

August 28, 2015

Wisconsin DNR DG/5
P.O. Box 7921
Madison, WI 53707-7921

Attention: Ashley Hoekstra

RE: City of Waukesha Diversion comments

I have thought long and hard about what I would submit.

While considering my submission I had the opportunity to listen to public comments and read the extensive number of articles and related commentary, now from New York to Ohio to California to Alaska, all voicing concerns raised by the diversion.

This diversion is capturing the nation's attention for many reasons but it seems to me one of the harshest criticisms is the inclusion of an expanded Water Service Area i.e., The Map.

This particular topic is what I have decided to comment on as it is what I am most familiar. I was Chairman of the Town of Waukesha from July 2010 to April 2013 while this issue was being debated.

My education began with a letter from City of Waukesha Water Utility Manager Daniel S. Duchniak, P. E. dated January 12, 2011 which provided a background to who had determined that the Town of Waukesha would be included in the City of Waukesha Water Supply Area.

It is noteworthy that the governing body of the Town of Waukesha was never included in the determination discussions, nor was the public.

A truly inauspicious beginning for this issue.

It is my understanding that during the DNR's review of the diversion application they noted the City did not have our express permission/approval to be included in The Map and required them to get it, thus the letter to us in January 2011.

Although The Map was done per the letter in 2008 the utility gave us until March 14, 2011 to respond, a ridiculously short period of time for such an important decision.

We refused to be railroaded into a fast decision.

We educated ourselves and held public meetings with our constituents. One was held on Thursday, May 12, 2011. I have a 135 page transcript from that meeting where Daniel Duchniak makes many representations; including that annexation to the City to receive water would not be required. This statement, among others, were borne out to be false.

We were told this was a free 'insurance policy' to help us in case we had a catastrophic spill that contaminated our private wells.

Interestingly the contiguous Town of Brookfield was NOT included in the service area even though they are solely supplied by shallow aquifer water, as are we with private wells.

Also the west half of the City of New Berlin, whose residents are also on private wells utilizing the shallow aquifer, are not included in The Map.

Weren't the 'planners' concerned about those residents enough to include them? Why?

Although tidbits of other communities were included in The Map only the Town of Waukesha, almost in its entirety was included.

The answers were revealed over time.

A clue came in reading Waukesha County's Comprehensive Plan, Chapter 4 – Community Facilities and Utilities Element – page 4-4.

I quote:

"The majority of sewerage and water supply utilities in the County are organized as sewer and water departments of incorporated municipalities and serve largely those areas within the respective political boundaries of the municipalities. A general pattern of sewer and water service areas following political boundaries rather than natural topographic boundaries, such as watershed boundaries, exists within the County."

Yes, that is exactly what The Map regarding the Town of Waukesha shows – political boundaries – NOT designated areas of concern or areas that needed a redundant supply for safety concerns.

So, why was the majority of the Town of Waukesha included?

All one has to do it to look at the future Land Use Map from the City of Waukesha.

From the earliest renditions City of Waukesha Land Use Plan maps all have one thing in common – the maps include the majority of the Town of Waukesha.

Bottom line: the City's current future land use planning map and the water service area map are essentially identical. Both include the majority of the Town of Waukesha.

That was my light bulb moment.

That cleared up all the rhetoric, all the hype, all the false claims.

What was The Map all about?

The continued expansion of the City of Waukesha through expansion by annexation. Period, end of story.

They could not provide Lake Michigan water to anyone outside of The Map.

Once we realized the true intent of The Map and we educated ourselves regarding our options.

During that time we were in contact with the DNR to ensure our evaluation/negotiation was not holding up the application. We were assured there were many other issues that the City needed to resolve that would take substantial time.

Through our research we came to believe that the expanded water service area, given the large expansion area involved, would be deleterious to the application.

We wanted the application to be approved. We were aware the City was already active in their stated Plan B, which included many shallow aquifer wells in the

Town of Waukesha representing a huge risk to property owners and their private well water supply.

We attempted to negotiate with the city. They balked at any discussions.

Our Town Board wanted candid discussions. We went so far as to appear at a City Common Council meeting, delivering an open letter to the elected officials.

It said, in part:

"We, the members of the Town of Waukesha Board, seek an opportunity to sit down with you as a group to have a direct and candid discussion about challenges which we collectively face as adjoining communities and thereby neighbors."

We were ignored. It was the classic, don't call us we'll call you – but they didn't call.

We continued to attempt to work with them, asking time after time for what we thought were reasonable assurances.

We wanted confirmation that annexation would no longer be required. The City refused and unequivocally stated that the utility was not authorized to make such a representation to us, even though they had.

It was our goal to be in the Water Service Area for future need but because we recognized that the expanded service area would be negatively viewed through the eyes of adherence to the Compact we attempted to get the city to provide us development rights and control over annexation with the offer of Municipal Revenue Sharing.

This option is clearly described in Chapter 7 of the City of Waukesha's Comprehensive Land Use Plan on pages 7-18 and 7-19.

