

# Public Hearing

Transcript of Proceedings Taken on:

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

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Transcript of Public Comments  
Tuesday, August 18th, 2015

2:03 p.m.

at

UWM - Zilber School of Public Health  
1240 North 10th Street  
Milwaukee, Wisconsin

Reported by Sarah M. Sondag, RPR, RMR, CRR

## 1 TRANSCRIPT OF PROCEEDINGS

2 MS. MILLS OHM: So I will now call on the  
3 first three people who are elected representatives,  
4 Tom Barrett, Shawn Reilly and Chris Abele.

5 MR. BARRETT: Good afternoon and welcome to  
6 Milwaukee. We appreciate your willingness to listen  
7 to our comments on this very important issue. My  
8 history with this issues goes back to the 1990s, when  
9 I was a member of Congress. It was brought to my  
10 attention that the City of Waukesha had a radium  
11 problem. And I was sympathetic then. I am still  
12 sympathetic to the problems that our neighbor to the  
13 west has.

14 At that time, I wanted to be a good  
15 neighbor and find a way for us to work together to  
16 address this situation. When I became mayor in 2004,  
17 I continued to be concerned about this issue, and  
18 that's why in 2012, when this issue was brought to  
19 the City of Milwaukee, the City of Milwaukee did pass  
20 a resolution that directed us to begin negotiations  
21 with the City of Waukesha for the sale of water.

22 That -- that resolution made it clear that  
23 we were talking about the service area -- the current  
24 service area for the City of Waukesha. Again, we  
25 accepted their arguments that there was a radium

1 issue that needed to be addressed.

2 Subsequent to that, as you all are aware,  
3 there have been scientific studies and engineering  
4 studies that have questioned that, but that is and  
5 has been the official position of the City of  
6 Milwaukee, that we would be willing to negotiate with  
7 the City of Waukesha for the sale of water to  
8 Waukesha, to the Town and the City of Waukesha  
9 proper.

10 This is where the plot thickens, because it  
11 was much to my surprise that when the representatives  
12 came into my office and showed me the service area,  
13 it was not just the City of Waukesha, but, as you are  
14 all aware, it included the Town of Waukesha, the  
15 present Town of Genesee, Pewaukee and Delafield.  
16 None of those, of course, are in the City of  
17 Waukesha's current area.

18 When I looked at the compact, which did not  
19 include the jurisdictional issue about the service  
20 supply area, I questioned whether it could ever work.  
21 I'm not the only one who questioned that. In a  
22 letter dated August 2nd, 2012, DNR Secretary Stepp  
23 acknowledges the same. Wisconsin urged the other  
24 Great Lakes states and provinces to agree to  
25 incorporate the concept of service area planning into

1 the language of the compact. It didn't happen. It  
2 didn't happen.

3 So I'm asking you to do two things. One,  
4 I'm asking you to send this back to the City of  
5 Waukesha to have it have language that comports with  
6 the Great Lakes compact. There is no language in the  
7 Great Lakes compact dealing with this water service  
8 supply area.

9 And, second, to look at the engineering  
10 studies that have been done subsequent to our  
11 resolution to see whether the City of Waukesha  
12 currently meets it. So, again, two very straight  
13 forward requests here. One, send it back to make  
14 sure it complies with the Great Lakes compact, which  
15 it does not by the Secretary's own acknowledgment of  
16 the record; and, two, to look at the new scientific  
17 studies that are out there to see whether it  
18 currently does need the water.

19 Thank you very much.

20 MS. MILLS OHM: Thank you. Next is Shawn  
21 Reilly.

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

1 businesses in Waukesha have the resources and  
2 services they need. No service is more important  
3 than a healthy and dependable water supply. My  
4 campaign for mayor emphasized that I was in favor of  
5 obtaining water from the Great Lakes, and I won that  
6 election against the incumbent.

7 There are many that portray the review of  
8 our application as a choice between providing safe  
9 drinking water to Waukesha or protecting the Great  
10 Lakes. The truth is our application does both. Our  
11 use will not harm the Great Lakes or set a precedence  
12 for harm for the Great Lakes by others.

13 Our application meets the terms of the  
14 compact. Its approval will provide a strong and  
15 essential legal defense against any attempted water  
16 withdrawals and diversions that do not meet the terms  
17 of the compact.

18 Approval of our application will not lead  
19 to hundreds of requests for Great Lakes water. The  
20 Alliance for the Great Lakes estimated that four  
21 communities similar to Waukesha may apply for water  
22 under the compact within the next decade.

23 It's frustrating that there is argument  
24 regarding the state service area, and that it is --  
25 the argument is that it's inconsistent with the

1 compact. Governor Doyle's administration, who helped  
2 write the compact, also wrote the service area law.  
3 When the compact was adopted, it was expected that  
4 Waukesha's application would include the proposed  
5 service area.

6 During the two years that Wisconsin's  
7 compact bill was discussed and negotiated, not a  
8 single person or group opposed the provision that  
9 created the water supply plan. It is simply bad  
10 faith to support a law that requires an expanded  
11 service area, and then insist that the application be  
12 denied because of an expanded service area.

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

19 Thank you very much.

20 MS. MILLS OHM: Thank you. Following the  
21 next commenter, I would like to ask Robert Bauman,  
22 Andy Reiland and Joe Pieper. The next is Chris  
23 Abele.

24 MR. ABELE: Thank you. It's Abele,  
25 actually, but I'm getting used to that. So I'm going

1 to echo -- in the interest of time, the Mayor made a  
2 number of points I was going to make. I actually  
3 don't think the application comports with the  
4 compact. And I'll skip straight to this:

5 I live in Milwaukee, but I love Waukesha.  
6 I love the City of Waukesha. I love the County. I  
7 have a great working relationship with the current  
8 and a former County Exec. We worked together and  
9 saved each other a lot of money.

10 I also love solutions. One of the things  
11 that's being talked about here is the cost of the  
12 pipeline is about \$200 million. That's the straight  
13 cost. That's not the operating, maintenance, or  
14 ongoing pumping cost, or certainly the interest cost,  
15 because if they don't have cash right now, they're  
16 going to have to pay interest on it.

17 Right now, as it turns out, the cost of the  
18 latest efficient -- there is a company called Nebia.  
19 And this is just an example. They have a shower  
20 head. A company called Apple, the head of Apple, has  
21 invested -- so has the head of Google and a bunch of  
22 people -- it's a shower head. It puts more water on  
23 you -- more -- when you take a shower, than a normal  
24 shower head. The thing is, it costs 70 percent  
25 less -- uses 70 percent less water.

1           Here is the thing. There is 70,000 people  
2 who live in the City of Waukesha. You could buy  
3 every single one of them -- and I know that's more  
4 than households -- but you could buy every single one  
5 of them one of these shower heads for 14 million. No  
6 operating cost, no ongoing maintenance, and you would  
7 save 70 percent of the water, and -- and you would  
8 save every one of your tax paying citizens 70 percent  
9 on -- and they've got a neat calculator on this  
10 site -- on their own water bill.

11           That's one giant dent that you absolutely  
12 could make in this problem, but here is the point I'm  
13 trying to make: That's one. There is plenty others.

14           I like working with people to find  
15 solutions and I am eager, excited, and enthusiastic  
16 to work with my good friends in Waukesha to help find  
17 a solution that doesn't send 10 million gallons a day  
18 back through the Root River through our county past a  
19 lot of taxpayers, residents and people who all, like  
20 all of us in the room, care about the natural  
21 environment and the treasure that is the Great Lakes.

22           I would like that a lot more. It would be  
23 a lot cheaper. I think most people would be happy.  
24 And I think the goal is we can get water for  
25 everybody, economic development, save a whole lot of

1 money and, oh, by the way, it is actually cleaner.  
2 That's something that's worth working hard to get to.

3 Thank you.

4 MS. MILLS OHM: All right. I apologize up  
5 front for mispronouncing people's names.

6 The next is Robert Bauman.

7 MR. BAUMAN: You have me right.

8 MS. MILLS OHM: All right.

9 MR. BAUMAN: Good afternoon, everybody. My  
10 name is Bob Bauman. I'm an Alderman in the City of  
11 Milwaukee. I represent Downtown Milwaukee and the  
12 near west side neighborhood.

13 As the Mayor pointed out, the City Council  
14 and Mayor's office did involve -- did engage in some  
15 extensive discussions about the potential sale of  
16 water to Waukesha back in 2012. I was the chair of  
17 the committee that handled all those proceedings,  
18 Chair of Public Works. I'm also the author of the  
19 City's -- City of Milwaukee's resolution establishing  
20 the criteria for water sales to adjoining  
21 communities. I'm also the author of the resolution  
22 which approved the commencement of negotiation, but  
23 by no means was there a guaranty that there would be  
24 an agreement. I want that to be very clear. There  
25 was still major issues that the City of Milwaukee saw

1 with this diversion application, which it would be  
2 assumed that any sales agreement that the City would  
3 be involved in, so there was no guaranty that an  
4 agreement would ever be reached, but we were willing  
5 to talk.

6 And the big hangup was the service area  
7 issue. And we had extensive research done by our  
8 Department of City Development, by our legislative  
9 resource, by the Legislative Reference Bureau, and as  
10 well as our Water Utility, which is a very large and  
11 sophisticated organization.

12 And the message that consistently came back  
13 was that the City of Waukesha just doesn't have the  
14 need for a Great Lakes diversion. They do not  
15 generate the volume, given their other potential  
16 sources, to justify the need.

17 Only when you bootstrapped onto these  
18 additional geography, these townships, these  
19 basically unincorporated areas, do you create the  
20 theoretical need in the future, by assuming the new  
21 water is going to induce growth, development, and  
22 demand. It's a classic bootstrap argument to get to  
23 the end result of what we saw as a very clear  
24 objective of this diversion request, was to fuel  
25 continued growth and expansion in Waukesha generally,

1 the City of Waukesha specifically, and the Waukesha  
2 County generally.

3 So as far as an environmental impact issue,  
4 which is what we're here to ultimately talk about,  
5 the impact is sprawl. And the impact sprawl has on  
6 the environment as a whole, on economic justice in  
7 major cities like Milwaukee, like Cleveland, like  
8 Buffalo, who are also on the Great Lakes, who would  
9 also affected by this very -- the very significant  
10 precedent-setting decision, so I urge the DNR to find  
11 that this particular application, as currently  
12 constituted, does not meet the requirements of the  
13 compact, and to make a very clear statement for the  
14 record that the adverse environmental impact is the  
15 continuing effect of urban sprawl on the Great  
16 Milwaukee area.

17 Thank you.

18 MS. MILLS OHM: Next is Andy Reiland.

19 MR. REILAND: Hi. My name is Andy Reiland.  
20 I live in Waukesha, and I'm currently representing  
21 the District 13 on the Common Council, I'm a member  
22 and the current Common Council president.

23 And I also want to thank Mayor Barrett for  
24 setting the precedent on the time limit here.

25 As a resident and someone that listens to

1 many within our City, I find that we are all sharing  
2 a strong desire to obtain safe drinking water, and to  
3 make sure that the solution is one that is reliable  
4 and long lasting. I am confident from the briefings  
5 and from examining the extensive presentation that  
6 this will meet that correct solution.

