Public Hearing

Transcript of Proceedings Taken on:

August 17, 2015
WISCONSIN DEPARTMENT OF NATURAL RESOURCES

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

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Transcript of Public Comments

Monday, August 17th, 2015

at

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

Reported By: Wendy L. Hanneman, RPR
TRANSCRIPT OF PROCEEDINGS

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

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

This next question is, "What did you mean by opportunity for legal remedy along the way?"

So, um, with that, that just means that depending on whether it's at the state level a decision is
made, or at the federal level, um, that there's an
opportunity to contest that in state or federal
court. So these are, you know, these are legally
made decisions, and so if, um, somebody disagrees
with the decision that's made, they can contest
that in court.

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

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

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

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

So that was a water supply service area was proposed or was delineated by the Southeast Wisconsin Regional Plan Commission. Um, and the state statute requires, um, that we look at a water supply service area plan with a planning area
developed by the Regional Plan Commission. So, um, the alternative that's closest in the application is this deep and shallow aquifer alternative. Um, but that's -- that alternative is similar, but it includes a bigger demand than -- and, um, includes greater impacts to wetlands and the shallow aquifer.

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

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

MR. FUCHSTEINER: Hi, I'm Chris Fuchsteiner with the Water Use Section in the
Wisconsin DNR, I have a couple questions here. One was, "In developing the plan, what type of land use is planned for areas not currently served by water utility?" And, ah, the answer, I can't give specifics, but the plan doesn't change anything in the comprehensive plans. So the land use used in any sort of projections were -- were the land use that was planned in the applicable comprehensive plan, either the town, city or county.

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

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

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

MR. EBERSBERGER: Hi, I'm Eric Ebersberger, I work with the Department of Natural Resources. Question states that, "Articles critical of the diversion claim Waukesha will be unable to return water commensurate to its usage. Is there any signs to support these claims, and, regardless, will these claims impede the approval of the diversion?"

What I would say is that the Compact puts forward criteria for exceptions to the ban on diversions, and those criteria include, um, that any water withdrawn must be returned less an amount for consumptive use, and that you must maximize the amount of water that's returned to the Great Lakes Basin and minimize the amount of water from the
Mississippi Basin that would be returned to the Great Lakes, and that any water returned must meet WPDS standards.

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

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

"Will conditions be placed on the City of
Waukesha limiting future expansion of its boundaries?" Not through this process, but the aerial extent of the water supply service area would be the limit of where Great Lakes water could be, um, expanded without an additional diversion request. So any -- if the diversion were approved and the aerial extension of the water supply service area to go beyond, that would require a new diversion request.

"How is the water supply service area approved?" The water supply service area, according to Wisconsin's Compact implementing statute, the water supply service area has to be, the diversion area, rather, has to be consistent with the water supply service area that's delineated in accordance with statute. The statute specifies that SEWRPC, the regional planning body, has to delineate that area to be consistent with the area-wide water quality management plan, more specifically with the sewer service area. We also require, through the water supply service area planning, that those communities to be included also agree to be in the water supply service area. The DNR has not approved the water supply service area plan; we have found the water supply service
area plan to be approvable with conditions. And before any diversion were granted, the Department would be approving the water supply service area plan.

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

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

And then, "How will DNR provide responses to substantive questions raised during the public hearing on the proposal?" The DNR is going to take all comments into consideration, um, and we will
respond -- we will respond with written responses to comments made on the Environmental Impact Statement. We are going to take all comments on the technical review into account. We have not determined that we're going to give written responses to comments on the technical review. We've had several requests for that, we're taking those requests under consideration, but we're not making a commitment to make written responses to comments made on the technical review, but we are making a comment, or a commitment to taking those into consideration when we revise our technical review and issue a final technical review.

Do you have any other questions?

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

And so the question here is, "Why were these five outlying areas added to the original proposal?" Um, and, actually, they were not added to the proposal. The water supply service area was
delineated before the 2011 application was submitted, and that -- and all of those communities were part of the original application. So that wasn't a change to add those, um, with the revised application.

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

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

Okay. Once it is, I'm going to -- I'm going to again formally welcome you all to today's hearing. My name is Cheryl Heilman, I am an attorney with the Department of Natural Resources, and I've been asked to be the hearing officer at the hearing tonight. With me at the table are Eric
Ebersberger and Dave Siebert. You've also met a number of other DNR employees who are here, and staff, to listen to your comments tonight.

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

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

We have already asked this, but I'm going to ask again if everyone who's here would please fill out an appearance slip. That's especially important if you want to give a comment, but it's
also important for us even if you don't want to, to register the number of people who come to the hearing today.

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

The hearing is being held pursuant to Wisconsin Statutes Section 1.11, and 281.3469. And Section NR150.30, Sub 3, of the Wisconsin Administrative Code. This is an informational hearing. It's not a contested case hearing, it's not adversarial in nature. Again, the purpose of it is just to hear from you. The hearing has been noticed on the Department's website and a number of newspapers, the Wisconsin State Journal, the Milwaukee Journal Sentinel, the Racine Times, and the Waukesha Freeman, and all noticed provisions of the statutes have been complied with.
As we've already mentioned, if you don't want to give an oral statement tonight, or even if you do, we are accepting written comments. Written comments are welcome tonight, and also through mail or e-mail through August 28th of 2015. We have information as you leave and as you were entering with regard to where you can send your written comments. We've also scheduled two more hearings tomorrow. And as I mentioned at the beginning of this evening's presentation, we do have to be out of this room by 9:30 when the building will close. So we want to go as promptly and effectively as we can.

If, as Eric mentioned in response to some of your questions, I'd like to just talk a little bit about the next steps here. We're going to be receiving comments from you and from other members of the public at the information hearings we're having and in writing. We're going to then prepare a final technical review document, and also a final environmental impact statement. If in the final technical review we determine that the City's application is approvable under the Great Lakes Compact, the Department will forward the application to the Great Lakes/St. Lawrence River
Water Resources Regional Body. The Regional Body consists of governors of the Great Lakes states and the premiers of Canadian provinces of Quebec and Ontario. They will be looking at the application for review and consideration.

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

We would like to hear from as many of you as we can, so we're going to be limiting your comments to three minutes a piece. Um, I do have these cards here, and I have an assistant. So my assistant, um, is going to just generally inform you when 30 seconds are left in your three minutes for those of you who are giving comments. And then when your time is up, you'll see a card like this. And of course if you're in the middle of your sentence, you know, feel free to finish it, and
I'll give you a little bit of leeway, but we really
do want to try and limit you to three minutes, so
that's why we've got the cards.

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

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

And that's really -- the other thing is
that, um, I know that this might be an important
issue to many people, and there might be
differences of opinion. And so because we would like to be respectful of everyone, I would ask you not to, you know, indicate either positively or negatively how you feel about a comment. So no applause, and maybe no, um, discontent if there's -- if there's disagreement, because we do want to hear from everyone.

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

MR. REILLY: Should I start?

MS. HEILMAN: You can start.