It says, in part:

"Municipal revenue sharing can provide for a more equitable distribution of the property tax revenue generated from new commercial and industrial development within urban areas and help reduce tax-base competition among communities, competition that can work against the best interests of the area as a whole."

Although the City's own document describes collaboration the city flatly refused our continued efforts and today they are experiencing the accurate perception that the Town of Waukesha's inclusion in the expanded water service area was simply a land grab for uncontrolled future expansion of city boundaries.

There is no other logical conclusion and in my opinion the city made a huge tactical error by ignoring our concerns.

When we could not get an agreement from the city providing us control over annexation we limited the service area to those areas of town that should logically be included.

We have many island areas, some of which are served by city water or sewer already by limited area agreements made in the 1980s. We also have a remediated fly ash site in the north east section where access to city water is crucial.

The balance of the town, including all the vacant lands to the south and west of the city, were excluded.

The city then reneged on the limited agreement they had provided us on extended payments for annexed properties, claiming their offer was contingent on the initial mapped area, not the limited service area we proposed.

More proof they wanted it all. Cooperation, collaboration – strictly a one sided effort by the Town of Waukesha – today coming to bear on the city.

The City can claim over and over that it was at the mercy of SEWRPC but we are well aware of the close political relationships in Waukesha County and it is no coincidence that the expanded Water Service Area matches the city future Land Use growth plan.

Our concerns, over the course of two years, fell on deaf ears.

After my tenure political scare tactics, some facilitated by disingenuous well contamination fears, delivered the Town fully back in the service area.

Now the expanded service area is one of the more contentious issues of the diversion, just as we predicted.

I think the following quote from then City of Waukesha Community Development Director Steve Crandell, which appeared in the Waukesha Freeman on June 29, 2013 shortly after the new Town Board lead by the new chairman, a real estate developer, put the Town back in the service area truly sums it up:

“There are 1,500 acres still in our water and sewer service area, much of which is relatively vacant land. It would require annexation (from the Town of Waukesha) for sewer and water service, of course, but it’s a logical extension.”

Too bad the city chose the path they did; I believe problems for them are just beginning.

In my opinion they want it all and may very well end up with nothing.

How does the saying go? Pigs get fat, hogs get slaughtered.

What is the answer?

Two options:

- 1) Have the city agree to allow the Town to control annexation – demand that they negotiate in good faith;

If they again refuse-

2) Return to the limited service area approved by the Town Board January 2013

Being completely out of the service area is not an option, we have people who need to be protected from this political strife as there are people in the island areas that are near the fly ash site and those already on sewer, water or both.

I do not believe the application is approvable as long as the expanded service area, as it is currently delineated, is part of the equation unless the Town is in control of its future through a protective development agreement with the city.

Maybe now they will listen.

Sincerely,

Angie E. Van Scyoc

S51 W25375 Glendale Road

Town of Waukesha, WI 53189

414-254-1066-Direct

2010-2013 Town of Waukesha Chairman

1995-2013 Town of Waukesha Plan Commission

31 year resident/advocate for the Town of Waukesha

locations where people are on the move. These locations are known as hot spots. The number of WiFi hot spots has grown rapidly in the Region over the last few years. The 802.11b standard has now been superseded by 802.11g which has connection speeds of up to 54 megabits per second.

A new major IEEE standard 802.16 (WiMAX) is due for release in 2006 in the form of standard 802.16d. WiMAX is an acronym for Worldwide Interoperability for Microwave Access. WiMAX is a long range version of 802.11 WiFi. WiMAX capabilities include extending the range of WiFi from 300 feet to up to 30 miles. WiFi will continue to serve as a low cost, high speed access network for direct interconnection with end users. The higher speed access and wireless services will provide enhanced services for both business development and local government public safety services. WiMAX is well positioned to serve as a backhaul network for localized WiFi access networks.

The proposed telecommunications plan that SEWRPC recommends for the Region consists of two levels of wireless networks—a wireless (WiMAX) backhaul network plan, and a pilot, community level, wireless (WiFi) access network plan. The backhaul network would have the capability to service a multitude of community level access points that would forward data to the backhaul network for cost effective Internet connection.

PUBLIC UTILITIES

Sewage Disposal and Water Supply

Sanitary sewerage and water supply utilities are particularly important to land use planning because the location and density of urban development influences the need for such services and, conversely, the existence of such services influences the location and density of new urban development. The extent and location of areas served by existing sanitary sewerage and water supply utilities are thus important considerations in any land use planning effort. The majority of sewerage and water supply utilities in the County are organized as sewer and water departments of incorporated municipalities and serve largely those areas within the respective political boundaries of the municipalities. A general pattern of sewer and water service areas following political boundaries rather than natural topographic boundaries, such as watershed boundaries, exists within the County.