7 Our desire and support to protect the Great  
8 Lakes does not stop with the drainage basin boundary.  
9 If Waukesha residents believed this project would  
10 harm the Great Lakes, you would hear our voices and  
11 concern. We realize this project will actually  
12 benefit a tributary and not adversely impact Lake  
13 Michigan.

14 In preparing this analysis, the City looked  
15 at all the viable options and made changes to the  
16 initial proposal in response to comments by the  
17 public and the DNR. The City's technical team  
18 reduced the volume of water to reflect the latest  
19 data and the successful result of our expanding water  
20 conservation program. Our residents understand and  
21 take water conservation seriously. We utilize  
22 national recognized experts in developing a program  
23 and will continue to improve it.

24 The DNR and others also urged us to move  
25 the return flow away from Underwood Creek to the Root

1 River. Despite substantial additional cost, the City  
2 made the change to our proposal in order to benefit  
3 the Root River and to enhance the DNR egg collection  
4 station on the Root.

5 I want to emphasize the need for a  
6 well-engineered and reliable long-term solution.  
7 Thank you.

8 MS. MILLS OHM: Thank you. Following Joe  
9 Pieper is Terry Wiggins, Jodi Habush Sinykin and  
10 Cheryl Nenn.

11 MR. PIEPER: Thank you. Good afternoon.  
12 My name is Joe Pieper. I'm an alderman in the City  
13 of Waukesha. I've had the pleasure of serving the  
14 Fourth District since May of 2006. I serve as the  
15 current chair of the Finance Committee and has also  
16 served as past Common Council President.

17 I want to thank everyone for coming this  
18 afternoon to discuss a very important issue not only  
19 for our region, but for the City of Waukesha. What I  
20 would like to do is to assure the DNR and the public  
21 that there has been a multitude of resources and time  
22 spent on this very important issue.

23 One of my first meetings upon becoming  
24 Alderman back in 2006 was to meet with staff to  
25 understand the current need for a sustainable water

1 source in the City of Waukesha. My wife can attest  
2 to many evenings where she has gone to bed long  
3 before I have, where there has been discussions and  
4 meetings on this very important issue.

5 So with that, I want to assure the public  
6 that this is something that the City of Waukesha, its  
7 residents, and our elected official, have not taken  
8 lightly and is something that is very important to  
9 the future of this region and very important to the  
10 future of the City of Waukesha.

11 Our goal, my goal, is to meet the needs of  
12 our residents. Our goal is not to become the  
13 first -- or the largest city in the state of  
14 Wisconsin. There has been a lot of discussion around  
15 how much we -- how little we can actually grow as a  
16 city. And our goal, like I said, is to serve the  
17 needs of our residents today and well into the  
18 future.

19 We are a very proud community, we are a  
20 urban community, and we have many of the same issues  
21 as our neighbors, including the City of Milwaukee.  
22 There seems to be a popular misconception that we all  
23 live on 5-acre lots and in million-dollar homes. I  
24 can assure you I don't, and I would be more than  
25 happy to give a tour of the City to anyone who is

1 interested in learning more about our wonderful  
2 community of Waukesha.

3 Lastly, I would like to thank the DNR and  
4 staff for their work on this project, and I would  
5 like to thank the work of our City staff and Common  
6 Council. I urge your support. And, in closing, this  
7 is actually in my opinion the essence of regional  
8 cooperation.

9 Thank you.

10 MS. MILLS OHM: Next is Terry Wiggins.

11 MS. WIGGNS: Thank you very much for the  
12 opportunity to speak to you. My comment -- sorry.

13 My comment this afternoon -- my comment  
14 this afternoon is not a technical comment. We will  
15 hear arguments this afternoon that appeal to our  
16 heads, talking technicalities about the numbers and  
17 facts or "facts," however you want, about the issues.

18 I believe that an appeal to the heart is  
19 also important, and I believe that as a person of  
20 faith, that we must protect all creation -- all of  
21 God's creation, as we call it, or, as some call it,  
22 the interdependent web of all life, of which we are a  
23 part.

24 And, therefore, I believe that our decision  
25 today must -- or the decision that the DNR makes must

1 have minimal to no impact on Lake Michigan and on  
2 those -- and the rivers and all of those who might be  
3 subject to whatever damage might come from spills or  
4 what have you. And so I urge caution. That's my  
5 comment.

6 MS. MILLS OHM: Jodi Habush Sinykin is  
7 next.

8 MS. HABUSH SINYKIN: Good afternoon, and  
9 thank you for this opportunity to comment. As an  
10 attorney with Midwest Environmental Advocates, I will  
11 focus my comments on the critical shortfalls of the  
12 draft EIS, which, if they persist in the final  
13 document, will expose the EIS to legal challenge and  
14 a finding of inadequacy.

15 Under state and federal law, the state's  
16 EIS must identify and rely upon relevant, up-to-date  
17 information and contingencies to remain -- to the  
18 proposed taxpayer-funded project. Wisconsin DNR's  
19 draft EIS, however, falls short of this basic  
20 standard by virtue of, one, the Agency's failure to  
21 examine an important and viable alternative and, two,  
22 the extent of uncertainty remaining with respect to  
23 important aspects of compact compliance significantly  
24 undermining informed and meaningful public  
25 participation.

1           First and foremost, the draft EIS fails to  
2           examine, as part of its alternative analysis, water  
3           demand estimates and modeling predicated upon the  
4           City of Waukesha's existing water supply service  
5           area.

6           Notwithstanding repeated notification of  
7           the legal and technical infeasibility of the City's  
8           proposed water supply service area, this failure on  
9           the part of the Wisconsin DNR to examine a viable  
10          alternative undoubtedly calls into question the  
11          adequacy of the draft EIS.

12          Indeed, federal appellate courts across the  
13          country have held EISs deficient on this very basis,  
14          reasoning that the existence of a viable, but  
15          unexamined alternative, renders an environmental  
16          impact statement inadequate.

17          Moreover, too much uncertainty still  
18          remains in the draft EIS regarding critical factors  
19          that Congress intended the Agency to consider  
20          pertaining to the Great Lakes Compact, including the  
21          feasibility of the connection with the outlying area,  
22          as well as what, if any, conservation has been  
23          accomplished in those outlying areas.

24          If Wisconsin DNR failed to address these  
25          significant information gaps before going out to the

1 public with its final EIS, or limits the opportunity  
2 for public comment only to the instant inadequate  
3 draft EIS, the public's legally guaranteed right to  
4 participate in the Compact's decision-making process  
5 will have been compromised to a degree that renders  
6 the state's EIS legally infirm under state and  
7 federal law. Thank you.

8 MS. MILLS OHM: Following the next  
9 commenter, Michael Hahn, Barbara Richards, and Barb  
10 Adams. And next is Cheryl Nenn.

11 MS. NENN: Hi. Thank you. My name is  
12 Cheryl Nenn. I'm here today on behalf of the  
13 Milwaukee Riverkeeper, and also the Compact  
14 Implementation Coalition.

15 I'm a little confused why we had three  
16 minutes in Waukesha yesterday, and there is two  
17 minutes today in Milwaukee. I'm not sure if Racine  
18 will have one minute. Hopefully not. But I will try  
19 to keep my comments brief and really focus on  
20 addressing the community in need requirements of the  
21 compact.

22 So the compact and Wisconsin's implementing  
23 legislation both require that to apply for a  
24 diversion, the community within the straddling county  
25 needs to show that they are without adequate supplies

1 of potable water and also that there is no reasonable  
2 water supply alternative within the basin in which  
3 the community is located. And this would include  
4 conservation of existing water supplies.

5 So evaluated against these core tenants of  
6 the compact, the City of Waukesha's application we  
7 feel is deficient in several critical areas in  
8 relation to the community requirements, and these  
9 deficiencies we feel like are not adequately  
10 addressed in the DNR's draft EIS and technical  
11 review, which I'll explain quickly.

12 The City of Waukesha's definition of  
13 "community need" is inconsistent throughout its  
14 application. When calculating how much the water --  
15 how much City water -- how much water the City will  
16 need in the future, Waukesha includes portions of  
17 neighboring communities in the definition of their  
18 "community."

19 When considering how to best conserve and  
20 use water efficiently, the City does not include  
21 portions of neighboring communities in the definition  
22 of its "community."

23 So when Waukesha tries to make the case  
24 that it lacks potable water supplies -- lacks potable  
25 water supplies and lacks alternatives, it cites the

1 historic deep aquifer drawdown and the radium in the  
2 deep aquifer, but it never makes similar arguments  
3 for those other communities that are included in the  
4 application.

5 And that's because those other communities  
6 don't have a need for water. None of the neighboring  
7 communities, Genesee, Waukesha, Delafield, and  
8 Pewaukee, have demonstrated a need for a new water  
9 source. Some of have even said publicly that they  
10 don't need Lake Michigan water in the near future and  
11 possibly never.

12 Portions of these communities also do not  
13 meet the requirements for water conservation, as  
14 others have mentioned. Thus, these additional  
15 communities can not be included in the application,  
16 because they don't meet the basic requirements of the  
17 compact.

18 There is no info in the EIS, the technical  
19 review, about why these additional areas are  
20 included, including any documentation of problems  
21 with their quality, their quantity, or any  
22 information on conservation efforts that have been  
23 implemented by those communities.

24 So thank you.

25 MS. MILLS OHM: Next is Michael Hahn.

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

5 In December 2010, SEWRPC published a  
6 regional water supply plan for the entire seven  
7 county southeastern Wisconsin region. Preparation of  
8 the plan was guided by a 32-member advisory  
9 committee. The plan objective was to make  
10 recommendations for providing a sustainable water  
11 supply through the year 2035, once again, for the  
12 entire seven county southeastern Wisconsin region.

13 The plan evaluated surface water,  
14 groundwater, and groundwater supply sources, and the  
15 effects of expanded shallow groundwater sources on  
16 surface water resources, such as streams, lakes, and  
17 wetlands.

18 The recommended plan as it relates to the  
19 City of Waukesha calls for the City to seek a Lake  
20 Michigan supply consistent with the requirements of  
21 the Great Lakes Compact and state law and provides  
22 four options for return of treated wastewater to Lake  
23 Michigan. The plan specifically recognized that more  
24 detailed engineering, legal, and environmental  
25 analysis would be required.

1           Of all the options considered, it was  
2           concluded that the recommended plan best meets the  
3           study planning objectives and provides long-term  
4           sustainability of the deep aquifer, reductions in  
5           (inaudible) discharges to surface waters, improvement  
6           in groundwater (inaudible). The recommended plan was  
7           approved by the advisory committee and planning  
8           commission.

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

17          The plan also recognized potential water  
18          quality impacts on the Fox River. We recommend that  
19          DNR provide additional analysis in the EIS of the  
20          effects of anticipated reductions in the flow of  
21          treated wastewater from Waukesha to the Fox River,  
22          quantifying the spatial extent along the river  
23          downstream of the wastewater treatment plant  
24          discharge for which significant water quantity and  
25          quality and associated aquatic life effects might be

1 expected to assume. Thank you.