MR. REILLY: Okay. Shawn Reilly, Mayor of City of Waukesha, 121 East Park Avenue, City of Waukesha. Thank you for the opportunity to provide my comments. As mayor of Waukesha, my job is to see that the needs of the families and businesses
in Waukesha have the resources and services they need. No service is more important than a healthy and dependable water supply.

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

Approval of our application will not lead to hundreds of requests for Great Lakes water. The Alliance for the Great Lakes estimated that four communities similar to Waukesha may apply for water under the Compact within the next decade. The Compact requires that there be no reasonable alternative. Opponents to our application attempt
to confuse the public by using the term "last resort" as opposed to the correct term, "no reasonable alternative." Lake Michigan is not Waukesha's last resort, but it is its only reasonable alternative. The Compact does not require total depletion of the local aquifer in order for a community to be eligible for water from the Great Lakes.

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

The claim by our opponents that is most troubling, however, is that the continued use of
groundwater by Waukesha means, in quotes, means there is no environmental impact to surrounding wetlands, surface waters, or the deep groundwater aquifer. This blatantly false claim proves that the Compact Implementation Coalition is willing to say anything to prevent Waukesha from using Lake Michigan water. It denies a basic environmental fact, groundwater use affects surface waters.

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

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

MR. MAREK: I apologize for poor penmanship. My name is John Marek, I'm the chairman of the Town of Waukesha. One of the defining issues in the election when I was elected in 2013 was inclusion to the water service area for the City of Waukesha. The Waukesha town board, current board, as well as the previous board, was in support of the Great Lakes diversion application and our inclusion in it.
There is a clear threat to the groundwater in the shallow aquifer that serves nearly all of the Town residents if the City of Waukesha were denied the diversion application, and would rely on the shallow aquifer. Moreover, at an informational meeting, this issue was discussed in May of 2013. Several hundred town residents attended, and after presented with the facts, over 90 percent of those in attendance supported this application and inclusion in the City of Waukesha's service area.

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

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

MALE SPEAKER: Coeur.

MS. HEILMAN: Coeur. Thank you very much.

MR. NELSON: My name is Larry Nelson. I was a Waukesha alderman from 2000 to 2006, the Waukesha mayor from 2006 'til 2010, and I'm currently a Waukesha County supervisor since 2012.
City of Waukesha started its conservation plan way back in, ten years ago, 2005, and I'd asked people from other communities in the area, "Why hasn't your city and towns and villages joined us?" We have been a leader in water conservation for ten years. One of the last Council meetings I presided over was in April of 2010 where the Waukesha Common Council voted 14 to 1 to move this application forward. So it's only been five years and four months to get to today. I will tell you, the one alderman against it is now for it. He wanted some more hearings, even though we had a record number, and my understanding is the current Common Council is unanimously in favor of it.

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

As it's been already mentioned by the current mayor, it was under Governor Doyle's DNR when the boundaries were set by the DNR and SEWRPC.
I've been a member of the Sierra Club since the early 1980s, and a long-time environmentalist. Therefore, it's very disappointing to see the groups opposed to this plan, which is the most environmentally safe solution. You heard from the DNR; Plan B, if this is rejected, will be forced to go to shallow wells, which will not be good for the environment. A successful Waukesha water application will prove that the Compact works. It'll be good not only for the City of Waukesha, but also for Southeastern Wisconsin and the entire Great Lakes region. Thank you.

MS. HEILMAN: Thank you. Um,

Mr. Reiland. Then Joan Francoeur. And then Sharon -- L-E-A-I-R.

MS. LEAIR: Leair.

MS. HEILMAN: Leair. Thank you.

MR. REILAND: My name is Andy Reiland, I reside at 1012 Fieldridge Court. I represent the residents of District 13 as a member of the Waukesha Common Council, and I'm also the Common Council president. Thank you for the opportunity to provide comment this evening on your draft technical review and environmental impact statement.
My district, as an FYI, includes the southwestern part of the city, and is mainly made up of residential homes. As a resident, and someone that lives in this community with many other residents, we all share a strong desire to get safe drinking water and to make sure that the solution is one that will be reliable and long-lasting.

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

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

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

I'm going to skip some of my comments because I'm running out of time here. For the
well-being of our families, our water supply solution must include adequate flow to provide reliable service to residents and private users, thank you.

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

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

MS. HEILMAN: Thank you. Joan.

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

I wanted you to know that I serve a district in the western part of the city, and I represent those 5,000 people who are in support of this application. My district neighbors, um, support it, and would request that it be approved. I believe it to be a safe and a sound request that will offer not only today's residents, but our future residents a safe supply that is sustainable, and that I believe it also underscores our region
and our state's commitment to the environment we all share.

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

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

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

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

As stated in your Department's review, those particular areas were designated as special casing areas which require more stringent well constructions for potable wells. The Department also stated that a survey of wells noted bacterial well contamination in 38 percent of them.
The Town agreed to allow that portion of
Genesee to be a part of the application, after
extensive consideration and based on the above
reasons, in addition to the fact that the board was
very concerned that continued drawdown of the
groundwater from the city's high-cap wells would
have an adverse effect on wetlands, streams and
local wells. Groundwater does not stop at
municipal boundaries. And what Waukesha needs to
do to protect their water supply affects
municipalities all over the, you know, the area.

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


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

And if we can look at the criticisms one by
one and refute them, which is what I've been
hearing tonight, our town deserves good water. We cannot have Dan Duchniak, the head of the Water Utility, going to the Journal Sentinel and saying, well, your house values are in the toilet now because there's no water, or the water is now very, very expensive. Or like the hospital in Roscoe, Illinois, it's served exclusively by reverse osmosis water. This is very costly, and anyone who has a reverse osmosis system knows that you use water to then get your filtered water in the bottle. So thank you so much for allowing me to speak and for this hearing.

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

  MR. PRIDE: I'm Dave Pride. I live at 750 Penbrook Way, Hartland, Wisconsin. I just want to start by thanking everyone here who has so much knowledge about water, it's just a pleasure to be able to say anything to this great group. I also want to thank WisconsinEye organization who's doing a web live feed tonight of these hearings, as well as the television to be broadcast on Time Warner Cable Channel 363, to be announced to the Milwaukee area, as well as the Charter Cable broadcast in the Madison area.
The Great Lakes is a vast, easy source of soft water, largely untapped by those living outside the Great Lakes Basin. I'm going to ask everybody to think outside the box now a little bit. We just had a map up here a little while ago, it had Brookfield, a lot closer to us than Oak Creek. We have two wastewater treatment facility plants; the one we're dealing with is Central Drive. Last year's water discharge, about a billion gallons. They're in noncompliance, they've got radium problems. Enterprise Drive, Barker Road, your neighbor, Brookfield, 1 billion gallons wastewater, 70 percent treated, at your back door.

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

Now, what's the benefit of this? Does the Great Lakes have to worry about somebody putting a straw in the lake? No. Are we doing conservation with people within our own backyard above the Brookfield hill beyond the basin? Yes. The Great
Lakes is Pandora's Box. If we don't protect the Great Lakes from everybody's need, from Kenosha, to going 30 miles from Chicago to Des Plaines, to doing a diversion from Fond du Lac to Green Bay, it's all over. And once this is legal, are we really conserving anything?