Sanitary Sewerage Facilities

In 2000, Waukesha County was served by 10 public sewage treatment plants, seven of which were located within the County. The seven public sewage treatment plants located within the County are: the City of Oconomowoc sewage treatment plant, the Village of Dousman sewage treatment plant, the Delafield-Hartland Water Pollution Control Commission sewage treatment plant, the Village of Mukwonago sewage treatment plant, the City of Waukesha sewage treatment plant, the Village of Sussex sewage treatment plant, and the Fox River Water Pollution Control Center sewage treatment plant. Of the remaining three public sewage treatment plants serving Waukesha County, two, the Jones Island and South Shore treatment plants, both operated by the Milwaukee Metropolitan Sewerage District, are located in the City of Milwaukee and the City of Oak Creek, respectively, and one, the Town of Norway Sanitary District No. 1 sewage treatment plant, is located in the Town of Norway in Racine County. The locations of major public sewage treatment facilities and sewer service areas in the County are shown on Map IV- 2.

As indicated in Table IV-1 and shown on Map IV-2 , three of the public sewage treatment plants located within the County, those operated by the Villages of Dousman, Mukwonago, and Sussex, serve relatively small, localized areas and small populations and have design capacities under two million gallons per day. The remaining four public sewage treatment plants, those operated by the Delafield-Hartland Water Pollution Control Commission, by the City of Oconomowoc, by the City of Waukesha, and by the Fox River Water Pollution Control Center, all have design capacities exceeding two million gallons per day and serve much larger areas and populations. Substantial portions of the eastern quarter of the County, including portions of the Cities of Brookfield, Muskego, and New Berlin, and the Villages of Butler, Elm Grove, and Menomonee Falls, are served by two



Town Of WAUKESHA

June 21, 2011

Re: Open Letter to the Elected Officials of the City of Waukesha

Dear Members of the Common Council and Mayor of the City of Waukesha:

We, the members of the Town of Waukesha Board, seek an opportunity to sit down with you as a group to have a direct and candid discussion about challenges which we collectively face as adjoining communities and thereby neighbors.

We seek this opportunity because we believe that our respective constituencies have elected all of us with the expectation that each of us search for ways to solve common issues that face everyone in the City and the Town.

To do so we believe that we must first recognize that we are facing similar concerns, but with different perspectives. In this regard, we need to help each other understand what those perspectives are and to do so we need to appreciate the underlying assumptions, and the goals which each of our communities have embraced as we have taken public positions on matters of high importance.

We believe that once this effort is made, we can then proceed to the second step which is to explore how we can collectively reconcile and accommodate the needs of the City and Town through the active involvement of elected officials in a hands-on fashion rather than by the cumbersome, time-consuming and proxy mechanism that we have used in the past, namely litigation.

Stated in a different way, we come here to ask you to meet with us as elected officials to explore ways to negotiate three key areas.

The first is water. We are mindful of the deadline that the City faces. At the same time, we are concerned that Town residents not be put in jeopardy with respect to its current and future availability to them to understand the future overall cost if the Town chooses to become, in whole or in part, part of the City's water service area.

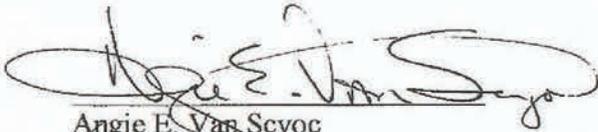
The second is traffic circulation. We are mindful of the City's and County's desire to facilitate safe access to and from I-94 from its western portion. At the same time, we are concerned that environmentally important areas and residential neighborhoods not be unreasonably compromised.

The third is zoning and development. It is our understanding that the City does not have a policy of requiring annexation as an absolute condition of providing water or sewer utility services. However, we are concerned that this approach has led to haphazard inductions of property into the City. We think that it is more rational for the City and the Town to examine, identify and plan for the orderly development of property presently within the Town with the objective of having joint City-Town involvement in utility expansion and incremental revenue sharing.

In conclusion, we want to express our sincere desire to work cooperatively with you on an equal footing and with mutual respect.

Sincerely,

Town of Waukesha



Angie E. Van Scyoc
Chairman



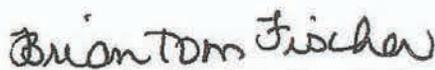
Joe Banske
Supervisor 1



Everett E. German
Supervisor 2



Mike Laska
Supervisor 3



Brian Tom Fischer
Supervisor 4

January 12, 2011

Ms Angie E. Van Scyoc
Town of Waukesha
S31W253 Glendale Road
Waukesha, WI 53189

Subject: Request for Approval by the Town of Waukesha of the City of Waukesha Water Supply Service Area Plan

Dear Ms Van Scyoc:

The purpose of this letter is to request review and approval by the Town of Waukesha of the City of Waukesha Water Supply Service Area Plan as discussed below.