2 MS. MILLS OHM: Next is Barbara Richards.

3 MS. RICHARDS: Hello. My name is Barbara  
4 Richards. I live at 3210 North 83rd Street. That's  
5 a few blocks south of the Lisbon Avenue, which runs  
6 along the ridge to what once were wetland areas left  
7 by the retreating glaciers. Consider Appleton  
8 Avenue, Fond du Lac Avenue. Today the town of Lisbon  
9 is now on par with the other settlements.

10 Circumstances change. Our settlements were  
11 primarily along waterways, then along railroad lines,  
12 presently along paved roads. Some have lasted, and  
13 some have faded. Growth protected on the past or  
14 even projected conditions can create a fantasy  
15 premise.

16 We face an unprecedented, unmodeled future.  
17 We live on a finite planet with finite resources  
18 facing an ecological, economic, social challenge. We  
19 see symptoms all around us. Our individual lifestyle  
20 choices are placed to get at the root.

21 We can find abundant (inaudible) foresight.  
22 Our settlements can become communities. How shall we  
23 respond? Shall we sign up for the next home tour  
24 along country roads, past former farmlands? Might we  
25 rather look forward seven generations and consider

1 the acts which we are contemplating. Growth such as  
2 we see all around us now is a tumor that will be  
3 found on our grandchildren's grandchildren. We must  
4 draw the line. We must hold to our potential to the  
5 act for the good of others yet unborn.

6 What any of our communities may become in  
7 the next 100 years is unimaginable, yet we know that  
8 water will be essential for that life to exist. I  
9 believe our task is to stand against the flow of  
10 greed, shortsightedness, blindness of injustice. We  
11 cannot (inaudible) based upon a sufficiency economy.

12 We must deny the water request from  
13 Waukesha to obtain Lake Michigan water. Thanks for  
14 listening.

15 MS. MILLS OHM: The following the next  
16 commenter, Jimmy Parra, Tom Gulash, and Charlie  
17 Weier. Please come forward.

18 Next is Bart Adams.

19 MR. ADAMS: Good afternoon and thank you.  
20 I would like to thank the DNR for their efforts and,  
21 frankly, all the news outlets who have provided a lot  
22 of information to common people.

23 I'm a CPA. I'm not an environmentalist.  
24 I'm not an engineer. I look at things very  
25 analytically. I look at things and say, you know,

1           why do things happen the way they do. I also bring  
2           with me a certain bias. My bias is I have lived my  
3           entire life basically in this community. I've lived  
4           61 years in Milwaukee County. 61 out of 61 years was  
5           within the basin.

6                     I'm a Boy Scout leader. I have been for  
7           over 30 years. We believe very strongly in  
8           environmental protection.

9                     Looking at what has happened in going  
10          through this process, I can say that I appreciate the  
11          efforts that the DNR has gone through. It seems to  
12          have gone through it in a very logical approach  
13          trying to take the facts and going from Point A to  
14          Point B and there on after.

15                    You've looked at the judge's order, you've  
16          looked at the various rulings and rules that you have  
17          to follow, as far as the area that has to be covered.  
18          You've looked at the Great Lakes Compact.

19                    You've looked at the water level depletion  
20          in Waukesha County in the basin. You've looked at  
21          the 100 percent return that is going to come. And  
22          that really, to my mind, when people refer to this as  
23          a diversion, is incorrect, it's a diversion and a  
24          return.

25                    It will improve the Root River area. It

1 provides and supports regional cooperation. This  
2 will assist in the proper management of the regional  
3 demands of water in the Waukesha and the Mississippi  
4 basin. It's a long-range solution, frankly, which is  
5 much better than main of the political short-range  
6 solutions that we see today.

7 I appreciate the DNR analysis and, in  
8 summary, I believe that this is a well thought out  
9 long-range solution to an issue that we all have to  
10 deal with.

11 Thank you.

12 MS. MILLS OHM: Next is Jimmy Parra.

13 MR. PARRA: Good afternoon. My name is  
14 Jimmy Parra. I'm an attorney with Midwest  
15 Environmental Advocates, also a partner organization  
16 of the Compact Implementation Coalition.

17 MS. MILLS OHM: Step closer to the --

18 MR. PARRA: All right. So I would just  
19 like to echo the concerns that some of our Compact  
20 Implementation Coalition partners have raised, but my  
21 comments will focus on the return flow aspect of  
22 Waukesha's proposal.

23 We've reviewed Waukesha's proposal and  
24 DNR's evaluation of that proposal. We do have  
25 several specific concerns related to return flow that

1 we will address in our written comments, but for our  
2 purposes here today, I just wanted to focus on one  
3 sort of over-arching concern that we have.

4 And that is that the draft technical review  
5 leaves several issues related to the return flow  
6 unresolved which, in turn, limited the ability of the  
7 DNR to do a full environmental review of the  
8 proposal. And what I mean by that is that the DNR's  
9 evaluation of the environmental impacts of the return  
10 flow are based largely on draft limits and  
11 recommendations, which have not been finalized  
12 through any sort of permitting process.

13 As many of us are aware, the WPDES  
14 permitting process is an iterative process and draft  
15 limits and recommendations often change in response  
16 to public comments, new information, comments from  
17 the applicant, and in some cases court orders.

18 For example, right now several of the  
19 limits and recommendations in the draft technical  
20 review are sort of premised on the finding that  
21 Waukesha will be a new discharger to the Root River.  
22 However, Waukesha, in some of its communication to  
23 the DNR, has called that determination into question,  
24 saying that they may not actually meet the definition  
25 of a "new discharger," which if that determination

1           were to change, the WPDES permit recommendations, as  
2           well the environmental impacts associated with the  
3           return flow, would be dramatically different than  
4           what's evaluated in the proposal right now.

5                        So this is just one example of the type of  
6           determinations that may change once the WPDES  
7           permitting process is underway, but we would -- we  
8           would just offer that these sorts of issues should be  
9           resolved prior to regional review, so that the  
10          Department can be confident that it's -- that  
11          Waukesha's proposal meets the compact's requirements.

12                       MS. MILLS OHM: Next is Tom Gulash. Sorry  
13          if I mispronounced.

14                       MR. GULASH: My name is Tom Gulash, and I'm  
15          from Manitowoc, Wisconsin, and I'm president of the  
16          Wisconsin Federation of Great Lakes Sport Fishing  
17          Clubs, consists of clubs from Marinette to Kenosha.

18                       Everyone in this room is sensitive about  
19          fresh drinking water, but what we see here is a  
20          short-term solution that's going to lead to long-term  
21          problems. A third party analysis by two engineering  
22          firms has shown that the DNR has come to some  
23          inaccurate conclusions. The DNR is also proposing a  
24          precedent-setting water diversion, so other  
25          alternatives must be examined thoroughly. Water

1 diversion is a last resort and is not an alternative  
2 for convenience, expansion, and future use.

3 The burden placed on ten other regional  
4 governments will be substantial, so the solution to  
5 the Waukesha issue must not be superficial or have  
6 limited options when considering the magnitude of  
7 their request. Approval of the diversion can affect  
8 20 percent of the world's fresh drinking water, not  
9 just Lake Michigan.

10 This is not a good idea because of the  
11 potential problems and too many future unknowns.  
12 This request should be sent back to the City of  
13 Waukesha and the request should be denied.

14 MS. MILLS OHM: Next is Charles Weier.  
15 After him, we have Amanda Payne, Mary Baer, and  
16 Robert McLeod.

17 MR. WEIER: My name is Charles Weier. I  
18 reside in Two Rivers, Wisconsin. I'm happy to say  
19 that I was born in a house 300 feet of the shoreline  
20 of Lake Michigan. After part of my professional  
21 career the early part in 1974, I moved back to Two  
22 Rivers, Wisconsin, and I now live in a house that is  
23 700 feet from the shores of Lake Michigan, so I'm  
24 very familiar with the problems and unfortunate  
25 situations of the lake.

1           It's been terribly abused, as well as the  
2 rest of the lakes have been terribly abused. But  
3 this situation isn't necessarily just the abuse of  
4 the lake physically, it's a compromise of a very hard  
5 and long worked out compromise for the lake, for  
6 all -- for all the Great Lakes.

7           If this situation is compromised at this  
8 point, then this would only be the first issue, first  
9 time in the state, it only softens the way for more  
10 compromises to be made. It's kind of like a hole in  
11 a dam. It may be only as big a fingerhole to start  
12 with, but it continually gross. So before we get  
13 into that situation, I hope we give great concern to  
14 this thing and disregard this attempt.

15           The other thing I would like to say is that  
16 on a financial standpoint, the people in the City of  
17 Waukesha will have an increase in their water bills  
18 for the year from \$260 to somewhere around 8- to  
19 \$900 annually. And for why? Totally unneeded.  
20 You're talking about a \$150 million project here  
21 which could be done for very little less. In fact,  
22 the City -- the City people's water would probably be  
23 about the same or maybe just slightly larger per  
24 year. So you're saving them hundreds and hundreds of  
25 dollars annually.

1 Thank you.

2 MS. MILLS OHM: Next is Amanda Payne.

3 MS. PAYNE: Good afternoon. My name is  
4 Amanda Payne. I'm a resident of the City of  
5 Waukesha, in addition I'm here to present comments on  
6 behalf of the Waukesha County Business Alliance. The  
7 Alliance is the largest business association in  
8 Waukesha County, representing more than 1,000  
9 companies and organizations. Collectively, our  
10 members employ more than 60,000 people in the region.  
11 Approximately 25 percent of our members are located  
12 within the city of Waukesha and they employ several  
13 thousand individuals who work and live in Waukesha.

14 The Alliance continues to stand firm in our  
15 support of the City's application for Lake Michigan  
16 water. The City's proposal has been carefully vetted  
17 by our infrastructure policy committee, our policy  
18 board, and our board of directors.

19 We have spent years updating and educating  
20 our entire membership about this issue, and we have  
21 asked for to their feedback. Support to the City's  
22 application remains widespread among all of our 1,000  
23 members. We remain convinced that Waukesha's  
24 application provides the only practical,  
25 environmentally sound, and long-term solution.

1                   Waukesha has examined many alternatives.  
2                   All others would have a negative environmental impact  
3                   and are less protective of public health. The  
4                   scientific evidence demonstrates that this is the  
5                   right solution.

6                   Thank you.

7                   MS. MILLS OHM: Is Robert McLeod --

8                   UNIDENTIFIED SPEAKER: He left.

9                   MS. BAER: I can change my name, if you  
10                  want.

11                  MS. MILLS OHM: Well, Mary Baer is next,  
12                  but I'm wondering if Robert McLeod --

13                  UNIDENTIFIED SPEAKER: No. He left the  
14                  building.

15                  MS. MILLS OHM: He left. So then I would  
16                  ask Ezra Meyer, George Meyer, and Anselmo Villarreal  
17                  to come forward next.

18                  MS. BAER: Okay. My name is Mary Baer, and  
19                  my husband and I live in the City of Waukesha, and I  
20                  also work in the City. I have watched and learned a  
21                  lot about the importance of a sustainable water  
22                  supply for the Waukesha service area through the many  
23                  years of following this issue, and it also helps when  
24                  you're married to an engineer with focus on  
25                  hydrogeology, but we won't go into that.