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

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

MALE SPEAKER: Mielke.

MS. HEILMAN: Mielke. Thank you.

MS. NENN: Thank you. My name is Cheryl Nenn, I'm with Milwaukee River Keepers and the Compact Implementation Coalition. I'd like to
start by thanking everyone for the opportunity to provide comments on the draft EIS, which could lead to a precedent-setting water diversion from the Great Lakes under the Great Lakes Compact. We appreciate the Department's efforts over the many years and iterations of Waukesha's application.

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

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

The Great Lakes Compact requires the Department, when deciding to grant an exception to diversion, to return all the water that is withdrawn from the lake to the source, less an allowance for consumptive use, to minimize the
amount of water from the Mississippi River Basin that's introduced to the Great Lakes Basin; to treat all surface and groundwater from the Mississippi Basin to meet applicable water quality discharge requirements; and to protect and sustain the physical, chemical, and biological integrity of the receiving water, so in this case, the Root River.

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

The EIS does not clearly state what facility improvements will be made, or how much those improvements will cost the rate payers. The EIS mentions that Waukesha is working on several plans and studies to meet its existing standards.
that it's having a hard time meeting, including phosphorous, chloride and temperature. Some of our major concerns are that during low-flow periods, particularly during drought periods and summer months, Waukesha's return flow will make up about 80 to 90 percent of the water in the Root River, making it a, quote, (inaudible) dominated stream. This could pose risk for recreational use as state law currently requires bacteria testing, but not testing of viruses or pathogens and other things that can make people sick.

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

DNR's own analysis shows that Waukesha's wastewater discharge will not meet the temperature standard for the Root River, um, for the hottest parts of the year, and will have a difficult time meeting phosphorous and chloride standards without
significant upgrades. Because this wastewater discharge will be a new discharge into a river already impaired by several pollutants, these issues must be resolved before the discharge permit is given to Waukesha and any discharge can commence.

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

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

MS. BAER: Good evening, thank you for giving me this opportunity to speak to you today. My name is Mary Baer, and my husband and I live in the City of Waukesha, and I also work in the city. I've watched and learned a lot about the importance of a sustainable water supply for the Waukesha water service area through the many years of following this issue. It also helps when you are married to an engineer with a focus on hydrogeology, so I learn more than I probably ever really wanted to.
Today I want to express my gratitude to all those people and organizations involved in arriving at this point in time. I want to thank the visionaries who wrote the Great Lakes Compact, recognizing that for a straddling county with no other options, that access to Lake Michigan water was critical for the ability to provide safe, clean water to their citizens, while returning the, quote, borrowed, unquote, water back to the lake. I want to thank the tireless scientific efforts of the Waukesha Water Utility Team and Water Commission, and especially Dan Duchniak.

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

I also want to say thank you to Waukesha Mayor Reilly and the members of the Common Council for their support of this effort. A lot of time
and energy and effort went into arriving at the point we are today. Thank you for realizing that this application was the right decision for the City of Waukesha and its citizens. And thank you to the DNR, who through five years of study analysis, challenged suggestions and science, have moved the Waukesha water application to this critical point. Your efforts to make this application the best it could be are recognized and appreciated.

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

MS. HEILMAN: Thank you. William.

MR. MIELKE: My name is William Mielke,
I'm a registered professional engineer and I'm CEO of Rickert & Mielke, an engineering firm in Waukesha. I'm submitting these comments on behalf of our firm that supports the Waukesha application. I did serve on the Wisconsin Legislative Council Special Committee on Great Lakes Water Resource Compact, so I'm very familiar with the Compact, having been one of the people working on it. And, in addition, our firm has been involved in almost every water utility in Waukesha County for development of wells and water systems throughout the area, so we're very familiar with this area.

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

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

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

The other thing is that the return flow does go to the Root River, and as pointed out, the Root River has very low summertime base flow that
cannot support aquatic life year round. And if you, again, get a return flow, you will have increased benefit to that river. The other thing is the plan does totally support the regional land use plan for the region. So this is not something that will spur sprawl or unreasonable growth that was not envisioned by the experts a long time ago.

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

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

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

In December 2010, SEWRPAC published a regional water supply plan for the entire seven-county Southeastern Wisconsin region.
Preparation of the plan was guided by an advisory committee that included representatives from municipal water utilities, county governments, DNR, the Wisconsin Geological and Natural History Survey, the U.S. Geological Survey, Town and Country resource Conservation and Development, University of Wisconsin-Milwaukee faculty and private industry.

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

It also included water conservation and groundwater recharge enhancement. Two composite plans were developed for the region. Common
components of those two plans are planned shallow and deep aquifer municipal wells and storage facilities in some locations, conversion of selected areas of the Lake Michigan Basin to a surface water supply. Conversion of two straddling communities, New Berlin and Muskego, to a Lake Michigan supply, subject to the terms of the Great Lakes Compact.

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

The plan specifically recognized that more detailed engineering, legal and environmental
analysis would be required. Of all the options considered, it was clear the recommended plan that best provides long-term sustainability in the deep aquifer, reductions in chloride discharges to surface waters, and improvements in groundwater derived baseline. The recommended plan was approved by the advisory committee and adopted by the Commission. The plan recognized potential water quality impacts on the Fox River, and called for active management of return flow to augment Fox River flow during low-flow periods, typically summer and fall.

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

MS. HEILMAN: Thank you. Mr. Sullivan.

MR. SULLIVAN: My name is Mike Sullivan, I'm the general manager of the City of Oak Creek's
Water and Sewer Utility, and I'm here to speak on support of the Waukesha application for diversion.

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

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

The return water should not harm the environment. I live, as an example, less than 1,000 feet from the Root River, and I'm extremely concerned about how -- what the effect the return
water would have on the Root River. From what I've read, I'm very pleased with what I'm seeing.

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

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

MS. PRIEBE: Priebe.

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

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

My comments this evening address deficiencies in the draft environmental impact statement, or EIS, on Waukesha's application.
According to both federal and state law, an EIS serves two purposes. It ensures that the reviewing agency, in this case the DNR, in reaching its decision, will have available and will carefully consider detailed information, including the significant environmental impacts of the proposal, and it guarantees that the relevant information will be made available to the public at large, who may also play a role in the decision-making process and implementation of the decision.

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

A court may overturn the Agency's decision under the hard look standard if the Agency failed to consider an important impact -- impact -- aspect of the problem, or if the decision does not rely on the factors that Congress intended the Agency to consider.
When preparing an EIS, the Agency's analysis of alternatives is of particular importance. According to governing regulations promulgated by the Federal Council on Environmental Quality, agencies must rigorously explore and objectively evaluate all reasonable alternatives. Particularly instructive here in finding an EIS inadequate, the 9th Circuit Court of Appeals held that the existence of a viable but unexamined alternative renders an EIS inadequate. Thus, in order for the State of Wisconsin to conduct a fair and proper assessment of the potential impacts of the diversion proposal, the State's EIS must identify and rely on important, up-to-date information and contingencies germane to the proposed taxpayer -- taxpayer-funded project.