Background and Regulatory Requirement

In December 2008, the Southeast Regional Planning Commission (SEWRPC), in conjunction with the Wisconsin Department of Natural Resources, delineated the water supply service area for the City of Waukesha which included an area of the Town of Waukesha. (Refer to Attachment 1.) This planning guidance was prepared in a manner consistent with the Waukesha County comprehensive plan, the *Regional Water Supply Plan for Southeastern Wisconsin*, and state planning requirements. The proposed water supply service area and population projections are a basis for the *Draft City of Waukesha Water Supply Service Area Plan, April 2010*. (Refer to Attachment 2.) This proposed water supply service area is consistent with the current sewer system services area that has been approved by the Town of Waukesha.

The City of Waukesha is making application for a diversion of Great Lakes water pursuant to Sections 281.346 and 281.348 Wis. Stats. The Great Lakes-Water Resources Compact and the Wisconsin Statutes adopted pursuant to the Compact require that the City document the public participation process conducted for the proposed Water Supply Area Plan, including evidence that the governing body of the Town of Waukesha addressed by the plan have approved the Water Supply Service Area Plan, hence this request to the Town of Waukesha.

The Town of Waukesha water supply is currently provided by private wells. The future decision of whether to develop a Town municipal water supply system is up to the Town of Waukesha. Municipal Great Lakes water supply would only be provided if needed and requested by the Town of Waukesha. The Town was included by SEWRPC in the City of Waukesha's future water supply service area because it may be served by municipal water service during the planning horizon that extends to year 2035. Approval of the City's Water Supply Service Area Plan does not financially or legally commit the Town to actual Great Lakes water supply but rather acknowledges the potential for Great Lakes Water supply of the

Ms Angie E. Van Scyoc
Page 2
January 10, 2011

designated area of the Town by the City sometime in the future. The Town will remain on its supply of private wells unless there is a water supply need and an initiative by the Town requesting Great Lakes water supply by the City for the designated service area. Non-approval by the Town of the City's Great Lakes water supply for the area of the Town designated by DEYVNEC will result in this area being deleted from Great Lakes water supply service by the City of Waukesha and revision of the Water Supply Service Area Plan. Approval of the City of Waukesha Water Supply Service Area Plan (Attachment 3) provides the Town with a contingency plan for water supply in the future if the Town ever decides to replace its private wells with a municipal supply.

Because our application for a Great Lakes water supply (Attachment 4) is currently pending before the DNR, we would appreciate a response by March 14, 2011. I would be happy to discuss this matter with you at your convenience. Thank you for your consideration.

