'm fighting for in my every moment of my working
4 life. And I'm not alone, all of the folks in the
5 Coalition do the same thing.

6 I want to throw out another thought. An
7 alternative vision to Mr. Baas's vision for how we
8 could allow this case of Waukesha to showcase how
9 the Milwaukee area could demonstrate global
10 competitiveness around water. Water is dynamic, it
11 changes all the time. There are new bits of
12 information that we've submitted already to the
13 Department that are not included in SEWRPAC's 2006
14 regional water supply plan, and not in the 2008
15 analysis that creates the (inaudible) of the water
16 supply service area proposal for Waukesha. And
17 they're not in the Department's technical review or
18 environmental impact statement.

19 That information is new, it's changing all
20 the time. It needs to be factored in the equation
21 here. And if we factor that information in, if you
22 look at technologies as they develop and as the
23 water hub in Milwaukee is built to provide to the
24 world, we may be able to find a vision for
25 sustainable water management in Southeastern

1 Wisconsin, specifically in Waukesha, that showcases
2 all of that expertise and engineering and
3 technology and adaptive water management that I
4 think is probably a bit of a different alternative
5 to how that could (inaudible) Mr. Brown's offered.
6 But another worth of consideration.

7 The couple of points that we also wanted to
8 clarify here. There's a couple key premises in
9 Waukesha's proposal that are faulty, and that need
10 -- again, this is some of the new information I
11 highlighted a moment ago, the deep aquifer was
12 declining for decades, but it's not anymore, it's
13 rebounding for the last 10 or 15 years. What does
14 red mean? Am I done? That's an international
15 standard for red, I got you. Thank you.

16 MS. HEILMAN: We would be happy to
17 receive your comments in writing.

18 MR. MEYER: Absolutely. We'd be happy to
19 work on them for the next couple weeks. Thank you.

20 MS. HEILMAN: Thank you very much.

21 Mr. Roebke.

22 MR. ROEBKE: Roebke.

23 MS. HEILMAN: Roebke.

24 MR. ROEBKE: So Tim Roebke, 1224 River
25 Park Circle East, Village of Mukwonago. So I've

1 lived in Mukwonago for about ten years now, and
2 I've been aware of radium concentration levels and
3 certainly been concerned about it being in my
4 drinking water. Also had a reverse osmosis system
5 in my house for about eight years, and I know you
6 can buy them for about a hundred dollars at Fleet
7 Farm. So if somebody needs something and they
8 don't want to have the City pay for it, there is a
9 solution right there.

10 So, anyway, while I'm an engineer by
11 profession, I'm not a civil engineer, so my
12 expertise will be limited in this area, but I'm
13 used to looking at data and trying to see if the
14 data makes sense and is complete. And looking at
15 the presentation from tonight, I have some real
16 concerns about some of the data being presented,
17 specifically the alternative solutions and what
18 were the perceived -- what were the reasons that
19 those were perceived to not be acceptable.

20 So I didn't see a lot of explanation. A
21 very short, brief statement about impact on
22 wetlands. Well, what would that impact be? And I
23 don't think that's been adequately communicated
24 tonight or to the press, so I think that would be
25 nice if that could be put out.

1 So the other concern I have is the cost of
2 the pumping of the drawing from and trading and
3 sending back to Lake Michigan. What is truly the
4 cost of that relative to the treatment solution,
5 and what is the cost of that going to be long-term
6 when more communities are asking for water, not
7 only in Wisconsin, but throughout the Midwest, and
8 in the Southwest maybe, the Southeast, where
9 California, for example, where they're growing most
10 of the produce for the country and they're in
11 serious drought? At some point, will the federal
12 government step in and say we need to redirect some
13 of our critical natural resources to areas that are
14 really in dire need? At that point, we should
15 expect to pay much more for this water that's
16 coming from Lake Michigan than we are today. Um,
17 so that's something that I think we need to think
18 about in terms of the true cost.

19 And the other thing that was stated tonight
20 was the misconception that just because you're
21 getting water from Lake Michigan, that we won't
22 have to treat the water. We're still treating part
23 of the water. Eventually, if the levels are too
24 high, we'll still have to treat that water to some
25 degree, if either the EPA lowers the limits or

1 something else happens to make that requirement
2 change.

3 The other concern I had was conservation
4 and efficiency measures. I don't feel that much
5 has been done in the City of Waukesha. We look
6 at -- for example, I just looked at the data
7 tonight, and of the water users, about 64 percent,
8 either residential or multi-family, are
9 residential. And 85 percent of that is high-flow
10 residents, so 3 1/2 gallons per flush toilets, and
11 about 30 percent of their water use is toilets. So
12 that's about 1 million gallons per day right there.
13 So, okay, thank you for your time.