Wisconsin's draft EIS, however, falls short of this basic standard by virtue of the Agency's failure to examine an important and viable alternative, and the extent of uncertainty remaining with respect to important aspects of Compact compliance, significantly undermining informed and meaningful public participation. Significantly, the Wisconsin DNR fails to examine water demand parameters or modeling...
predicated upon the City of Waukesha's existing water supply service area, not withstanding repeated indications that the -- of the legal and technical infeasibility of the City's proposed water supply service area plan, DNR has declined to integrate into its draft EIS water demands that are attributable to City of Waukesha's current water supply service area. Instead, DNR has limited its alternatives analysis to the outdated expanded water service area plan, which encompasses an additional 17-square miles and portions of four neighboring communities, and unsurprisingly pointed to greater water demands and a heightened risk of adverse environmental impact. Thank you for the opportunity to comment.

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

MS. WHEELER: You will.

MS. HEILMAN: We can tell, yes.

MS. WHEELER: Thank you.

MS. HEILMAN: Mr. Meyer.

MR. MEYER: Thank you very much. I'm representing the Wisconsin Wildlife Federation, which is comprised of 190 hunting, fishing, trapping groups throughout the State of Wisconsin,
with at least a dozen of those being fishing

groups.

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

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

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

There would not be any need for a Great
Lakes diversion by putting treatment onto three of
those wells, proven treatment that's used. There's
two different techniques, reverse osmosis and ion
exchange. Both are used in between 30 and 40
communities in this country already, and are very
operable. In fact, would be done at one-half the
cost of the proposed alternative.

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

In fact, the water -- the deep aquifer is
rebounding. There's others users that have gone
off that system, and in the last 15 years, it has
rebounded between 60 to a hundred feet. There's --
this plan would not involve any additional impact
to wetlands or surface areas. It isn't Plan B,
which would affect hundreds of wetlands, and we
would not have supported as a conservation
organization.
So I would ask DNR to do its analysis based on the language of the Compact, in addition to what I understand they have to do in terms of the statute to look at the sewer service area, but do an analysis on both, and then, before you submit it to regional review. Thank you very much.

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

MS. PRIEBE: Priebe.

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

MALE SPEAKER: Ambs.


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

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

One of the ones, though, that has come up for me is, um, several things that are not considered in terms of not even brought up that I did research on, there's a Nike plant that was here, and the missiles were buried here in -- in the Waukesha area. In fact, I was told they were right under the water tower. And that those casings for those missile burials were done in 1950. And so the casings are going to continually leak more and more as the years go on. And that kind of leakage of the chemicals haven't even been addressed in terms of the increase in pollution and contaminants in the water, and the purification plant and the diameters. Which means the purification plant that you have now and the processes that you have now are going to be obsolete, they're not going to be adequate. You're going to need a brand-new purification plant with a whole new perspective in terms of the ongoing increasing contaminants, ones with the, you know -- and, also, the other problem, too, is that I heard before that manufacturing residential water supplies would be considered separate, and that
could be utilized in separate conditions, you know in separate methods of accomplishing those, so that you don't have to withdraw the water from the Lake Michigan in order to accommodate maybe a limited number of manufacturing.

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

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

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

So our two concerns that we have with this application are: It provides water, Great Lakes water, to towns that don't need it. That's first and foremost in the Compact; you have to have a need for the water. There's a Compact that bans diversions, this is an exemption, and they don't need the water. Number two, there's an alternative. And as we've heard before from George Meyer specifically saying this, is that the towns
in the application, if they are -- if they are
removed and Waukesha basis its current water use,
we think there's an alternative that is a
non-diversion alternative that basically would
allow Waukesha to have its current water use and
into the future without drilling any new wells if
they treat, they treat the water for radium.

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

So this is about Great Lakes water, it's
about supporting the Great Lakes Compact that
everyone in this room has said that they support.
Now, the precedent aspect of this is that if we
don't get this right, there are other areas that
could be looking at this and saying Waukesha didn't
do its checklist and it got approved. What does
that mean for the Compact? That could unravel all
the hard work that we worked on, including the
Wisconsin DNR in this. So we want to make sure that the Compact is upheld. We want to make sure that people who need water get it, but follow the law.

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

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

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

I bring some background in this -- to today's hearing, having had the honor to serve as one of the negotiator's of the Great Lakes Compact for the State of Wisconsin when I was the water division administrator for the DNR from 2003 to 2010. Others who have already spoken at some
length on many of these issues and others will
follow, so I will focus on one aspect of this
proposal, the extended sewer service area and the
suggestion that these areas are the, quote,
equivalent thereof of a city or town.

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

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

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

Another reason that this rewrite of history and the intent of the term "equivalent thereof" as a definition of community is dead wrong, is the case of New Berlin. At the same time that the language in question was being debated in the Wisconsin state legislature, the City of New Berlin was seeking approval to get Lake Michigan water as
a straddling community. They did not apply as an extended sewer service area, they applied as what they are, a city. And to make their request more palatable to all concerned, and to demonstrate that their only desire was to provide potable drinking water to existing customers in the city, they agreed to limit their request to the central basin of the city, and actually specified in the approval the number of new dwellings that could receive this water.

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

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

MS. HEILMAN: Thank you. Mr. Pindel.
And then, um, after Carol McAllister, Joe Piatt.

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

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

The Fox River is a high-quality fishery. Lessening a river's flow or lowering the water level will likely have a detrimental effect on the fishery. Lower water levels could cause the temperature to rise, encouraging algae growth. The loss of recreational opportunities such as boating, canoeing and fishing would result in reducing property values for landowners along the river.
system. The Great Lakes Compact does not concern itself with possible -- possible consequential damages to other ecosystems, and I'm afraid that's what's happening with us. Thank you.

MS. HEILMAN: Thank you. Ms. McAllister.

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

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

Fourth, I note with great disappointment that the City of Waukesha hasn't instituted meaningful conservation measures. I think that's a major failure on their part. Fifth, diversion is not the only way to deal intelligently and
responsibly with the water problem. I request that the DNR seriously consider the non-diversion solution proposed by the Compact Implementation Coalition and add it to the EIS. Thank you.

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

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

Carroll University hosts 3300 students for most of the year, and has roughly 500 full-time employees. Carroll is a city within a city that relies on a safe, reliable and predictable water supply system. In fact, Carroll has benefited from commercial conservation programs offered by the water utility. We support the Lake Michigan option as the only reasonable water source for the city.
In terms of delivering potable water, simpler is better. The Lake Michigan option is totally accountable and predictable from both a quantity and quality perspective for both flow to and from Waukesha to Root River.

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

My hat as water utility commissioner also leads to same conclusion. The Lake Michigan source is the best and only reasonable option to assist Waukesha and its water service area. And for those critical of the service area, keep in mind any change to that service area triggers a regional review. So getting Lake Michigan water is not an open invitation to grow at will, not to mention
much of the surface area is already developed. I
can skip the rest, I think. Thank you.