Sincerely,

Waukesha Water Utility

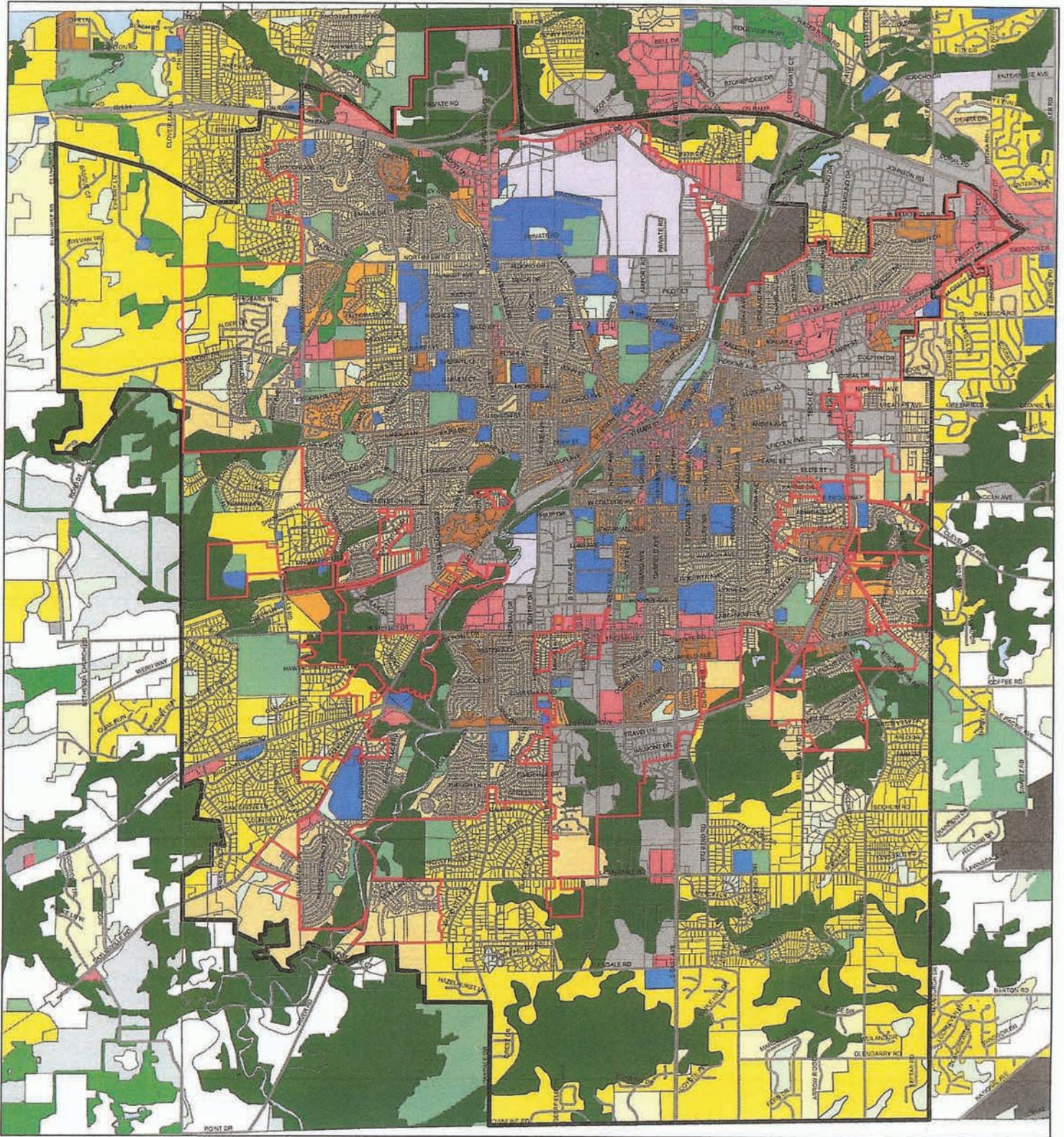


Daniel S. Duchniak, P.E.
General Manager

CC: Mike Flann, Southeastern Wisconsin Regional Planning Commission
Dale Shaver, Waukesha County
Dino Tisoris, Wisconsin Department of Natural Resources
Jeff Scrima, City of Waukesha Mayor
Curt Meitz, City of Waukesha Attorney

Attachments

- 1- Southeastern Wisconsin Regional Planning Commission Letter, December 23, 2008
- 2- Southeastern Wisconsin Regional Planning Commission Letter, March 17, 2009
- 3- Draft City of Waukesha Water Supply Service Area Plan, April 2010
- 4- Application for Great Lakes Water Supply, May 2010 (3 copies)



City of Waukesha Land Use Plan

Legend

| | |
|-------------------------------------|-----------------------------------|
| City of Waukesha Urban Service Area | City of Waukesha Corporate Limits |
| Proposed Land Use | |
| Agriculture and Open Land | High Density Residential |
| Commercial | Medium-High Density Residential |
| Quarry | Medium Density Residential |
| Government & Institution | Low Density Residential |
| Isolated Natural Resource Area | Suburban Density Residential |
| Secondary Environmental Corridor | Park Land |
| Primary Environmental Corridor | Transportation and Utility |
| Industrial | |



0 750 1,500 3,000 4,500 Feet

MAY 2014

Municipal Boundary and Utility Extension Agreements

The recommendations of the land use plan concerning the location and density of new urban development are formulated without regard to the location of city, village, and town boundaries. Rather, those plan recommendations are based upon a consideration of such factors as the location of existing utility infrastructure, including public sanitary sewer and water supply systems; the location of environmentally sensitive lands; and the availability of lands considered to be suitable for urban development. The City of Waukesha owns and operates essential public utilities not provided by adjacent towns, and this plan assumes that the City will either annex unincorporated territory recommended in the plan for urban development and provide extensions of essential utility services to serve such development, or that the City will reach agreement with adjacent unincorporated towns on the extension of those essential services without the need for annexation and municipal boundary change.

The *Wisconsin Statutes* establish a number of arrangements for cooperation among communities with regard to sharing of municipal services and cooperatively determining community boundaries, as indicated below:

- Section 66.0301: This section of the Statutes provides broad authority for intergovernmental cooperation among local units of government with respect to the provision and receipt of services and the joint exercise of their powers and duties.
- Section 66.0307: This section of the Statutes allows any combination of cities, villages, and towns to determine the boundary lines between themselves under a cooperative plan, subject to oversight by the Wisconsin Department of Administration. Section 66.0307 envisions the cooperative preparation of a comprehensive plan for the affected area by the concerned local units of government and prescribes in detail the contents of the cooperative plan. Importantly, the cooperative plan must identify any boundary change and any existing boundary that may not be changed during the planning period; identify any conditions that must be met before a boundary change may occur, include a schedule of the period during which a boundary change shall or may occur; and specify arrangements for the provision of urban services to the territory covered by the plan.
- Section 66.0225: This section of the Statutes allows two abutting communities that are parties to a court action regarding an annexation, incorporation, consolidation, or detachment, to enter into a written stipulation compromising and settling the negotiation and determining a common boundary between the communities.

Cooperative approaches to the identification of future corporate limits and the extension of urban services can contribute significantly to attainment of the compact, centralized urban growth recommended in the City of Waukesha land use plan. Conversely, failure of neighboring civil divisions to reach agreement on boundary and service extension matters may result in development at variance with the plan—for example, by causing new development to leap past logical urban growth areas where corporate limits are contested, to outlying areas where sewer and water supply service are not available. Accordingly, it is recommended that neighboring incorporated and unincorporated communities cooperatively plan for future land use, civil division boundaries, and the provision of urban services, as provided for under the *Wisconsin Statutes*, within the framework of the City land use plan.