1           Today I want to express my gratitude to all  
2           the people and organizations arriving at this point  
3           in time. I want to thank the visionaries who wrote  
4           the Great Lakes Compact recognizing that for a  
5           straddling county with no other options, that access  
6           to Lake Michigan water was critical for the ability  
7           to provide safe, clean water for their citizens,  
8           while returning the, quote, "borrowed" water back to  
9           the lake.

10           I want to take -- thank the tireless  
11           scientific efforts of the Waukesha utility team --  
12           water utility and water commission, especially Dan  
13           Duchniak. All of us who have followed the process  
14           read about the multitude of options that were  
15           scientifically vetted, testified at many Common  
16           Council meetings, and now can respectfully report the  
17           final outcome of this lengthy process; and that is,  
18           Lake Michigan water is the only viable option for a  
19           safe, long-term water supply that will address the  
20           radium issue and the needs of the Waukesha water  
21           service area now and for generations to come.

22           I also want to say thank you to Waukesha  
23           Mayor Reilly and the members of the Common Council  
24           for their support of this effort. A lot of time,  
25           energy and effort went into arriving at the point we

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

9 Finally, I would like to thank those that  
10 opposed this application. Your efforts meant that  
11 all possible options were studied, questioned,  
12 challenged, reviewed, and yet the same conclusion was  
13 reached.

14 I look forward to the day when the water  
15 that comes out of my tap is a clean, safe water that  
16 can only be provided to the Waukesha water service  
17 area from Lake Michigan. I also look forward to the  
18 Root River's revitalization through the return flow  
19 of Waukesha's treated water.

20 Thank you for giving me this opportunity to  
21 speak today.

22 MS. MILLS OHM: Next is Ezra Meyer.

23 UNIDENTIFIED SPEAKER: He's not here, but  
24 can you just put him in the back. Thanks.

25 MS. MILLS OHM: George Meyer.

1 MR. MEYER: Thank you very much, George  
2 Meyer, representing the Wisconsin Wildlife  
3 Federation, comprised of 109 hunting, fishing,  
4 trapping groups throughout the state. I'll be brief.

5 There is two issues I would like to  
6 address. One is yesterday we heard some conflicting  
7 information about the -- whether or not the sewer  
8 service areas were included in the Great Lakes  
9 Compact. I've had an opportunity to since then -- I  
10 was not part of those negotiations -- to talk to  
11 others, which seem to confirm that what Administrator  
12 Aims said indicated, that, in fact, sewer service  
13 areas were not discussed as an alternative in the  
14 Waukesha situation, although the City of Waukesha  
15 issue was omnipresent through the whole discussions.

16 Deputy Secretary Henderson is very correct  
17 though on the fact that during the implementation  
18 language, statutory language, there was inclusion in  
19 the state's statute, not the compact, of having sewer  
20 service areas be included along with the cities, and  
21 that was done at the request of the City of Waukesha.

22 What we appear to have is a conflict of law  
23 between the implementing statute and what I would  
24 believe, and I think most lawyers would agree, is the  
25 controlling language of the compact.

1           What is good though is that there is  
2           another alternative. We all want clean water,  
3           radium-free water for the City of Waukesha. I go  
4           back a long way. 1987 I headed the enforcement  
5           division in the Station of the Department of Natural  
6           Resources, when we first directed the City to treat  
7           its radium water. There has been a string of  
8           lawsuits ever since that time.

9           There is an alternative, the no-diversion  
10          alternative, which takes advantage of the fact that  
11          we have rebounding water levels, 60 to 100 feet;  
12          that, in fact, there is at this time good treatment  
13          via exchange or reverse osmosis that can, in fact,  
14          treat the water and will, in fact, meet the needs of  
15          the current service area to the year 2050.

16          And the best thing for the rate bearers of  
17          Waukesha, it's half the price and half the rate  
18          increase for them. Thank you very much.

19          MS. MILLS OHM: Following the next  
20          commenter, I would ask John -- or I'm sorry, Dawn  
21          Crowley, Bill Sell, and Kristy Meyer.

22          MR. VILLAREAL: Thank you. My name is  
23          Anselmo Villarreal, and I'm the executive director of  
24          La Casa de Esperanza, and we're a (inaudible) service  
25          organization that employs 160 staff members and

1 serves over 2,000 people in need each year in  
2 Waukesha, Milwaukee, and Jefferson County.

3 But, first of all, I would like to thank  
4 the DNR staff for working diligently on this review  
5 and for managing the challenges -- the challenging  
6 situation of being in the middle of people with  
7 different views. I can only imagine what you have  
8 gone through.

9 Ensuring a safe water supply in Waukesha is  
10 a critical issue that must be addressed to ensure a  
11 safe supply for water -- for water to Waukesha  
12 residents. It is a common misperception that there  
13 is no poverty in Waukesha. However, not only is  
14 there poverty in Waukesha today, but the trends are  
15 alarming.

16 Census data shows that the number of people  
17 living in poverty in Waukesha county increased by  
18 104 percent from 2000 to 2012. From 2000 to 2010,  
19 the total population in Waukesha grew by 7 percent,  
20 while the Latino community population grew by  
21 27 percent.

22 From 2001-2002 through the year to  
23 2011-2012 school year, the overall student population  
24 in the Waukesha school district grew by 8 percent  
25 while the Hispanic grew by 93 percent.

1                   From 2011 -- I'm sorry -- from 2001 to  
2                   2011, the number of students eligible for free or  
3                   reduced price meals in the Waukesha School District  
4                   nearly doubled, growing from 15 percent to  
5                   29 percent.

6                   I feel very strongly that it's time to  
7                   focus not on the past, and not even on the present,  
8                   but on the future. This is the time to act in the  
9                   spirit of regional cooperation. We must put  
10                  difference behind us, not act out of a sense of blame  
11                  or resentment, and support a solution that's in the  
12                  best interest of those in need in our community,  
13                  including Waukesha.

14                  In closing, I encourage you to continue to  
15                  support the solution that has been developed for us  
16                  years of work. A solution would not only harm --  
17                  will not harm Lake Michigan, but will help the  
18                  underserved in Waukesha and will begin a precedence  
19                  of regional cooperation for all of us to learn from  
20                  and to follow.

21                  Thank you very much.

22                  MS. MILLS OHM: Next is Dawn Crowley.

23                  MS. CROWLEY: Thank you. I'm from  
24                  Wauwatosa in Milwaukee County, and I have an  
25                  additional pollution concern beyond the phosphates

1 and temperature and chlorides, and that is the  
2 pharmaceuticals that will be flowing from the  
3 Waukesha treatment plant, which does not filter for  
4 the pharmaceuticals.

5 And I'm concerned for the drinking water,  
6 but also for the added fish that the DNR estimates  
7 will grow in the Root River. So I would ask that the  
8 pharmaceutical pollution be reevaluated in the  
9 process.

10 Thank you.

11 MS. MILLS OHM: Bill Sell.

12 MR. SELL: Hi. I'm Bill Sell. I live at  
13 2827 South Lenox in Milwaukee in the neighborhood of  
14 Bay View, where we think of ourselves as stewards of  
15 the Great Lake Michigan, because it is our  
16 easternmost border.

17 Today I would like to enlarge the concept  
18 of environmental. Why are the planners trying to  
19 avoid their first plan to send more water more  
20 directly through our City into the Menomonee River?  
21 Avoiding this City is nothing new, and we citizens  
22 watched the negotiations with deep interest.

23 Apparently Waukesha was still, after 30  
24 years of disposition, afraid to look at collaborative  
25 efforts to build transit between our two counties.

1 In the larger context of a city being more  
2 endangered, more and more managed from the Capitol,  
3 from education to highways to freedom to bear guns  
4 and underpinned by a translation into action by white  
5 flight, this Root River solution is another nail in  
6 the plantation fence desired by a few powerful people  
7 in Waukesha.

8 I submit to the DNR that there is a racial  
9 component to the determination to get Lake Michigan  
10 water without allowing access to jobs and  
11 development, which I believe is the spark that pushes  
12 Waukesha to add a new fence.

13 Milwaukee has vacant buildings begging for  
14 development. While there are some new buses that  
15 came out of the Federal Court settlement, a  
16 three-hour commute every day is not a family-oriented  
17 solution to a community.

18 Like President Reagan, I would ask that we  
19 tear down these fences and that -- because that  
20 destructive thinking puts my African-American  
21 brothers and sisters at risk. They need to be near  
22 jobs and the cost of an automobile requires 30 to 50  
23 percent of a low living wage.

24 MS. MILLS OHM: Next is Kristy Meyer, and  
25 then I would ask Elfrine Jankuski-Biggers, Paul

1 Trotter, and Sister Mary Ellen Paulson to come  
2 forward.

3 MS. MEYER: Thank you for this opportunity.  
4 My name is Kristy Meyer, and I'm the managing  
5 director of Agricultural Health and Clean Water  
6 Programs at the Ohio Environmental Council based out  
7 of Columbus, Ohio. The OEC is a statewide nonprofit  
8 advocacy organization whose mission is to secure  
9 healthy air, land, and water for all who call Ohio  
10 home.

11 I've been working on the Great Lakes  
12 Compact for more than a decade, and the OEC, before  
13 me, has been working on the development of it for  
14 more than two decades.

15 The OEC believes that the application does  
16 not comply with the Great Lakes Compact because the  
17 City has neither exhausted all options, nor is their  
18 request reasonable.

19 According to an independent study by Jim  
20 Nichols, former director of the U.S. Geological  
21 Survey in Michigan, an independent consultant now,  
22 Waukesha's water demand has been falling since the  
23 late 1980s, yet the City of Waukesha projects a much  
24 higher demand for water in the future.

25 This is inconsistent with historical

1 trends. Even with Waukesha's 2050 water service  
2 supply area, projected industrial and residential  
3 growth, expected total average day demand will be  
4 well below the 10.1 MGD and 16.7 MGD that Waukesha  
5 currently is demanding. As such, the requested  
6 amount cannot be considered reasonable.

7 Over the last couple of years, groundwater  
8 levels in Southeast Wisconsin have been rising, at  
9 the very least stabilizing, according to a recent  
10 report -- or according to a report authored by Jim  
11 Nichols.

12 Recently two independent engineering firms  
13 looked at Waukesha's proposal. They concluded that  
14 Waukesha can use its existing deep and shallow water  
15 wells to provide ample clean water and meet current  
16 and future demands, as long as the City invests in  
17 three new reverse osmosis plants, which would cost  
18 half of the amount of what Waukesha is proposing in  
19 its water diversion, saving residents and local  
20 businesses money, while meeting future demands and  
21 protecting the health of Waukesha residents.

22 A favorable decision could ensure the Great  
23 Lakes death by a thousand straws, as there are many  
24 communities outside of the watershed around the Great  
25 Lakes that might be more willing to consider

1 withdrawing Great Lakes water in the future. With a  
2 favorable approval of this diversion application, it  
3 almost ensures that these future communities would  
4 also get favorable approvals, no matter how flawed  
5 their proposals may be.