MS. HEILMAN: Thank you. Suzanne Kelley.

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

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

We believe it's essential to provide safe
and healthy water to the citizens, employers and
their many employees in Waukesha. And after considering all the information that has been presented over many years now, we remain convinced that Waukesha's application provides the only practical, environmentally sound and long-term solution for the city, its inhabitants and its workers.

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

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

MR. BELISLE: Belisle.

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

MR. BELISLE: Members of the committee, thank you for giving the public the opportunity to
present in-person comments on this important project.

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

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

Over the 12-year history of the Great Lakes and St. Lawrence Rivers -- Great Lakes and St. Lawrence Cities Initiative, excuse me, mayors have always expressed concern over any project,
development, or activity that would harm not only their city, but the entire Great Lakes region, its residents, and the people that travel to them for business or pleasure. Despite being local officials, mayors understand the basin-wide dynamics of water management, and are fierce defenders of the lakes and their health. This ever-present concern is the main reason why I'm here representing them and the Great Lakes and St. Lawrence Cities Initiative tonight.

The Great Lakes and St. Lawrence Cities Initiative does not believe the application of diversion for Great Lakes water for the City of Waukesha should go forward. Considering evidence that the City of Waukesha can achieve its goal of providing abundant, clean and safe water to its residents at a lower cost than with Great Lakes water, which should only be used as a last resort, whether we like the term or not. The precedent-setting nature of this application is too unsettling for it to go forward. Mayors do not want to see this diversion become the foot in the door through which Great Lakes water is taken away and sold to many regions of this country or even abroad.
In addition to the precedent-setting nature of the City of Waukesha's application, our mayors have concern regarding the geography of the water service area proposed in the application. The additional communities that are part of the service area have indicated that they do not need new sources of water now or in the foreseeable future. Also, these communities have implemented -- or not implemented the necessary water conservation measures to make themselves eligible to receive Great Lakes water under the rules of the Great Lakes Compact.

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

MS. HEILMAN: Thank you. Michael Bera. Maybe Michael is not here. Susan Schalig, if I've
said the name correctly. S-C-H-A-L-I-G.

FEMALE SPEAKER: I think she left.


MS. LOMBARDI: Am I on?

MS. HEILMAN: You are on.

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

Milwaukee has an opportunity, and had, and I had contact with Milwaukee when I was mayor to consider selling us Milwaukee water because they're
not using the quantity that they can take out of
Lake Michigan anymore, but we were turned down. To
understand that Waukesha city is the county seat,
we have over a hundred thousand people a day coming
into Waukesha. Why would we not want to provide
the safest community, whether it's police, fire or
water consumption to those persons coming into our
community?

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

MS. HEILMAN: Thank you. Thomas
Constable.

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

I -- my name is Tom Constable, and I live
at 2609 Pendelton Place. I've lived in the City of
Waukesha for, continuously for 34 years. I pay my
taxes, I pay my utility bills, including my water
bill. And every time I pay my water bill, I get to read about the problems in Waukesha water. I don't know how many years I've been reading that, but it's got to be 10, 15 years. I'm now well aware of the 2018 deadline that the City has received. And I've been watching the City very carefully as it has assessed all of the options that it has before it, and how it developed the current plan. I'm supportive of the current plan. It makes sense to me. I'm just Joe Blow citizen, but it makes sense. Take water from Lake Michigan, use it, clean it, and return it to Lake Michigan. It makes sense and I ask you to continue to support this process. Thank you.

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

MR. THIEME: Thieme.

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

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

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

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

We have a stable population that is growing
in diversity every year, and we have the same
opportunities and challenges as cities in Michigan,
Ohio, and throughout the Great Lakes region.
Contrary to what some opponents may say, Waukesha
is not a sprawling new suburb that is looking for
water to help promote some uncontrolled growth.
There's no evidence to support that claim in all
the available documents, and growth projections
confirm just the opposite: A mature, slow-growth community.

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

If you look at a map of the Great Lakes Basin, you'll see that Waukesha is about as close as you can be to a Great Lake without being in the basin. We're 15 miles from the shores of Lake Michigan, not hundreds of miles away like some communities that are still within the basin. That proximity is a feature that makes us one of the few areas in which the Great Lakes are a viable option. Straddling counties further from the source will
find it too expensive to consider the Great Lakes water in the future. The geography of the Great Lakes Basin in many ways will help the number of future applicants for water.

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


MS. MCKAY: Good evening, and thank you for the opportunity to be here tonight to comment. My name is Jennifer McKay, and I'm policy specialist at Tip of the Mitt Watershed Council.

The Watershed Council, as a means of introduction, is a non-profit organization based out of northern Michigan, and our goal is to restore, protect and enhance the water resources, which includes inland lakes, rivers, streams, wetlands, groundwater, and of course the Great Lakes.

Coming from Michigan, I'm going to focus not necessarily on Wisconsin's (inaudible), but
the Compact. The Watershed Council was instrumental in the development and passage of the Compact, and are greatly concerned what this application could do to it. Waukesha is only a first of a number of communities that may line up for Great Lakes water in the coming decades. The outcome of this diversion application will set a precedent for future diversion applicants and basically determine the threshold for conditions that warrant a Great Lakes diversion.

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

The Waukesha application that is predicated upon an expanded water service supply area, and includes portions of communities that do not satisfy either of those criteria, will not pass legal muster upon the Great Lakes Compact regional review. Waukesha has not met the legal and technical requirements set forth in the Compact, specifically, Waukesha has not demonstrated the
need for a diversion. The application includes the extended service areas that have not shown a need for water now or in the future.

To date, none of the communities within the extended service area have demonstrated that it is without supply of safe drinking water. Additionally, some officials in those areas have indicated that they do not need any of the water either now or in the foreseeable future. Including these towns in the application is, therefore, not consistent with the Compact. The Compact is very clear that the need for water must exist in a community for it to be eligible for a diversion. If these areas are to be included as part of the application, the City must demonstrate that they meet all Compact requirements, including water conservation and efficiency before the application is finalized.

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

So as the first request for a diversion of
Great Lakes water outside the Basin under the Great Lakes Compact, this review and decision making will establish a valuable precedent, setting the bar for future diversions, and currently this application fails to meet every standard and requirement.

Thank you.

MS. BULL: Thank you. After Mr. Stewart, we will have Lynn Preston and then Joan Fritzler.

F-R-I-T-Z-L-E-R. Mr. Stewart.

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

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

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

So two points I just wanted to stress quickly. Waukesha's return flow will improve the quality of the Root River. Return flow water
quality will meet all state and federal water quality -- quantity and quality limits. In some cases return flow to the Root River will actually improve the water quality in the river.

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

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

Thank you.

MS. HEILMAN: Thank you.

MS. PRESTON: Hi, my name is Lynn Preston from Waukesha, Wisconsin. I actually live on the edge of the Vernon Marsh, and so originally I was really concerned that if Waukesha had to dig some
more shallow wells, that it would really affect the Marsh.