Municipal Revenue Sharing

Additional opportunity for intergovernmental cooperation is provided under Section 66.0305 of the *Wisconsin Statutes*, entitled “Municipal Revenue Sharing.” Under this statute, two or more cities, villages, and towns may enter into revenue sharing agreements, providing for the sharing of revenues derived from taxes and special charges. The agreements may address matters other than revenue sharing, including municipal services and municipal boundaries. Municipal revenue sharing can provide for a more equitable distribution of the property tax revenue generated from new commercial and industrial development within urban areas and help reduce tax-base competition among communities, competition that can work against the best interests of the area as a whole.

A good example of municipal revenue sharing under this statute is the revenue sharing agreement included in the Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement entered into by the City of Racine and neighboring communities in 2002. Under this agreement, the City of Racine receives shared revenue payments from neighboring communities for use in renovating older residential areas, redeveloping brownfield sites, and supporting regional facilities like the City zoo, fine arts museum, and library. In return, the City of Racine agreed to support the incorporation of the adjacent towns of Caledonia and Mt. Pleasant; refrain from annexations without the consent of the Towns; refrain from using extraterritorial zoning and plat review powers; and move ahead with sewerage system improvements that will accommodate growth in the Towns. It should be noted that the Towns of Mt. Pleasant and Caledonia were incorporated as villages in 2003 and 2005, respectively.

Brownfield Redevelopment

Factors contributing to the abandonment or underutilization of older commercial and industrial sites vary from site to site, but often include structures which are obsolete in terms of accommodating current manufacturing, warehousing, and office needs; inadequate site access to the freeway system; and insufficient site area for horizontally-oriented structures, contemporary parking and loading requirements, and possible future plant expansion needs.

Once abandoned, the re-use of former commercial and industrial sites is frequently constrained by contamination problems created by past industrial and commercial activities, giving rise to the term "brownfields"—sites which are underutilized or abandoned due to known or suspected environmental contamination. While brownfields tend to be concentrated in older areas, they also occur in outlying areas. Redevelopment of brownfields is often hindered by high cleanup costs, and, even where contamination is only suspected, the potential for high cleanup costs tends to dampen private-sector interest in redevelopment.

In order to maintain the viability of existing urban areas, special efforts to promote the reuse of brownfields are required. The City of Waukesha should include the cleanup and re-use of brownfields as a key element in their planning for the revitalization of urban areas and promote such re-use through such tools as tax-incremental financing. Limited State and Federal financial assistance has been made available in support of the cleanup and re-use of contaminated sites. Local units of government should make full use of, and assist private developers in securing, available State and Federal financial assistance.

The re-use of brownfield sites need not be limited to industrial use, but may include a mix of residential, commercial, recreational, and other development, in accordance with local development objectives. Properly carried out, the cleanup and re-use of brownfields has many potential benefits in addition to the underlying environmental benefits: elimination of blight, increase in the property-tax base, expansion of the housing stock, provision of jobs in close proximity to concentrations of the labor force, and increased use of existing public infrastructure. The City of Waukesha successfully redeveloped an industrial brownfield site into an affordable residential owner occupied housing development in the Phoenix Heights neighborhood in the late 1990s.

Storm Water System Planning

Storm water runoff pollution performance standards for new development, existing urban areas, and transportation facilities are set forth in Chapters NR 151 and NR 216 of the *Wisconsin Administrative Code*. The City of Waukesha should participate if Waukesha County works collectively with municipalities to develop an area wide storm water management plan. This plan would effectively manage storm water within defined watersheds which often transcend municipal boundaries. Storm water management practices appropriate for the City's urban area can best be developed through the preparation of a system management plan. These practices should be developed in a manner that integrates development needs and environmental protection, including integrated water resources protection. Such practices should reflect both storm water runoff quantity and quality considerations, as well as groundwater quantity and quality protection. Practices that are designed to maintain the natural hydrology should be encouraged.

Q&A with Waukesha Community Development Director STEVE CRANDELL

Talking past successes, present projects, future development

By Sarah Pryor

Freeman Staff

WAUKESHA – What will Waukesha look like in five years?

Community Development Director Steve Crandell doesn't have a crystal ball, but after working for the city for more than 37 years, he does have an eye for where things are going.

"I see us continuing to grow to the west," Crandell said. "There are 1,500 acres still in our water and sewer service area, much of which is relatively vacant land. It would require annexation (from the Town of Waukesha) for sewer and water service of course, but it's a logical extension."

Crandell also said that in five years he sees the former Fox Run shopping center – now all but deserted – and the former Jewel-Osco shopping center on Highway 164 bustling with new tenants.

"I'm optimistic," Crandell said.

In 1976, a longer-haired Crandell walked into Waukesha City Hall to find a map of the city he'd just moved to because his wife Mary had gotten a job in speech pathology here. While there, he heard the city had an opening and decided to apply. He's never left.