6 For all of these reasons, we respectfully  
7 urge the Wisconsin DNR to deny this diversion  
8 application.

9 Thank you for this opportunity.

10 MS. MILLS OHM: Next is Elfrine.

11 MS. JANKUSKI-BIGGERS: Hello. My name is  
12 Elfrine Jankuski-Biggers. I live at 3854 West Kiley  
13 in Milwaukee, and I thank you for this opportunity  
14 for my comments.

15 On June 18, Pope Francis published his  
16 Laudato Sii, a revolutionary call for all of humanity  
17 to solve conflicts of dual crises of global climate  
18 change and social justice. In this document, Pope  
19 Francis makes the point that these two challenges are  
20 intertwined and must be solved together.

21 The Laudato Sii is significant because  
22 finally a world leader is challenging us to change  
23 our habits before the damage we have done to the  
24 environment can no longer being corrected.

25 What is the City of Waukesha's response to

1           this call? Drain Lake Michigan. The Great Lakes  
2           Compact was designed by forward thinking people in  
3           two countries for the purpose of protecting the Great  
4           Lakes so that the lakes could continue to provide  
5           aquatic existence in perpetuity. Permitting Waukesha  
6           to redraw the boundaries of this hard won pact only  
7           means the treaty has no validity whatever -- or  
8           whatsoever.

9                        I found it interesting that the studies  
10           which concluded that drawing water from Lake Michigan  
11           would have no significant environmental impact failed  
12           to take into account the 20 miles of pipeline which  
13           must be constructed. This is ludicrous and  
14           irresponsible. Building a 20-mile pipeline has an  
15           environmental impact 20 miles long.

16                       Waukesha says it would return treated water  
17           to the Root River. Treated water is just that.  
18           Treated water. Unleashing chemically treated water  
19           into a river threatens the aquatic life of the river  
20           and the lake into which it leads.

21                       Allowing Waukesha to expand the borders of  
22           the Great Lakes Compact will open the floodgate for  
23           other municipalities to demand the same thing. The  
24           pressure on the lake will continue until all that  
25           remains is a humongous mud hole like the completely

1           dried up Aral Sea in Russia.

2                         We cannot allow Waukesha to take water out  
3           of Lake Michigan. The City of Waukesha needs to go  
4           back to their drawing boards and come up with a  
5           different plan to solve their water problem.

6                         Pope Francis is calling us to carefully  
7           consider how we use our resources and find  
8           alternative to the environmental abuse which we  
9           humans are so adopt at a doing. Here is our chance  
10          to say "No" to our wasteful ways. Here is our chance  
11          to begin to daunting task of changing our mindset and  
12          our habits of choosing the cheapest, but most  
13          destructive solutions to our environmental problems.

14                        We he must take the spirit of the Great  
15          Lakes Compact to heart. We must support our Great  
16          Lake Michigan by just saying "No."

17                        MS. MILLS OHM: Next is Paul Trotter.

18                        MR. TROTTER: Hi. My name is Paul Trotter.  
19          I live at -- in the vibrant Story Hill neighborhood  
20          at 439 North 50th in the great City of Milwaukee, zip  
21          code 53208.

22                        I am speaking in opposition to this  
23          diversion application by the City of Waukesha for  
24          several reasons. While I'm empathetic for the City  
25          of Waukesha for clean water, my greatest concerns are

1 that this application contains potential expanded  
2 service areas. I can understand including the City's  
3 own projected development, but I have strong  
4 objections to including the communities of Delafield,  
5 Genesee, and Pewaukee. This to me is giving the okay  
6 to more strip malls, urban sprawl, and less  
7 motivation for water conservation.

8 By including the expanded service area of  
9 Waukesha, Waukesha greatly inflates the amount of  
10 water it needs, and thereby tries to justify using  
11 Great Lakes water, rather than local groundwater.

12 In its application, Waukesha is proposing  
13 to double the size of its water service area and  
14 thereby contravening the standards of the Great Lakes  
15 Compact. This is not acceptable.

16 And it's also my understanding that the  
17 deep water aquifer is beginning to replenish itself  
18 and methods for treating the radium-tainted water has  
19 not been fully explored.

20 My last concern is the tremendous cost to  
21 the hardworking taxpayers of Waukesha. The cost will  
22 rise from approximately \$200 a year to over \$900 a  
23 year.

24 Thank you for this opportunity and many  
25 thanks to the hardworking employees of the DNR.

1 MS. MILLS OHM: The next three people to  
2 come forward, please, are Andy Andre, Leslie Johnson  
3 and Timothy Schaefer. And next is Sister Mary Ellen  
4 Paulson.

5 SISTER PAULSON: I'm Sister Mary Ellen  
6 Paulson, and I live at 2367 South 84th Street in West  
7 Allis. My brother Duane is on the Council out in  
8 Waukesha on the County Board. He also served on the  
9 City Council there. And I know if he were here, he  
10 would say -- he would say that proposal has to go  
11 through. I certainly am not going to deny him that.

12 I am here to say a special thank you to the  
13 DNR for all the information that you handed out here  
14 today. All the positive aspects, all the aspects of  
15 knowing that ideas that come in can be roped into  
16 this, and that is fantastically wonderful.

17 As I say, I remember in 2007 when the  
18 compact was signed. Fantastic. Wonderful. And I  
19 certainly am going to be agreeing with the Pope on  
20 saying we need to take care of our planet, each and  
21 every one of us. But my biggest thought today is  
22 thank you. Thank you so very much and good luck as  
23 you move forward with it.

24 MS. MILLS OHM: Thank you. Andy Andre is  
25 next.

1 MR. ANDRE: Hi. My name is Andy Andre. I  
2 live in Greendale. The full address, of course, is  
3 on your sheet.

4 What I think we should call this is what it  
5 is. It's just a big grab by rich and powerful  
6 Waukesha County trying to overtake whatever they can  
7 from Milwaukee area and generally from anybody else  
8 that they can.

9 With all due respect, the DNR has lost any  
10 credibility a long time ago, specifically when our  
11 current governor took over the State of Wisconsin and  
12 when Secretary Stepp took over DNR.

13 Waukesha and -- for the years, for decades  
14 now -- and DNR all of the sudden are very concerned  
15 about the environmental issues which right now are  
16 supposedly the reason why you want to take the water  
17 from Great Lakes, okay, while they were developing  
18 all kinds of wetlands into all kinds of developments  
19 and growing leaps and bounds and having all of the  
20 people who have created any wealth for themselves  
21 from Milwaukee County moving into Waukesha County.  
22 There was no concern whatsoever about the  
23 environmental issues.

24 The DNR lost any and all credibility once  
25 they decided that strip mining does not destroy the

1 environment. Okay. Absurd. Okay.

2 If Waukesha cannot supply itself with  
3 adequate water for the growth that they are  
4 projecting, maybe then their growth should be curved  
5 a little bit. Perhaps some of those companies that  
6 left Milwaukee County for Waukesha should return to  
7 Milwaukee County. Okay.

8 If I want to go swimming, as I have done  
9 last Sunday, I don't go to Lake Michigan. I go to  
10 Waukesha, because Waukesha has some of the cleanest  
11 water and lakes that I'm aware of that I can  
12 practically go drink. Okay.

13 Waukesha County is one of the richest,  
14 largest counties in Milwaukee -- in Wisconsin that  
15 has tons of water, that has been known for its  
16 high-quality water. All of the sudden they can't  
17 take care of their own problems. They want to steal  
18 water from Great Lakes. Okay.

19 Astronauts can drink their own urine, and  
20 they do that for months at a time, because every  
21 water can be purified to be reused again. Part of  
22 the reason I know that is because part of my career  
23 was spent in water control as well. Okay. If they  
24 can do it, I'm sure that Waukesha can clean their own  
25 water.

1 MS. MILLS OHM: Next is Leslie Johnson,  
2 Timothy Schaefer, and then following Timothy, I would  
3 ask David Fulwiler, Bill Moore, and Ann Brummitt to  
4 please come forward.

5 MR. SCHAEFER: Hi. My name is Timothy  
6 Schaefer. I'm with the Alliance for the Great Lakes,  
7 a member of the Compact Implementation Coalition. I  
8 grew up in Glendale about a 15-minute walk from Lake  
9 Michigan. And growing up so close to the lake, it  
10 was easy to forget how special it is sometimes, but  
11 it's also easy to forget that the lake is not  
12 replaceable.

13 Glaciers formed Lake Michigan thousands of  
14 years ago. And while precipitation can replace some  
15 of the water, it is essentially a one-time gift from  
16 the glaciers, which is why the Great Lakes Compact  
17 only allows for diversions when those diversions are  
18 absolutely necessary and not when a diversion is  
19 simply a city's preferred option.

20 Waukesha has a plentiful supply of water  
21 right now, and it has enough potable water right now  
22 to treat its existing water supply to meet the City's  
23 needs for decades.

24 Not only does Waukesha have enough water,  
25 but it is requesting on behalf of municipalities that

1 have not requested water and don't need it. It has  
2 not shown that it can certainly safely return water  
3 to Lake Michigan. Its return plan does not guaranty  
4 that there will be no interbasin transfer of invasive  
5 species between the Mississippi and the Great Lakes  
6 basin, and admits it's only a plan to reduce this  
7 possibility and not prevent it.

8 And, lastly, Waukesha must prove that  
9 similar diversions would not have a cumulative  
10 negative impact on the health of the Great Lakes  
11 basin. It hasn't provided enough data for this, and  
12 I don't sense that it wants to, but it has to show  
13 that.

14 Thank you for your time.

15 MS. MILLS OHM: Is David Fulwiler there?

16 Bill Moore.

17 MR. MOORE: Hi. I'm a resident of New  
18 Berlin, who was an alderman on the New Berlin City  
19 Council when New Berlin switched from well water to  
20 lake water for the eastern half of the City to the  
21 Milwaukee City system. It was an appropriate  
22 diversion, since we had radium in our groundwater.  
23 We returned all water to Lake Michigan and only made  
24 the request for the portion of New Berlin east of the  
25 subcontinental divide and that portion of the City on

1           municipal wells.

2                   Initially I felt there were good reasons  
3           for Waukesha to request an exception, especially  
4           because of the need for safe drinking water and that  
5           the extracted water would be returned to the lake. I  
6           was also concerned that any shallow aquifer drawdown  
7           would negatively affect surrounding wetlands, and I  
8           do feel that that impact needs further study.

9                   But this proposal has a serious  
10          precedent-setting flaw. The Great Lakes Compact only  
11          allows for a community like Waukesha to request a  
12          diversion, while this proposal includes county areas,  
13          towns that are not part of the community of Waukesha.

14                   Due to the fact that all of the Great Lakes  
15          states have to approve the diversion and that the  
16          community requirement is significant and basic, that  
17          a rejection of the diversion is likely and would thus  
18          be an embarrassment to the Wisconsin DNR. Just  
19          because Wisconsin says the service area meets the  
20          state law does not make it so that it meets the  
21          language of the compact.

22                   The effect of including the future service  
23          area will only serve to increase sprawl and thus the  
24          proposal in its present form should be rejected.