14 MS. HEILMAN: Thank you. Um, next we
15 would -- we have Steve, and I'm going to not
16 pronounce your name right.

17 MR. SCHMUKI: Schmuki.

18 MS. HEILMAN: Schmuki. But then Steve
19 Popek, P-O-P-E-K, and Angela Reifenberg.
20 Reifenberg. From Milwaukee.

21 MR. SCHMUKI: Thank you.

22 MS. HEILMAN: Thank you. Thank you all
23 for your patience on the names.

24 MR. SCHMUKI: My name is Steve Schmuki,
25 I'm the president of the Waukesha County

1 Environmental Action League. I'm a resident of the
2 Town of Waukesha. I am here not so much in my
3 capacity as the president of the Environmental
4 Action League, I'd like to make comments on my own.
5 So these are not WEAL's comments, they're my
6 comments.

7 I've lived in Waukesha all my life. I'm at
8 least three generations deep in both sides of my
9 family, so I'm very familiar with Waukesha's
10 history and I'm very familiar with the fact that
11 the radium issue has been around for a long time.
12 And the history of that issue begins when the EPA
13 came up with a standard and said, you know what,
14 Waukesha's water doesn't meet the standard, you
15 need to do something about it. And Waukesha took
16 the position that the standard was inaccurate or
17 too high, and spent a whole lot of time and money
18 going to court trying to defeat the standard.

19 It's only been recently that after those
20 failed attempts to defeat the standard, they've had
21 to deal with the issue. And it's puzzling to me
22 that we're here today with an application for
23 diversion of Great Lakes water to the City of
24 Waukesha, and find ourselves flip-flopping back and
25 forth between is it a quality issue or is it a

1 quantity issue.

2 My understanding has been that what has
3 pushed Waukesha to this point is a quality issue.
4 It's about removing the radium from the drinking
5 water. It's not a quantity issue. And as many
6 people have spoken to tonight, there is ample
7 potable water -- ample supply of water in the
8 aquifer and in the various means that Waukesha
9 currently uses to supply that to their citizens.
10 The issue really is about whether or not it's
11 potable. There have been many people who have
12 talked about ways that that can be done.

13 It is my belief and my feeling that as the
14 protectors of all of our natural resources,
15 including the Great Lakes and our water supplies,
16 that the DNR needs to look at this application in
17 the context of whether or not the City of Waukesha
18 can supply water through existing mechanisms and
19 existing means without having to go to the Great
20 Lakes. That's our collective natural resource and
21 it's your job and your charge to protect it.

22 And so consequently, I think we need to
23 look at this application in that context, and that
24 I would urge the DNR to do that, get very sharp
25 pencils when you look at this and analyze it, and

1 ask yourselves why we are at -- why the City of
2 Waukesha is asking for greater quantity for a
3 larger service area than what is necessary to
4 supply its current citizens with clean drinking
5 water. And I think when you look at it under that
6 spotlight, you'll find that the application will
7 fail. Thank you.

8 MS. HEILMAN: Thank you. Steve. Are you
9 Steve?

10 MR. POPEK: Yes. Hi, my name is Steve
11 Popek, I reside in the Town of Brookfield. And I'm
12 a concerned citizen about our water and of the
13 wetland issue. I first would like to ask, is the
14 City of Pewaukee still on this Compact? Is it?
15 Are they? Are the City of Pewaukee, are they still
16 in the Compact?

17 MALE SPEAKER: Are they in the Compact?
18 What do you mean by that?

19 MR. POPEK: For the Great Lakes water.

20 (Inaudible - multiple speakers.)

21 MR. POPEK: They are still on there,
22 okay. To all Waukesha County taxpayers, you have
23 all been duped. Back in July of 2014, Waukesha
24 County supervisors voted against the extension of
25 County SR, 4 miles through one of the last large

1 tracts of wetlands in our county, stating that the
2 cost of \$8.8 million, and that the expense was too
3 much for the taxpayers. This is not to mention
4 that supervisor David Swan had already spent \$2.2
5 million on this project already for studies
6 related.

7 My question is, who allowed this kind of
8 money to be spent when only 15 years ago Barker
9 Road was shot down because of the very same
10 reasons? It's called wetlands. Then three months
11 later, 20 of the 28 Waukesha supervisors voted in
12 favor of this project. I would like to know what
13 factors changed their minds. Explain to me how
14 science and technology of our county tells us that
15 we will not have enough water in our ground to
16 maintain a population for our future, and yet would
17 take the advice of the City of Pewaukee to run a
18 road through the wetlands, when they are on the
19 Great Lakes Compact.