In his almost four-decade career, Crandell has almost seen it all. He sat down with The Freeman to talk about past successes, present projects and future predictions for the city's development.

THE FREEMAN: What do you think has been the city's biggest achievement, development-wise, since you started your career?

STEVE CRANDELL: One of the biggest achievements is that one of the first tax incremental financing districts we did was for GE Medical, to extend utilities out there to allow for the construction of the global headquarters. We were one of the first cities in the state to actually implement TIF and we've used it to put together seven industrial parks, providing hundreds of millions of dollars in new tax base and thousands of new jobs. I'm just as proud of the work we've done since the '80s on the revitalization of downtown. One of the projects that really is near and dear to my heart is the 13 years I spent leading the team for the Fox River Corridor Development. It took a neglected natural resource and turned it into a jewel.

FREEMAN: We hear lots of reader concerns about vacant buildings such as those in the Fox Run shopping center. What can the city do to revitalize areas like this?

CRANDELL: When we talk about redevelopment, lots of people associate it with our central city, but it can and has occurred on the perimeter of our community as well. The former Spancrete site was an abandoned industrial plant, and it is now the home of a 250,000-square-foot Woodman's that the city partnered with, using TIF to make that development a reality. Even before that, the former Fleming food distribution center on Sunset Drive was vacant for four or five years and is now the Shoppes at Fox River. As circumstances and economic times change, we can do that for Jewel-Osco and Fox Run. We have talked to the folks at Fox Run and will continue that discussion to move that type of perimeter redevelopment forward.

See **CRANDELL, PAGE 5A**



Charles Auer/Freeman Staff

Steve Crandell, Waukesha's director of community development, shares his thoughts during a Thursday interview.

Article Continued Below

[See CRANDELL on Page A05](#)

Crandell

From Page 1A

The economy is improving, and that will be a driving factor.

FREEMAN: What other areas of the city would you like to see redeveloped?

CRANDELL: I'd like to see the continued redevelopment of the downtown. We have some key sites downtown prime for redevelopment: the site next to Main Street Plaza and of course the Huelsman/Davies piece below City Hall. It's almost the Gold Coast of the downtown. Not many communities have a piece of property that large downtown. It's not a question of if it will develop, but of when. We've talked to individuals about that Main Street property, but it's a difficult time for a development of that size. We need to find a single user to get that developed, and we're working on it.

FREEMAN: Do you think downtown Waukesha is in good shape, development-wise?

CRANDELL: I believe we've seen an increase in vacancies down there over the past year. It could be the economy. What are the factors of that? We're not sure. From a city standpoint, we recognize the infrastructure and streetscape are dated. That was an important component of our Central City Master Plan: a new streetscape design. New infrastructure – lights, trash receptacles, planters – we need to replace that.

FREEMAN: How can the city work to fill downtown's vacant storefronts sans the Business Improvement District?

CRANDELL: I was truly disappointed when the BID was terminated. The downtown BID is a needed organization, and it was one component of a successful, well-balanced downtown. We need a BID or an organization like BID to be put back in place to manage, to market and to be advocates for downtown, and for business retention and recruitment. BIDs have worked throughout the state, and it worked in Waukesha for 26 years. I believe it can work again. When's the right time to bring it back? I don't know, but I believe strongly that an organization like the BID needs to be put in place. Downtown needs to be managed just like a strip center or mall. In the meantime, all of us, including the city, the (Waukesha Downtown Business Association), the property owners and the people of this community need to talk up Waukesha. If they have a contact with someone,

forward them to the appropriate individuals. We need to work together to try to fill those stores. It's not just one organization. It's not the city, it's not the WDBA, it's not the property owners. We need to work together to sell downtown to potential businesses. In the Community Development office, we don't just sit here and wait for (developers) to come and see us. We work with the owners to assist them however we can. It's a long process and we're in competition with other cities in the state and region.

FREEMAN: How can Waukesha stay competitive in attracting development?

CRANDELL: As cities, we need to remain strong advocates to keep in place the limited financial tools we have: TIF, industrial revenue bonds and community development block grants. We need to be advocates to the state and federal government so that those tools don't get watered down to the point they're not usable. If we lose those tools, we're in trouble. Also, I understand the economic conditions over the past several years, but the economy is going to get better and when it does, I'd like to see us as a city move forward to try to develop an economic development fund in partnership with local lenders. We could leverage that money with state and federal dollars to promote development. I hate to sound crass, but when it comes down to business retention and expansion, it comes down to who has the most money.

FREEMAN: You served as interim city administrator on two different occasions, putting together two city budgets. Would you ever consider becoming a city administrator full-time?

CRANDELL: I was very humbled by the opportunity to do it twice, but as I made very clear throughout budget process, it's not something I'd like to do on a full-time basis. I've been very fortunate to work well with the previous city administrators, and I believe I work very well with the current one. I did two budgets as city administrator. I appreciated the confidence and cooperation of aldermen, department directors and city employees during those two times. We kept the boat afloat.