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

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

MS. HEILMAN: Thank you. I had -- it is Joan Fritzler, F-R-I-T-Z --
MS. FRITZLER: Joan Fritzler has nothing new to add to the conversation, it's all been said, I'd be redundant.


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

I don't necessarily have a problem with Waukesha getting Great Lakes water, but, um, I don't -- I for one am not convinced that they truly need it. And the Great Lakes are just way too important and this application is precedent-setting, and I think that needs to be a very, very carefully done, um, demonstration that they do need the water. Um, so we should continue to watch the recovery of the aquifer, Waukesha should treat the water. They should have much more aggressive water conservation strategies.
And then the last thing I'd like to say is, um, I think the water service area is bogus. It -- much of it needs to be redone. And, um, I hope that if this application does move forward, that it's done for a good reason, and at this point I don't think we have a good reason. Thank you.

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

MR. FAHL: Yes.

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

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

So, anyways, I will say that the science does make sense on this sort of thing. We got to this point because the EPA arbitrarily set a number of the amounts of radium that's going to be in our water. And, you know, we've talked about treatment and stuff. Anything I've read, you cannot take 100
percent of the radium out of the water. So if we
do this and treat this stuff and the, um, radium
level is down to below what the EPA says, and we
spend a hundred and some million dollars, if
everybody is talking about half of the original
cost, what's to say that they don't come back in 10
to 15 years and say that the water has to be zero.
Then we're going to do this whole process over
again.

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

MS. HEILMAN: Thank you. Next is
Charlene Lemoine, L-E-M-O-I-N-E. Followed by Steve

MS. LEMOINE: My name is Charlene
Lemoine, and I live in the City of Waukesha. And
I've lived in the city for more than 20 years.
During this time, I've followed Waukesha's failed
tries to raise the radium standards through
lawsuits without regard for depletion of the aquifer or proposals for any type of conservation. And I think it's important to look back at our history to understand where we are today.

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

I received an e-mail from the City of the water utility back in November 14th, 2013, addressing this issue. And, basically, the e-mail had two constituencies they discussed: Those passionate about conservation and those passionate about gardening. And I would argue they may not be
two separate constituencies. They did say the
decision to install sprinkling credit meters
expresses the desires of another constituency that
feels strongly they should not be charged for sewer
services they are not using. Since multi-acre
gardens on residential properties are virtually not
existent within the City of Waukesha, gardeners and
those who want to use a lot of water can install
and should install rain barrels. This would avoid
the cost of water, and it would also eliminate any
sewage charges. Commercial properties can also
install underground water collection systems.
These are very common in other areas.

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

MS. HEILMAN: Thank you. Mr. Edlund.

Which one are you?
MR. EDLUND: That would be me. I feel the darts and arrows already being thrown my way.

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

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

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

The DNR has become a -- number three, the
DNR has become a politically driven, core development culture less sensitive to environmental issues with recent executive leadership appointments.

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

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

During that period, the deep aquifer was declining; however, based on data from the USGS groundwater monitoring station on Baxter Street,
the utility water reports the deep aquifer stopped
decreasing in approximately the year 2000, and has
now risen to levels not seen since the 1980s. The
deep aquifer is 1,785 feet deep, and the level is
370 feet below -- below ground, and the drawdown is
much less below the shale layer. SEWRPC has not
rerun the same scientific modeling based on current
aquifer trends. While the data by SEWRPAC is not
-- isn't an important benchmark, it's not relative
to any claim that Waukesha's current water source
is not sustainable. Waukesha has not submitted
scientific evidence that is -- that is -- that it
is without an adequate supply of water, and,
therefore, is without just cause for this request.

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

MS. HEILMAN: Thank you. Mr. Baas.

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

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

In an effort to protect and maximize that advantage, the MMAC worked hard with local, state and regional policymakers to ensure approval of a Great Lakes Compact that prohibited Great Lakes water diversion to counties outside of the Great
Lakes Basin, but allow diversions within counties straddling the Basin. The Waukesha water diversion request is a key test for this Compact. The City of Waukesha has followed the requirements of the Compact to the letter.

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

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

Indeed, if the Waukesha proposal is rejected, it is hard to imagine any future diversion of Great Lakes water ever being approved. The Waukesha water diversion request before you
addresses a serious public health threat in a way that does not threaten Great Lake water levels or water quality, and that does not deplete our deep or shallow groundwater aquifers. Further, the request strengthens our regional economy by deploying the economic advantage our abundant water resources give us in a responsible and sustainable way to facilitate continued job growth and development in Waukesha County. I urge your prompt approval of the City of Waukesha diversion, and thank you for this attention to these comments.

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

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

Um, I'm a third, fourth generation Waukeshonian. The legacy that my parents and grandparents have given me is a wonderful one, with the possible exception of some of our intersections and the -- and the water dilemma that we find ourselves in today. Quite simply, I am not willing
to leave this problem to my children. I think we can solve it here and now with the diversion from Great Lakes.

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

MS. HEILMAN: Thank you. Mr. Welch.

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

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

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

It's critically important that Wisconsin DNR looks very carefully and takes a strong, hard look at this application. This decision will be the first of its kind under the Great Lakes Water
Resources Compact. All of the Great Lakes states and the Canadian provinces are looking to Wisconsin DNR and its decision here. This will be precedent-setting under the Compact, and many, many people are paying attention to this around the region.

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

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

MS. HEILMAN: Thank you. Thank you. Mr. Ybarra. And then after -- wait just a minute. Sorry. After Mr. Ybarra, Steven McArthur, and then Guy, um, Uuker, U-U-K-E-R. Thank you. Mr. Ybarra.
MR. YBARRA: Thank you. My name is Paul Ybarra. I've been deeply involved in this issue for many years as a member of the Waukesha Common Council, serving two years as the Waukesha Common Council president, and still a member of the Waukesha Water Utility Board of Commissioners.

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

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

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

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

The DNR said staying on groundwater, even with reduced demand, would damage 700 to 2300 acres of wetland. That's the same as 550 or 1800 football fields of damaged wetlands, plus negative
impacts on the streams, lakes, aquifers, not to
mention the impact on wildlife in those same
streams, lakes and wetlands. Our technical experts
have done extensive research on the 28-page memo
submitted by our opponents, and they found the
following four issues. One, it doesn't comply with
the (inaudible). Two, it does not provide the
claimed amount of water. Three, it does not
account for dealing with the waste products of that
suggested treatment, which alone can cost up to
$200 million. And it did not account for the need
to replace aging wells and wells that suffered.

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

MS. HEILMAN: Thank you. Mr. McArthur.

No? No Mr. McArthur. You are Guy?

MR. UUKER: Yes.

MS. HEILMAN: And I --

MR. UUKER: Uuker.

MS. HEILMAN: Uuker?
MR. UUKER: Yes.

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

MALE SPEAKER: Schramp.

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

MR. UUKER: Thank you. I'm Guy Uuker.

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

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

MR. UUKER: Yeah, N9098 Hustisford Road in Watertown. And though I'm not from here, I do
have a vested interest, as all communities do,
because we all face the same challenges, the same
types of challenges, and I am still fond of the
city of my birth, which is Waukesha.