20 We need an independent study of the
21 wetlands in our county to see how it will affect
22 our groundwaters for now and into our future.
23 History has always taught us that we should learn
24 from our mistakes. All Waukesha needs to do is
25 look east to Milwaukee County. Through no fault of

1 their own, they were developed without science and
2 technology. They kept backfilling wetland, and
3 when their wells went bad, they drew drinking water
4 from the lake. We do not have a big lake. But we
5 must embrace science and technology to preserve the
6 wetlands that are trapping the storm, or water for
7 the storm, and to reduce the downstream of flows
8 for flooding, for the water that you drink today is
9 close to 100 years old.

10 So for our future generations, I urge my
11 elected officials in Madison to stop any
12 development of any wetlands in Waukesha County
13 until they can find out the impact it will have on
14 our drinking water and our deep well aquifers.
15 This is -- the other right item is to remove the
16 City of Pewaukee from this Compact if they want to
17 destroy the resource, because why should we reward
18 them if they can't take care of what they already
19 have?

20 My last question is, if we don't receive
21 Lake Michigan water and our greedy communities
22 continue to destruct the wetlands in our state,
23 then when and where will the water come from and at
24 what expense? The taxpayers of Waukesha deserve
25 this study, and I urge my elected officials to do

1 the right thing here, not along party lines, but
2 the right thing.

3 MS. HEILMAN: Thank you.

4 MR. POPEK: Thank you.

5 MS. HEILMAN: Ready?

6 MS. REIFENBERG: Ready.

7 MS. HEILMAN: Okay. If you could just
8 say your name and address for the record.

9 MS. REIFENBERG: I'm Angela Reifenberg, I
10 live at 2814 North 78th Street, Milwaukee. I think
11 I'm going to speak on something that hasn't been
12 touched on too much tonight, public participation.
13 Clearly this is a complex and emotional issue, and
14 as such, the public should be given as many
15 opportunities to learn and comment on the project
16 as is reasonable. And, unfortunately, this hasn't
17 happened.

18 The Waukesha Water Utility failed to comply
19 with state law regarding open meetings when it met
20 with city officials in 2007, 2008, to discuss the
21 Lake Michigan diversion. Instead, they went into
22 closed session and took actions behind closed
23 doors. The reason for the closed session was cited
24 as a discussion of a strategy relative to our
25 long-term water options, as well as radium

1 compliance with legal counsel. I believe these
2 items should be privy to the public; they are
3 public health.

4 Per state statute, closed door meetings
5 should be reserved for bargaining and competitive
6 items, or items personal in nature. At these early
7 dates, what was it about long-term water strategy
8 that the utility didn't want to share with the
9 public? What part of these conversations could
10 have been around pricing or bargaining? The water
11 utility had yet to finalize where the water would
12 be coming from, returning to, much less the cost of
13 each trip. It seems the public was unnecessarily
14 left out of these conversations.

15 On May 1st, 2010, the initial diversion
16 application was submitted by the utility. The DNR
17 then spent years working with the utility to gather
18 more information and develop a more complex
19 application. In July of 2011, the public was
20 invited to comment on the process. In December of
21 2011, the utility submitted a second application.
22 And October 2013, it submitted a third application.
23 After this third application, the public was again
24 invited to comment. This would have been good,
25 except the public had approximately one month to

1 review the application and submit comments. It
2 took the utility over two years to gather the
3 supplemental materials, and the public had one
4 month to review it. And not even one month, if you
5 went to the early meeting. I realize this is in
6 compliance with state code, but for a project of
7 this scope and depth, more time seems appropriate.

8 Now that the technical review draft
9 decision and EIS have been released to the public,
10 two months have been provided for comments. I
11 appreciate that this is an extended time period,
12 but am disappointed that only one meeting is being
13 held in each of the three counties. And as a
14 Milwaukee County resident, I can't even attend the
15 one in my own community, because it's being held
16 during the day. I would have expected there to be
17 more of an outreach for hearings and public
18 comments. And in explaining the extended comment
19 period, the DNR states that this is a big project
20 with lots of complexity. Well, then, why not offer
21 more than one meeting per county? So that's my
22 comments.

23 MS. HEILMAN: Thank you. Um, Sandy Hamm.
24 Is sandy here? And then Shannon Majewski.
25 Majewski. Sandy.

1 MR. HAMM: Good evening, my name is Sandy
2 Hamm, I'm a life-long resident of Waukesha. My
3 family owned the Waukesha Freeman for over a
4 hundred years, when my mother, along with her
5 sister and brother, sold it in '79 to the Des
6 Moines Register.

7 Through my mother's family, my great uncle
8 was Art Curran, and his son, Joseph Curran, was my
9 second cousin. Each in turn ran the Waukesha Water
10 Utility. Joe served as the general manager from
11 '58 to '85. For those of you who might remember,
12 Joe was involved in this radium issue before his
13 retirement, including a plan he put forth to take
14 the City's affluent (phonetic), clean it, put it
15 back into the Fox River downstream and build a lake
16 to reuse the water. I'm deeply versed in this
17 history.