25                   MS. MILLS OHM: Next is Ann Brummitt. So I

1 would like to call up Carol Limbach, Sura Faraj, and  
2 Wineoki.

3 MS. LIMBACK: Hi. I'm Carol Limbach. I'm  
4 a lifelong resident of Milwaukee County. I now live  
5 in St. Francis. I'm opposed to the diversion.  
6 I've -- what I've heard here, I have two impressions  
7 thus far, and they're not favorable. I have the  
8 impression that this DNR diversion is a done deal. I  
9 believe it's -- Waukesha doesn't need it. I now  
10 understand how its expanded geographic area. You  
11 know, that's not right. It just seems like a grab,  
12 as another gentleman has mentioned, but I'm  
13 completely opposed to it.

14 I'm the one that raised that question about  
15 Oak Creek financially benefiting from that and I --  
16 and if this should go through, I believe perhaps the  
17 Metropolitan Sewage District or some other collective  
18 group would be collectively benefiting from this  
19 process for Oak Creek to float this and then profit  
20 from it. It's just obscene. Thank you.

21 MS. MILLS OHM: Next is Sura Faraj.

22 MS. FURAJ: Hi. My name is Sura Faraj.  
23 One of the hats I wear is an environmental advocate  
24 and I am a fan of deep ecology, which is a much --  
25 has a much longer view. It's not 25 or 50 years out,

1 but looking at our environment and our ecology as a  
2 whole, and then that would be true sustainability.

3 I attended the Coalition's prehearing  
4 meeting, and there I learned that Waukesha is using  
5 outdated and inaccurate information, also incomplete  
6 data. And so I would request that all of that  
7 information is updated and looked at again from the  
8 beginning. I'm concerned about this because it is a  
9 water grab, and it is the first water grab that will  
10 set a precedent under the Great Lakes Compact.

11 And it is very disturbing to me that that's  
12 happening in our beautiful state, when we are part of  
13 something that we're collaborating with I think seven  
14 other states and Canada. It sounds to me, from  
15 everything I've learned, that this is not an  
16 appropriate request for water.

17 I -- from what I was reading, it sounds  
18 like Waukesha is not implementing conservation  
19 standards that should be required under the compact.  
20 They're not even implementing their own requirements  
21 for conservation. They have a few that they have put  
22 in place for residents only, and they have worked --  
23 they have helped reduce water usage. Now they need  
24 to do that for commercial, industrial, and  
25 governmental water users.

1 I'm also greatly concerned about  
2 introducing foreign water flow into the receiving  
3 rivers and returning millions of gallons that include  
4 pharmaceuticals and potential invasive species. We  
5 know Waukesha has the money and capacity to divert  
6 the water, so they also have the money and capacity  
7 to treat their own, and that's what they should do.  
8 Thank you.

9 MS. MILLS OHM: I would like to call up  
10 next Dianne Dagelen, after you, Jeanne Hewitt and  
11 Laurie Longtine. And next is Susan Wineoki.

12 MS. WINEOKI: Wineoki --

13 MS. MILLS OHM: Wineoki, and then followed  
14 by Diane Dagelen, Jeanne Hewitt and Laurie Longtine.

15 MS. WINEOKI: My name is Sue Wineoki, and  
16 I'm a resident of Milwaukee. I served on the Board  
17 of Directors for the Milwaukee Riverkeeper for three  
18 terms, and I can say that the work they do for the  
19 rivers and waters of Wisconsin is impeccable. I've  
20 never experienced such a hardworking, passionate,  
21 dedicated group of people before.

22 And Cheryl Nenn, the Riverkeeper who  
23 already testified, is incomparable in her role, and  
24 that's why I trust their judgment on this Waukesha  
25 water situation, because they have done their

1 research and -- on this issue, and they have arrived  
2 at this conclusion.

3 Waukesha can sustainably meet its current  
4 and future water needs for its existing water supply  
5 service area by treating existing deep groundwater  
6 wells for radium and other contaminants while  
7 continuing to use its existing shallow wells.

8 Lake Michigan is the centerpiece and  
9 masterpiece of our state. It must be kept sacrosanct  
10 and protected, protected fiercely by the citizens of  
11 the Wisconsin.

12 The Coalition of Environmental and Health  
13 Organizations have determined that diverting water to  
14 Waukesha from Lake Michigan is not a viable option.  
15 Thank you.

16 MS. MILLS OHM: Thank you. Dianne.

17 MS. DAGELEN: My name is Dianne Dagelen. I  
18 live in Wauwatosa. And I -- first of all, I want to  
19 applaud Wisconsin DNR for the decision to do an  
20 environmental impact statement on this very important  
21 issue, and I thank you for letting me speak to you  
22 today.

23 I am the chair -- the conservation chair of  
24 the Great Waters Group of the local Sierra Club. I  
25 urge you to consider two things. First, I'm asking

1 that you consider the new information that has come  
2 forward as to the water levels of Waukesha's  
3 groundwater increasing, I believe I heard they have  
4 rose 15 feet since 2006, because that provides a  
5 possible new alternative for water for the City and  
6 the area.

7 Secondly, I ask that you include social  
8 justice and environmental justice issues as part of  
9 the environmental impact statement, and that you do  
10 so from a regional perspective. And the reason for  
11 this is that Waukesha is asking for water from Lake  
12 Michigan for areas well beyond the City limits  
13 specifically for future economic and industrial  
14 development for a projected population growth, and  
15 this water is coming from or via the City and County  
16 of Milwaukee, which has a lot of access for water,  
17 but has a lot of empty factories, and also has a lot  
18 of people who are unemployed, especially people of  
19 color, and I think this is an important  
20 consideration.

21 So to promote this water diversion will do  
22 more than just exacerbate urban sprawl, but will  
23 further divide the two cities. It used to be that  
24 the expressways were the promoters of urban sprawl  
25 and would divide peoples, but here we have water.

1 We've got a new source of division that will divide  
2 the two cities further, both economically and  
3 racially.

4 So please consider these things when you  
5 complete your environmental impact statement. Thank  
6 you.

7 MS. MILLS OHM: Next is Jeanne Hewitt.

8 MS. HEWITT: Good afternoon. I'm  
9 Dr. Jeanne Hewitt. I'm an epidemiologist at the  
10 University of Wisconsin-Milwaukee, where I am a  
11 leader in the Children's Environmental Health  
12 Sciences center. I'm also a Waukesha resident. I  
13 live five blocks into the County.

14 I want to speak to issues that have been  
15 raised here, but for which there have been no  
16 answers. Safety water has been referred to numerous  
17 times, as well as radium in the water. Radium, of  
18 course, is the issue. It is a carcinogen; right? It  
19 causes cancer. But we have not heard anything about  
20 what is the cancer risk in Waukesha County, so I went  
21 and did my due diligence and looked at the data.

22 I examined data from the National Cancer  
23 Institute based on cancer registry data from 2008 to  
24 2012, the most recent data. I'm going to briefly  
25 summarize that, but I think it's really important,

1 because we have all been hearing about radium, but  
2 not have heard the issues, so it's important to look  
3 at that.

4 As context, Wisconsin has a significantly  
5 higher age adjusted incidence rate of all cancers  
6 compared to the US. The highest cancer rate was in  
7 Vilas County and the lowest was in Pierce County.  
8 There is a wide range within the state. I will look  
9 at Waukesha County.

10 Waukesha County's annual incidence rate for  
11 all cancers combined was significantly higher than  
12 either Wisconsin or the nation. Driving that --  
13 because I looked at all sorts of cancer sites that  
14 are plausible and important. Breast cancer and brain  
15 cancer were the two that dominate, that are at the  
16 highest quintile of risk. So I looked at that.

17 Lung cancer and bone cancer are causally  
18 associated with radium, and Waukesha County's lung  
19 cancer risk is 54.7 per 100,000 population.  
20 Waukesha's lung cancer incidence rate is  
21 significantly lower than either Wisconsin or the  
22 nation. So the cancer of most concern related to  
23 radium in the drinking water is very low in Waukesha  
24 County. And I looked at the cigarette smoking, which  
25 is also moderate compared to others. It's

1 17.4 percent compared to say 26 percent in Milwaukee  
2 County.

3 So I think that the concern about radium  
4 and drinking should -- the record should reflect  
5 that, and I will provide you with more data for  
6 written testimony.

7 MS. MILLS OHM: Next is Lauri Longtine, and  
8 following Lauri I would like to call up Patrick  
9 Planton, Mike Ruzicha, and I apologize, Wade Sanders.

10 MS. LONGTINE: My name is Lauri Longtine.  
11 My husband and I live in the Town of Waukesha. We  
12 have for 22 years. It's a stone's throw from the  
13 Town of Genesee, which is also in the highly  
14 controversial expanded water service area. We lived  
15 in the City of Waukesha for ten years prior, so we  
16 are well versed in the nuances of this issue.

17 The DNR says it looked at the expanded  
18 service area and determined there is no supply of  
19 potable water. This comes as quite a surprise to us,  
20 as our private well and septic systems have supplied  
21 us well for these last 22 years, as well as my  
22 husband's parents for the 35 years prior to that --  
23 we live in their house -- as well as our neighbors,  
24 our fellow -- and our fellow Town of Waukesha  
25 residents, all of whom enjoy plentiful clean water

1 that is recyclable and quite sustainable, in that it  
2 is replenished by the rain that falls.

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

10 All of the expanded water service area  
11 towns and cities alike are on private wells and  
12 septic. Zoning is 1 to 2 acres minimum, enough to  
13 support that kind of system. There is not widespread  
14 contamination of these wells or a dwindling water  
15 supply.

16 There is no way these areas can comply with  
17 the Great Lakes Compact's requirement to employ water  
18 conservation, because without a central water supply  
19 point, there is not even a way to measure what is  
20 being used, much less what is being conserved.

21 In 1998, when SEWRPC set the boundaries of  
22 the Waukesha County sewer service area, no one in or  
23 out of that expanded water service area or SEWRPC,  
24 for that matter, could imagine that 15 years hence  
25 they would be put in the City of Waukesha's water

1 service area and made part of an application to  
2 divert water from the Great Lakes over the  
3 subcontinental divide.

4 The City claims that this expanded water  
5 service area is not about growth. Not true. The  
6 proof is in the City's own plan to develop a  
7 Bluemound Road-style industrial and commercial  
8 corridor all the way along Highway 164 stretching  
9 5 miles from Highway 59 on the south side of Waukesha  
10 to I-43 in the south.

11 And this is the end game no one is copping  
12 to, but the taxpayers and rate payers of the City of  
13 Waukesha are going to be burdened with this for  
14 decades to come.

15 MS. MILLS OHM: I'm not sure who is next,  
16 because I read three names and only one person --

17 MR. PLANTON: I'm ready to go. Good  
18 afternoon. My is name Patrick Planton. I'm a  
19 Wisconsin professional engineer, and I've been  
20 working for 30 years on the drinking water projects  
21 throughout Wisconsin and even the country.

22 I currently serve as the chair of the  
23 American Water Works Association Wisconsin section.  
24 Please note that any comments I'm making today are  
25 personal and professional and not behalf of the AWWA

1 in Wisconsin.