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

MR. FOWLER: Yeah, right here.

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

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

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

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

And I would urge Waukesha, if this diversion is going to be approved, and I have -- I'm skeptical about it at this point for these two reasons. One, I'm concerned that what type of discharge the sewage is going to have; you're going to be putting a sewage discharge, treated sewage discharge into my community. You're going to be
having certain industries and residential in that
discharge coming to my community. I'm concerned
about the ability to treat that to a standard I
think that should be above and beyond what the
national -- or what the WTDS permit says.

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

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

MR. SCOFIMI: That's all right.

MS. HEILMAN: And then we have Mike, with
also a difficult last name, R-U-Z-I-C-K-A, from
Milwaukee. And then Dennis Briley.
MR. SCOFIMI: My name is Steve Scofimi, I'm the mayor of Oak Creek.

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

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

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

I've been on both sides of DNR issues, winning and losing in Oak Creek, and I still have tremendous respect for the department and the work that you do. It's not easy. You make some real tough decisions respecting all the viewpoints that are out there. So I always applaud the way you do your business, the way you gather the public input. Those aren't easy things to do. And no one wants
to have to sit here until 9:30 at night on a Monday or Tuesday night, but you do it.

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

MS. HEILMAN: Thank you.

MR. BRILEY: Dennis Briley.

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

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

Will my well ever run die -- run dry? Probably. Will I and my neighbors mind Lake Michigan water? Maybe. If so, I'm willing to see
it provided under strict interpretation of the
Great Lakes Water Compact.

I worked on the initiative to help pass
Great Lakes Compact for a number of years. And
Waukesha got a gift through that adoption that is
immensely important. We'll never receive a gift
more favorable for the provision than that Compact.

But I don't think the residents of Waukesha and
their political leadership understands the issue,
even after listening to it tonight.

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

In addition to advocating for the Compact's
passage, I served on a Waukesha Water Conservation
Coalition for a number of years. Some good things
were accomplished, but far from enough. Water conservation actions applied before the Compact is submitted should have been robust, they're minimal. For example, Waukesha provides a hundred-dollar rebate for replacing old, water-hogging toilets. The utility should have offered to pay for the whole cost of those toilets. Look at the difference between the non--not getting a Compact--getting the water from Lake Michigan and the Lake Michigan water, there's a large number of dollars there. And that much more dollars could have been put into replacing all of the toilets that are old, for example.

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

MS. HEILMAN: Thank you. I just remind everyone, I really appreciate that everybody's staying to the three-minute timeline, but we can always--we're welcome to submit written comments, so thank you all very much. Laurie. And then
Patrick Henderson is next. Then Ezra Meyer.

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

MS. HEILMAN: It's Heilman.

MS. LONGTINE: Heilman?

MS. HEILMAN: Yeah.

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

I hope that the DNR will listen to our comments and not dismiss multiple comments. Um, 700 so far, written comments, according to the Waukesha Freeman on Saturday, as really just only one comment, as it was dismissed in the Freeman. It's not only more than one comment here tonight, but it is -- and tomorrow at the hearings in Racine
and Milwaukee, but tens of thousands of Wisconsin members of our organizations that we are representing.

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

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

I was surprised also to learn tonight that the DNR thinks that they looked at the expanded service area and determined that there's no supply
of potable water. I would really be interested to see where that is in the EIS; I did not see anything. Our private well and septic are serving us very well, as well as our neighbors and fellow Town residents, all of whom have plentiful clean water that is recyclable and quite sustainable, especially in the fact that rainwater as it falls on the ground will replenish our aquifer.

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

MS. HEILMAN: Thank you. Mr. Henderson.

MR. HENDERSON: Good evening. So in a former life I was -- I had the pleasure of being Governor Doyle's representative on the Great Lakes government during the Compact negotiations, and I led his efforts to enact Wisconsin's implementing legislation. So you all have a tough job, and I was proud to be a little bit a part of making that
a tough job. So you really do, these are hard
decisions to come to and I appreciate all the
effort going into it.

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

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

Now, that was a key part of the discussion
during the negotiations, it was reasonable. And we
chose not to say no other possible water, but we
chose reasonable instead. And that was done for
very good reason. So the Compact by no means
guarantees water, but it does provide a roadmap for communities to follow and to have the proposal judged based on objective criteria, not politics.

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

So the Great Lakes governors as well as the U.S. Congress ratified the Compact knowing full well that limited diversions would be a possibility, and they decided in their wisdom that those limited exceptions were acceptable, assuming they met the Compact's environmental protections. So a key part of both the regional Compact negotiations and the Wisconsin implementing
legislation, was to build off the idea that services should not be limited by municipal boundaries, but by the service area. This was done to build off Wisconsin's successful wastewater treatment laws, avoid the purchase from one watershed to another, and meet the Compact's requirements to maximize return flow while minimizing (inaudible) Basin water.

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

And I'd also like to point out, this was in the Wisconsin legislation, nobody objected to it at the time. And when Congress ratified it, their job was determine that the state had adopted Compact compliant laws. So Waukesha is not a threat to the Compact. Waukesha is an opportunity to show that the Compact works, and that decisions will be made
on what is best for the resource as well as for the folks that turn on their kitchen faucet each day to give their sons and daughters a clean drink of water. Thanks.

MS. HEILMAN: Thank you. Ezra Meyer.

Then Mr. Tim Roebke. And then Steve Schmuki.

Schmuki.

MR. MEYER: Schmuki.

MS. HEILMAN: Schmuki.

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

MS. HEILMAN: Schmuki. Thank you. Thank you.

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

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

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

I want to clarify a few things. There have been so many points that Clean Wisconsin, ah, view -- you know, views in terms of the application here, in terms of the DNR's review of it. They've been stated already, I'm not going to reiterate
those. We're part of the Compact Implementation Coalition, and share the views that are expressed by that group tonight, and that will be coming in writing. It won't be as thick as your report, but it may be close, so keep an eye out for that.

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

Another point I want to clarify. Clean, safe, healthy drinking water for residents is what we do, it's what we're about. So when folks suggest that somehow we're against that, um, again, I can't sit idly by and let that happen. It's not true. It's what we do every day in our work. I'm
a water policy specialist at Clean Wisconsin. If it's not water quantity, it's water quality that I'm fighting for in my every moment of my working life. And I'm not alone, all of the folks in the Coalition do the same thing.

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

That information is new, it's changing all the time. It needs to be factored in the equation here. And if we factor that information in, if you look at technologies as they develop and as the water hub in Milwaukee is built to provide to the world, we may be able to find a vision for sustainable water management in Southeastern
Wisconsin, specifically in Waukesha, that showcases all of that expertise and engineering and technology and adaptive water management that I think is probably a bit of a different alternative to how that could (inaudible) Mr. Brown's offered. But another worth of consideration.

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

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

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

MS. HEILMAN: Thank you very much.

Mr. Roebke.

MR. ROEBKE: Roebke.

MS. HEILMAN: Roebke.