18 In our modern age, to answer with a "no"
19 has become unfashionable. In my opinion, the State
20 of Wisconsin and the other Great Lakes states
21 should reply to the City of Waukesha's request with
22 a simple no. I don't have a detailed legal
23 argument against the application, but I know what
24 the City wants and how the City has acted since
25 1987 when the more stringent EPA standards were

1 imposed. The City wants growth, internal and by
2 annexation. They are in the business of growth.
3 And the City wants development. They make no
4 secret of it.

5 For decades, the City has annexed what for
6 me are countless acres, and expanded internally,
7 all while being unable to supply clean water to
8 their current constituents. It exercises no
9 restraint at all while under the EPA order. In the
10 past three years alone, the City has annexed many,
11 many hundreds of acres from the town, all annexed
12 by the owners, so they could tag onto the water's
13 city and sewer services. By this time next year,
14 the City will have hundreds of new apartments on
15 recently annexed land, along with a Meijer's store,
16 not to mention the, again, literally hundreds of
17 new apartments within its existing borders.

18 When one doesn't have the resources to
19 serve those for whom they are presently
20 responsible, the responsible thing to do is stop
21 expanding. If you are feeding your six kids
22 poison, best you don't birth a seventh.

23 Milwaukee County has plenty of space, and
24 they have the water. Milwaukee didn't develop on
25 Lake Michigan by accident. The population should

1 move to the water, not the other way around. Based
2 on the City's blatant disregard for the EPA's
3 order, expanding all the while, I believe that
4 giving the City a drinking straw to Lake Michigan
5 is the last thing that should happen. The City
6 should make do with what it has. The water table
7 is rising. Stop annexing and adding apartments
8 hand over fist. Can't anyone say no anymore?

9 MS. HEILMAN: Thank you.

10 MR. HAMM: Thank you.

11 MS. HEILMAN: Shannon.

12 MS. MAJEWSKI: I'm Shannon Majewski, I
13 live at 3216 Woodridge Lane in the City of
14 Waukesha. I echo many of the environmental
15 concerns, particularly what Sandy Hamm was just
16 saying. It's really time to say no.

17 I oppose this diversion of Great Lakes
18 water to Waukesha because really conservation
19 measures, save the seasonal watering restrictions
20 which don't seem to be regularly enforced, haven't
21 been put into place. It does seem that Waukesha
22 has ample water, and that there are solutions that
23 can treat that water. And I really do think this
24 is a dangerous and unsustainable precedent for the
25 eight other states and two Canadian provinces to

1 follow, due to the fact that we do have a water
2 supply here that we can treat.

3 The other thing that was very concerning to
4 me is the return flow plan that includes wastewater
5 return to the Root River. As someone who values
6 water as a precious resource, I think we really
7 need to look at this for the future generations. I
8 love Waukesha, and I love water. I like safe
9 drinking water. But it's also really valuable that
10 we have safe ground and surface water. That's the
11 end of my comments, thanks.

12 MS. HEILMAN: Thank you. I'm going to
13 just make one more call for the people that signed
14 up but who didn't come when I called their name
15 before. Michael Bera. Suzanne S-C-H-A-L-I-G.

16 FEMALE SPEAKER: She's gone.

17 MS. HEILMAN: She's gone. Ellen
18 Gennrich.

19 FEMALE SPEAKER: She's gone, too.

20 MS. HEILMAN: Steven McArthur. And Mike
21 Ruzicka. No. Okay. I think I have called
22 everyone who filled out an appearance slip and
23 wanted to offer a comment. Is there anyone in the
24 audience who I missed who you think should provide
25 comment? Okay. Well, thank you all for staying

1 and for being so courteous and respectful. The
2 hearing is now adjourned, but the record will
3 remain open for comments.

4 (Proceedings concluded at 8:44 p.m.)

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1 STATE OF WISCONSIN)
) SS:
2 COUNTY OF MILWAUKEE)

3 I, Wendy L. Hanneman, Registered
4 Professional Reporter and Notary Public in and for the
5 State of Wisconsin, do hereby certify that the preceding
6 transcript was reported by me and reduced to writing
7 under my personal direction.

8 I further certify that said proceedings
9 were taken at CARROLL UNIVERSITY - CENTER FOR GRADUATE
10 STUDIES, 2140 Davidson Road, Waukesha, Wisconsin, on
11 the 17th day of August, 2015, commencing at 6:00 p.m.
12 and concluding at 8:44 p.m.

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

18 In witness whereof, I have hereunto set my
19 hand and affixed my seal of office at Milwaukee,
20 Wisconsin, this 29th day of August, 2015.

21

22 Wendy L. Hanneman - Notary Public
23 In and for the State of Wisconsin

24

My Commission Expires: October 27, 2013.

25

26

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