2 I've got some history on the system and the  
3 project (inaudible) --

4 UNIDENTIFIED SPEAKER: Excuse me. Could  
5 you speak into the microphone.

6 MR. PLANTON: In 1992 -- is that good?  
7 Don't take time away.

8 In 1992 to 2000, I was the principal author  
9 of the Water System Master Plan, and I also  
10 researched and made a presentation on the Great Lakes  
11 charter annex in 2003 and 2008 to various  
12 organizations. So I'm really very familiar with  
13 what's going on here.

14 I also lived through this back 30 years ago  
15 when I was working and living in Palatine, Illinois,  
16 when they went from groundwater to lake water, where  
17 they had deep wells, radium was in the water and the  
18 water levels were declining 5 to 10 feet per year.

19 They contacted the local regional water  
20 authority and presto-bingo, they got Great Lakes  
21 water without much of a fuss compared to what's going  
22 on right here.

23 The thing that really shocked me is that  
24 7 million people in northeastern Illinois live  
25 outside the boundary of the Great Lakes, and they

1 receive Great Lakes water. Half of the state of  
2 Illinois gets Great Lakes water outside the boundary.

3 The year 1900 diversion of water at  
4 Chicago, reversing the flow of the Chicago River, was  
5 really the trust first diversion taking water out of  
6 the basin and taking it and delivering to the  
7 Mississippi River basin. A diversion. Not the water  
8 coming back.

9 And that wasn't even the first one. The  
10 first one was the Erie Canal in 1825 and Chicago had  
11 another smaller diversion. And there is major  
12 diversions coming into Lake Superior and the Great  
13 Lakes, in World War II (inaudible) in 1860.

14 The last diversion approved by the  
15 governors was Akron, Ohio, 1998. Water was coming  
16 out of Lake Erie in one location and being replaced  
17 in another with different (inaudible).

18 So diversions in the US and in the Great  
19 Lakes are not unique, but the Great Lakes are very  
20 unique and we have to protect this very valuable  
21 resource. And that was the whole purpose of the  
22 compact that was created.

23 Waukesha has studied this project for over  
24 ten years. It has vetted and evaluated many, many  
25 different alternatives. No water supply project is

1 perfect. I can verify that from my experience.

2 Waukesha is not proposing a perfect solution. No one  
3 is.

4 The diversion is going to replenish and  
5 return virtually 100 percent of the water. I believe  
6 the proposal is reasonable with the intent of the  
7 compact and the intent of the governors who signed it  
8 back in 2008.

9 Thank you for your time and effort. I know  
10 it's a very difficult situation that affects water  
11 supply in Wisconsin and the Great Lakes, that affects  
12 everybody here and our 7 million friends in Illinois.  
13 Thank you.

14 MS. MILLS OHM: Is Mike Ruzicha here or  
15 Wade Sanders?

16 MS. SANDERS: Hi. I'm Lucy Sanders and I  
17 organize a conference on water and energy  
18 conservation for craft brewers. I oppose the  
19 diversion application in order to protect the  
20 wildlife and health of Lake Michigan. I believe that  
21 the rate of water withdrawals would be exacerbated by  
22 climate change.

23 First of all, lower lake levels would hurt  
24 Lake Michigan. We face a rapidly warming climate.  
25 The combination of high heat and ultraviolet

1 intensity will accelerate evaporation as lake levels  
2 drop. A hotter Lake Michigan will accelerate growth  
3 of (inaudible). This will harm wildlife.

4 We can develop other alternatives to meet  
5 Waukesha's water needs. There is great new  
6 technology with cost dropping rapidly for reverse  
7 osmosis and on-site water reuse and conservation.

8 I believe that those efforts should be  
9 focused on first and, that any diversion application  
10 would be for a last resort.

11 Thank you very much.

12 MS. MILLS OHM: The next three people are  
13 Spencer Statz, Peter Slaby -- Slaby, Angie Van Scyoc.  
14 All right. Are any of those people here?

15 MS. VAN SCYOC: Okay. Good afternoon. My  
16 name is Angie Van Scyoc. I've been a Town of  
17 Waukesha resident since 1984. During that time, I  
18 served as Town Chairman and Town -- on the Town Plan  
19 Commission, encompassing close to 20 years.

20 I was Town Chairman when we received the  
21 utility's DNR-prompted letter in January 2011  
22 regarding inclusion in the water service area. It  
23 was the first we had heard of it, but the map was  
24 established years earlier without the benefit of  
25 public hearing or Town input.

1           We utilized our attorneys and Bruce Baker,  
2           a retired Wisconsin DNR water division manager, whose  
3           experience included the development of the compact.

4           It wasn't just a simple "Yes" or "No" for  
5           us. We have a remediated fly ash site, plus a few  
6           Town residents received City water and sewer through  
7           limited development agreements forged in the 1980s.

8           We believed uncontrolled expansion of the  
9           City would not fly under the terms of the compact, so  
10          we negotiated to control our destiny and protect our  
11          constituents. Bruce Baker would later write It was  
12          clear, after a two years of negotiating, that the  
13          City was not going to give the Town veto over  
14          annexation and development. We voted to limit the  
15          service area.

16          A real estate developer challenged me in a  
17          town election held a couple of months later. He  
18          scared residents by claiming Town wells were  
19          contaminated, therefore, we needed to reverse the  
20          limited service area decision.

21          In my opinion, the City facilitated the  
22          deception. My challenger won by a small percentage.  
23          It was despicable. No mention, none, of contaminated  
24          wells since that April 2013 election.

25          The service area was revised to include the

1 majority of the town of the Waukesha. Now the City's  
2 long-range land use plan mirrors the water service  
3 area.

4 City planners and officials have said "I  
5 see us growing." City staff expects the City limits  
6 to grow to the south. I see us growing to the west.  
7 There are 1,500 acres still in our water and sewer  
8 service area, much of which is relatively vacant. It  
9 would require annexation from the Town of Waukesha  
10 for sewer and water service, of course, but it's a  
11 logical extension.

12 In my opinion, the Town of Waukesha  
13 residents can expect a number of things in our  
14 future. Continued decimation of the Town by the  
15 City. Second, a high risk that the Lake Michigan  
16 application will fail, given their expanded mapped  
17 area, and subsequently the City will resort to their  
18 stated Plan B: Many shallow aquifer wells in and  
19 around the Town of Waukesha that could destroy our  
20 private well supply. That is our reality.

21 Do I believe the City should get Lake  
22 Michigan water? Absolutely yes. Do I believe  
23 they'll get approved with the Town of Waukesha  
24 included in the service area? No.

25 The application could be amended. The City

1 has the opportunity to work with us proactively to  
2 avoid the course of opposition to the service area.  
3 They wouldn't. So now cooler heads must prevail to  
4 save them from themselves and save us in the Town of  
5 Waukesha. Thank you.

6 MS. MILLS OHM: I just want to remind  
7 everyone that you may also submit written comments in  
8 case you feel that you don't have enough time to give  
9 your oral comments.

10 Next is Spencer Statz. Peter Slaby.

11 MR. SLABY: Slaby.

12 MS. MILLS OHM: Slaby.

13 MR. SLABY: Okay. My name is Peter I.  
14 Slaby, S-L-A-B, like in "Boston," Y. I've lived my  
15 entire lifetime here in the Milwaukee area of  
16 Wisconsin, currently retired in Bay View. I am  
17 against -- I vote "nay" and against the application  
18 as put together now and perhaps forever and ever and  
19 ever.

20 I think it's important to remember that  
21 here in Waukesha and Milwaukee, we are adjacent to  
22 the Great Lakes basin, which cannot be taken in  
23 isolation and compared -- when measured against the  
24 entire global biological chain of life. The entire  
25 globe is all interrelated, including our Great Lakes

1 basin.

2 Okay. Number two, if the DNR would accept  
3 this application, I state that the folks should be  
4 aware of the precedent that would be set that would  
5 invite others, as the years go by, to tap into the  
6 Great Lakes water system.

7 So I would say that to the DNR, the SEWRPC  
8 people, the water folks and the -- certainly in  
9 Waukesha, and I would ask though that all of these  
10 folks who are doing all this planning take into  
11 conversation and review their old assumptions and  
12 accept and understand new information that is  
13 continually coming down the line. Otherwise your  
14 reputation could be at stake if that application goes  
15 through to the entire Great Lakes Compact.

16 Number three, and the last, if the DNR  
17 approves this application, it's a guaranty that  
18 Peter, me, will do all he can as a retired old guy to  
19 assist other groups to monitor and make sure that  
20 every single other state and the two Canadian  
21 provinces and invested folks get the information that  
22 they need. That's it. Thank you.

23 MS. MILLS OHM: Next up are Paul Vandeveld,  
24 Mary Hiebl, and Robert Piotrowski.

25 MR. VANDEVELD: My name is Paul Vandeveld.

1 I live in Wauwatosa. I think there are maybe some  
2 people in here -- in this room that would not believe  
3 that a small diversion and a small exception would  
4 lead to eventual large scale diversions of Lake  
5 Michigan water to the southwest United States and  
6 even foreign countries. I would take -- I think that  
7 that's an actual possibility.

8 I'll briefly give you a parallel example  
9 of -- from Wisconsin. About 20 years ago, they asked  
10 residents of Wisconsin if they would like to have a  
11 state lottery, because there had been no gambling in  
12 Wisconsin. A lot of people like me said "Well, I  
13 don't think that could be very harmful to have an  
14 innocent state lottery."

15 Well, then a few years later they allowed  
16 bingo, and then a few bad federal court decisions  
17 later they allowed off-reservation gambling. And at  
18 this time, there are probably maybe ten or a dozen  
19 casinos off-reservation in Wisconsin.

20 I think that this is just an example of how  
21 once you allow an exception, that you really don't  
22 know where it is going to end up. I think if  
23 initially if they had asked Wisconsin residents "Do  
24 you want a dozen Las Vegas-style casinos in your  
25 State of Wisconsin?" The emphatic answer would have

1           been "No."

2                       But now I think that there is policy creep,  
3           and I think it's an actual possibility for large  
4           scale diversions. Thank you.

5                       MS. MILLS OHM: Next is Mary Hiebl.

6                       MS. HIEBL: Mary Hiebl, New Berlin,  
7           Wisconsin. Thank you. The diversion states -- the  
8           diversion states "Diversion shall be limited to  
9           quantities will that are reasonable for the purpose  
10          for which it is proposed."

11                      When Waukesha submitted -- submitted its  
12          first request for Lake Michigan water, it requested  
13          in the range of 18 million gallons per day. Its  
14          second request scaled it back to 10.6 million gallons  
15          a day. Its third request is asking for 10.1 million  
16          gallons per day. The actual numbers for 2014 pumping  
17          are 6.6 million gallons per day.

18                      What is it with these numbers? Originally  
19          requesting 18 million, scaling back to 10 million,  
20          and actually pumping at 6.6 million is a heck of a  
21          lot of difference, resulting in an excessive wasteful  
22          request. To me, such arbitrary figures surely don't  
23          instill trust in the integrity of this request.