MR. ROEBKE: So Tim Roebke, 1224 River Park Circle East, Village of Mukwonago. So I've
lived in Mukwonago for about ten years now, and I've been aware of radium concentration levels and certainly been concerned about it being in my drinking water. Also had a reverse osmosis system in my house for about eight years, and I know you can buy them for about a hundred dollars at Fleet Farm. So if somebody needs something and they don't want to have the City pay for it, there is a solution right there.

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

So I didn't see a lot of explanation. A very short, brief statement about impact on wetlands. Well, what would that impact be? And I don't think that's been adequately communicated tonight or to the press, so I think that would be nice if that could be put out.
So the other concern I have is the cost of the pumping of the drawing from and trading and sending back to Lake Michigan. What is truly the cost of that relative to the treatment solution, and what is the cost of that going to be long-term when more communities are asking for water, not only in Wisconsin, but throughout the Midwest, and in the Southwest maybe, the Southeast, where California, for example, where they're growing most of the produce for the country and they're in serious drought? At some point, will the federal government step in and say we need to redirect some of our critical natural resources to areas that are really in dire need? At that point, we should expect to pay much more for this water that's coming from Lake Michigan than we are today. Um, so that's something that I think we need to think about in terms of the true cost.

And the other thing that was stated tonight was the misconception that just because you're getting water from Lake Michigan, that we won't have to treat the water. We're still treating part of the water. Eventually, if the levels are too high, we'll still have to treat that water to some degree, if either the EPA lowers the limits or
something else happens to make that requirement change.

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

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

MR. SCHMUKI: Schmuki.


MR. SCHMUKI: Thank you.

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

MR. SCHMUKI: My name is Steve Schmuki, I'm the president of the Waukesha County
Environmental Action League. I'm a resident of the Town of Waukesha. I am here not so much in my capacity as the president of the Environmental Action League, I'd like to make comments on my own. So these are not WEAL's comments, they're my comments.

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

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

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

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

And so consequently, I think we need to look at this application in that context, and that I would urge the DNR to do that, get very sharp pencils when you look at this and analyze it, and
ask yourselves why we are at -- why the City of Waukesha is asking for greater quantity for a larger service area than what is necessary to supply its current citizens with clean drinking water. And I think when you look at it under that spotlight, you'll find that the application will fail. Thank you.

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

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

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

MR. POPEK: For the Great Lakes water.

(Inaudible - multiple speakers.)

MR. POPEK: They are still on there, okay. To all Waukesha County taxpayers, you have all been duped. Back in July of 2014, Waukesha County supervisors voted against the extension of County SR, 4 miles through one of the last large
tracts of wetlands in our county, stating that the
cost of $8.8 million, and that the expense was too
much for the taxpayers. This is not to mention
that supervisor David Swan had already spent $2.2
million on this project already for studies
related.

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

We need an independent study of the
wetlands in our county to see how it will affect
our groundwaters for now and into our future.
History has always taught us that we should learn
from our mistakes. All Waukesha needs to do is
look east to Milwaukee County. Through no fault of
their own, they were developed without science and
technology. They kept backfilling wetland, and
when their wells went bad, they drew drinking water
from the lake. We do not have a big lake. But we
must embrace science and technology to preserve the
wetlands that are trapping the storm, or water for
the storm, and to reduce the downstream of flows
for flooding, for the water that you drink today is
close to 100 years old.

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

My last question is, if we don't receive
Lake Michigan water and our greedy communities
continue to destruct the wetlands in our state,
then when and where will the water come from and at
what expense? The taxpayers of Waukesha deserve
this study, and I urge my elected officials to do
the right thing here, not along party lines, but the right thing.

MS. HEILMAN: Thank you.

MR. POPEK: Thank you.

MS. HEILMAN: Ready?

MS. REIFENBERG: Ready.

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

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

The Waukesha Water Utility failed to comply with state law regarding open meetings when it met with city officials in 2007, 2008, to discuss the Lake Michigan diversion. Instead, they went into closed session and took actions behind closed doors. The reason for the closed session was cited as a discussion of a strategy relative to our long-term water options, as well as radium
compliance with legal counsel. I believe these items should be privy to the public; they are public health.

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

On May 1st, 2010, the initial diversion application was submitted by the utility. The DNR then spent years working with the utility to gather more information and develop a more complex application. In July of 2011, the public was invited to comment on the process. In December of 2011, the utility submitted a second application. And October 2013, it submitted a third application. After this third application, the public was again invited to comment. This would have been good, except the public had approximately one month to
review the application and submit comments. It took the utility over two years to gather the supplemental materials, and the public had one month to review it. And not even one month, if you went to the early meeting. I realize this is in compliance with state code, but for a project of this scope and depth, more time seems appropriate.

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

MS. HEILMAN: Thank you. Um, Sandy Hamm. Is sandy here? And then Shannon Majewski.
Majewski. Sandy.
MR. HAMM: Good evening, my name is Sandy Hamm, I'm a life-long resident of Waukesha. My family owned the Waukesha Freeman for over a hundred years, when my mother, along with her sister and brother, sold it in '79 to the Des Moines Register.

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

In our modern age, to answer with a "no" has become unfashionable. In my opinion, the State of Wisconsin and the other Great Lakes states should reply to the City of Waukesha's request with a simple no. I don't have a detailed legal argument against the application, but I know what the City wants and how the City has acted since 1987 when the more stringent EPA standards were
imposed. The City wants growth, internal and by
annexation. They are in the business of growth.
And the City wants development. They make no
secret of it.

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

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

Milwaukee County has plenty of space, and
they have the water. Milwaukee didn't develop on
Lake Michigan by accident. The population should
move to the water, not the other way around. Based
on the City's blatant disregard for the EPA's
order, expanding all the while, I believe that
giving the City a drinking straw to Lake Michigan
is the last thing that should happen. The City
should make do with what it has. The water table
is rising. Stop annexing and adding apartments
hand over fist. Can't anyone say no anymore?

MS. HEILMAN: Thank you.

MR. HAMM: Thank you.

MS. HEILMAN: Shannon.

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

I oppose this diversion of Great Lakes
water to Waukesha because really conservation
measures, save the seasonal watering restrictions
which don't seem to be regularly enforced, haven't
been put into place. It does seem that Waukesha
has ample water, and that there are solutions that
can treat that water. And I really do think this
is a dangerous and unsustainable precedent for the
eight other states and two Canadian provinces to
follow, due to the fact that we do have a water supply here that we can treat.

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

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

FEMALE SPEAKER: She's gone.

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

FEMALE SPEAKER: She's gone, too.

MS. HEILMAN: Steven McArthur. And Mike Ruzicka. No. Okay. I think I have called everyone who filled out an appearance slip and wanted to offer a comment. Is there anyone in the audience who I missed who you think should provide comment? Okay. Well, thank you all for staying
and for being so courteous and respectful. The hearing is now adjourned, but the record will remain open for comments.

(Proceedings concluded at 8:44 p.m.)
STATE OF WISCONSIN )
) SS:
COUNTY OF MILWAUKEE )

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

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

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

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

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

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8/17/2015

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