24                      The DNR, in rejecting the non-diversion  
25          proposal, has argued in four areas that the

1 non-diversion would damage wetlands. Has the DNR  
2 questioned the inflated wasteful numbers compared to  
3 the actual usage?

4 On February 1st, 2014, the Journal Sentinel  
5 reported that the volume of water used by Waukesha  
6 customers in 40 years or so is 7.3 percent less than  
7 the average of 10.9 minimum gallons a day estimate  
8 included in the May 2010 draft diversion request to  
9 the DNR.

10 The utility projects its customers will  
11 reduce water demand by 10 percent, about 1 million  
12 gallons a day, by mid-century through conservation  
13 measures.

14 While the City's population increased about  
15 12 percent between '99 and 2010, water use by single  
16 family residential customers decreased by 8.6 percent  
17 in the same period, according to plan documents.

18 If the City implemented a program on  
19 water-saving toilets, an additional million -- an  
20 additional 1 million per day gallons could be  
21 conserved.

22 What about upgrading water softeners and  
23 filters and installing lead detection equipment?  
24 That cost would be trivial compared to the behemoth  
25 amount for the diversion.

1                   And, by the way, what will the diversion  
2                   cost? In one source I read in the range of  
3                   230 million. In another, 334 million.

4                   Here I'm talking about water quantity, when  
5                   the crux of this request should be water quality.  
6                   Reducing the level of radium. Funny how the focus is  
7                   totally on the volume of water requested, when it  
8                   should be on the quality.

9                   As I sat through last night's public  
10                  hearing, I was puzzled. Repeatedly the non-diversion  
11                  proposal was vilified and discredited, yet certified  
12                  hydrologists, environmental lawyers, engineers and  
13                  water scientists, et cetera, put together this  
14                  report. Specialists who make a living studying and  
15                  protecting water.

16                  Clean Wisconsin alone has been in the  
17                  business for 45 years. That's credible experience.  
18                  Why is one proposal all right and another all wrong?

19                  This precedent-setting request raises  
20                  questions on sustaining the stability and integrity  
21                  of the biotic community.

22                  Aldo Leopold stated "A thing is right when  
23                  it tends to preserve the integrity, stability, and  
24                  beauty of the biotic community. It is wrong when it  
25                  tends otherwise."

1           Too many questions abound on the rightness  
2           of this request. As it stands, I am opposed to it.  
3           And thank you for the extra time.

4           MS. MILLS OHM: Next is Robert Piotrowski,  
5           and then Ed Henschel, and then I'll go back through  
6           the names of people who were not here when I called  
7           them.

8           MR. PIOTROWSKI: My name is Robert  
9           Piotrowski, and I live in Milwaukee, Wisconsin. I'm  
10          opposed to this diversion of water.

11          Number one, radium can be taken out of the  
12          water through all the chemicals that we have  
13          available to us and filter systems. There is a city  
14          in California that is reusing its wastewater  
15          completely -- it was on 20/20, and they drank the  
16          water right on TV -- that they can recycle their own.  
17          They do it in the space shuttle. Why can't they do  
18          it in Waukesha?

19          To me, Waukesha is nothing but an Asian  
20          carp. It's going to come in and infest us with  
21          draining water than what we have.

22          A few years ago, Lake Michigan was down.  
23          It has started to come back up again. Using this  
24          water and diverting it through the Root River Parkway  
25          is a potential for flooding during the heavy spring

1 rains and that. And I don't go for that. If they're  
2 going to return it back, put it right back into Lake  
3 Michigan and put it in clean, they have to take this  
4 responsibility on themselves.

5 Earlier I had people -- I have friends out  
6 in Waukesha, when there was a little shortage when  
7 Lake Michigan was down and anything. They said "I  
8 don't worry about water. I can pay for it," and they  
9 kept on sprinkling their lawns. And this is the  
10 attitude out in Waukesha.

11 There was a story that I gave to one of my  
12 friends in Waukesha about what they do. They cut the  
13 grass. If it's not green, they water it. Then they  
14 cut it again and they ship all their stuff out.

15 This is getting ridiculous. They have many  
16 different technologies out there to supply their own  
17 water and keep it working well for them.

18 I saw a report in the 1990s that said all  
19 the aquifers were going down, especially out west.  
20 Even in the midwest, the aquifers were going down. I  
21 was pleased to hear that the aquifer out in Waukesha  
22 went up by 10 feet. They should be able to maintain  
23 their own thing.

24 They stole a lot of businesses from  
25 Milwaukee by giving them the water, by giving them

1 the land and everything. They also covered up a lot  
2 of swampland by putting in strip malls and  
3 everything. They did not do any conservation of  
4 water that I know of. And if they start doing that,  
5 like California is right now, they would be able to  
6 have enough water to sustain their way of life.

7 Thank you.

8 MS. MILLS OHM: Next is Ed Henschel.

9 MR. HENSCHER: Thank you. My name is Ed  
10 Henschel. I'm a resident of the City of Waukesha.  
11 And by way of full disclosure, I'm a former City  
12 Administrator for the City of the Waukesha.

13 I've been a City Administrator or Village  
14 Manager for nearly 35 years of my career and have  
15 spent a lot of time trying to solve problems. I'm  
16 going to be very brief and just o try correct a  
17 couple of issues that I've been hearing in the last  
18 two public hearings.

19 First of all, this is a little bit like  
20 deja vu for me. In the early 1970s, I was a City  
21 Administrator of a small community in Michigan. A  
22 high pressure oil line that ran through our municipal  
23 water field burst. The sad joke was that if you  
24 needed a fill the tank of your car, turn on your  
25 water faucet. That's how bad the water became as a

1 result of that.

2 Thank goodness Michigan is within the --  
3 entirely within the watershed, and we were able to  
4 obtain Lake Huron water. We did it from the City of  
5 Detroit via the City of Flint. It was a pipeline  
6 that was about the equivalent of running a pipeline  
7 from Lake Michigan to about Johnson Creek or Lake  
8 Mills.

9 I only tell you that because long-distance  
10 pipelines, the science for that is not new, and it  
11 can be done without harming the environment.

12 Secondly, we keep referring to the DNR. I  
13 think we need to avoid that. You all are the  
14 Department of Natural Resources, and you have a  
15 responsibility to protect the natural resources of  
16 our state.

17 You have a difficult job balancing the  
18 protection of the natural resources of the lakes,  
19 rivers, and streams, with the Great Lakes. And I  
20 think in this instance you've done a marvelous job  
21 doing that with the data that's been provided to you  
22 by the City of Waukesha.

23 There is a statutory responsibility of  
24 municipalities to protect the health, safety, and  
25 welfare of its residents. Waukesha is attempting to

1 do that.

2 Finally, with regard to the issue of  
3 expansion, the city Of Waukesha has a policy against  
4 selling water outside its municipal boundaries. It  
5 only does so to protect the health, safety, and  
6 welfare of those external residents who have  
7 particular difficulties.

8 I thank you for your time, and I thank the  
9 DNR for the careful consideration of this matter, and  
10 please support the application. Thank you.

11 MS. MILLS OHM: All right. Now I want to  
12 read through you the names of people I read  
13 previously who were not here. If you are here,  
14 please come forward and make your statement.

15 Robert McLeod.

16 Ezra Meyer.

17 MR. MEYER: Right here.

18 MS. MILLS OHM: While Ezra is coming  
19 forward, is Leslie Johnson here?

20 David Fulwiler.

21 Ann Brummitt.

22 Mike Ruzicha.

23 Or Spencer Statz.

24 Go ahead.

25 MR. MEYER: Hi there. Thank you. I'm with

1 Clean Wisconsin. I live in Madison. And Clean  
2 Wisconsin is a member of the Compact Implementation  
3 Coalition. I certainly agree with all the comments  
4 that have been made by representatives of our  
5 organization previously today.

6 There is two key things I wanted to touch  
7 on. There is a couple of key premises either of the  
8 application and/or the Department's preliminary  
9 review that I think deserve to be highlighted and  
10 some attention drawn to them here. I'm sure they've  
11 been covered (inaudible). I'm sure I'm not bringing  
12 any totally new up, but a matter of emphasis here.

13 The application really emphasizes the  
14 drawdown in the deep aquifer over the past century  
15 and tries to parlay that into an argument that there  
16 is no longer an ability to use that aquifer in a  
17 sustainable way.

18 So I think the science is out on that  
19 question, and I really want to encourage -- I know  
20 you've heard this request from others -- the  
21 Department to think about that question of  
22 sustainability of the usage of the deep aquifer as  
23 the part of the solution going forward.

24 It has been our request in writing from our  
25 group that the SEWRPC regional model of the aquifer

1 be revisited with some of the new information that  
2 shows I think clearly -- and others who are better  
3 experts than I do -- clearly showing evidence of a  
4 rebound in the static level of that aquifer.

5 And that information changes things. It  
6 changes the way we looked at this when the SEWRPC  
7 regional water supply study, for instance, was  
8 created not quite ten years ago, but a number of  
9 years ago, anyway. And so we've got to update that  
10 information and get that sound basis for this  
11 evaluation going forward.

12 The second thing is the -- we worked  
13 closely with the Department over this past year on  
14 the evaluation of additional wells, should they be  
15 needed in the Fox River Valley, and potential impacts  
16 that might result on wetlands.

17 But I think the evaluation needs to go  
18 significantly farther in order to really understand  
19 whether the local water impact of that pumping would  
20 indeed affect those wetlands or not.

21 There is a logic jump there in the way the  
22 preliminary conclusions of the Department have  
23 arrived at a conclusion on that point that I think  
24 needs to be looked at significantly more in depth  
25 before we can really know the answer to that

1 important question didn't.

2 I just wanted to highlight those two  
3 points. Thank you so much.

4 MS. MILLS OHM: Next is Ann Brummitt.

5 MS. BRUMMITT: I live at 4524 North  
6 Bartlett in Shorewood, Wisconsin, but I grew up in  
7 Waukesha County.

8 I love the Great Lakes and am grateful that  
9 we have the Great Lakes Compact to protect them. I  
10 believe a diversion of Great Lakes water is a threat  
11 to the lives, to the ecosystems, and the communities  
12 of the Great Lakes.

13 I'm speaking up because I believe that  
14 Waukesha can do more to conserve, that they should  
15 not be expanding their service area, and that we  
16 should only be moving water between watersheds under  
17 very extraordinary circumstances.

18 The Great Lakes have supported life for  
19 millenia and should not -- and should continue to do  
20 so for our future generations. But if we allow this  
21 diversion to go forward, we are setting a dangerous  
22 precedent that could harm the system.

23 As a citizen steward of the Great Lakes, I  
24 strongly recommend against the diversion. Thank you.

25 MS. MILLS OHM: Is there anyone else who

1 would like to make a comment on the diversion  
2 application or the EIS?

3 If not, I would like to thank all of you  
4 for coming, for your attendance at the hearing. I  
5 would like to remind you again that the record will  
6 remain open for the reception of written comments.

7 We're also going to Racine for another  
8 hearing tonight at 6:30, in case you want to attend  
9 another one of these.

10 And, again, thank you for your attendance,  
11 and we'll look forward to your written comments.

12 (Proceedings concluded at 3:49 p.m.)

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