FREEMAN: So when are you going to retire?

CRANDELL: You never know.

Email: spryor@conley.net



August 27, 2015

Ms. Ashley Hoekstra
DNR Bureau of Drinking Water and Groundwater
P.O. Box 7921
Madison, WI 53707-7921

Dear Ms. Hoekstra,

The Great Lakes and St. Lawrence Cities Initiative hereby submits a written transcript of its comments regarding the City of Waukesha Water Diversion Application Draft Environmental Impact Statement and Draft Technical Review. The comments were first delivered in person at the Public Hearing session held on August 17th, 2015, in Waukesha, WI. These comments were approved the Cities Initiative's Board of Directors at their August 6th, 2015, meeting.

The Great Lakes and St. Lawrence Cities Initiative is a binational coalition of 117 mayors, representing over 17 million people in cities across the eight US Great Lakes states, Ontario and Quebec. The Cities Initiative works actively to advance the protection, restoration and long term sustainability of the Great Lakes and St. Lawrence River basin.

In summary, the Cities Initiative opposes the project based on these points:

1. There is evidence that abundant, clean and safe water can be provided to Waukesha residents without using Great Lakes water as a last resort;
2. The project sets a very concerning precedent of diverting water out of the basin;
3. The project as proposed could be contrary to the Great Lakes Compact by allowing Waukesha to sell water to its neighbors.

The Cities Initiative thanks the Wisconsin Department of Natural Resources for allowing public input on this very important project.

Sincerely,

David Ullrich, Executive Director
Great Lakes and St. Lawrence Cities Initiative



Comments presented orally at the Waukesha Public Hearing Session, August 17, 2015

Mister/Madam Chair, members of the Committee,

Thank you for giving the public opportunity to present in-person comments on this important project. My name is Simon Belisle, and I am a Program Manager with the Great Lakes and St. Lawrence Cities Initiative.

The Great Lakes and St. Lawrence Cities Initiative is a binational coalition of 117 mayors, representing over 17 million people in cities across the eight US Great Lakes states, Ontario and Quebec. The Cities Initiative works actively to advance the protection, restoration and long term sustainability of the Great Lakes and St. Lawrence River basin.

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

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

The Great Lakes and St. Lawrence Cities Initiative does not believe the application for diversion of Great Lakes water for the City of Waukesha should go forward. Considering evidence that the City of Waukesha can achieve its role of providing abundant, clean and safe water to its residents at a lower cost than the Great Lakes water, which should only be used as a last resort, the precedent-setting nature of this application is too unsettling for it to go forward. Mayors do not want to see this diversion become the foot in the door through which Great Lakes water is taken away and sold to many regions of this country, or even abroad.

In addition to the precedent-setting nature of the City of Waukesha's application, our mayors have concerns regarding the geography of the water service area proposed in the application. The additional communities that are part of the service area have indicated that they do not need new sources of water now or in the foreseeable future. Also, these communities have not

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www.glslicities.org / @GLSLCities

Mitch Twolan, Mayor of Huron-Kinloss, Chair

Denis Coderre, Mayor of Montréal, Vice-Chair

Paul Dyster, Mayor of Niagara Falls, New York, Secretary-Treasurer



implemented the necessary water conservation measures to make themselves eligible to receive Great Lakes water under the rules of the Great Lakes Compact. Mayors of the Cities Initiative will not support a project that would be contrary to the terms of the Great Lakes and St. Lawrence Water Resources Management Compact, a fully effective and enforceable provision of Federal law.

Madam/Mister Chair and Committee, the Great Lakes and St. Lawrence Cities Initiative respectfully requests that you consider these comments submitted before you today.

The Great Lakes and St. Lawrence Cities Initiative thanks the Wisconsin Department of Natural Resources for allowing public comments on such an important project which we firmly believe should not go forward.

Hoekstra, Ashley N - DNR

From: Brooke Younggren <brooke@martinschreiber.com>
Sent: Tuesday, August 25, 2015 11:56 AM
To: DNR Waukesha Diversion App
Subject: Written Comments on Draft EIS -ATTN: Ashley Hoekstra
Attachments: 1151_001.pdf; 1152_001.pdf

Hello Ashley,

Attached are two letters from contractors supporting the Waukesha Water Application.

Any questions please let me know.

Brooke

Brooke Younggren
Public Affairs Associate
Martin Schreiber & Associates, Inc.
608.259.1212 ext 7
www.martinschreiber.com



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

August 11, 2015

Secretary Cathy Stepp
Wisconsin Department of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, Wisconsin 53707-7921

Dear Secretary Stepp:

As elected officials representing areas affected by the City of Waukesha's application for Great Lakes water, we have a duty to help facilitate a successful *Application for a Lake Michigan Diversion with Return Flow* through the Wisconsin Department of Natural Resources (DNR) and the regional review process.

We strongly support the conclusion of the DNR's extensive five-year review – that using and returning Lake Michigan water is the only reasonable alternative for Waukesha. This application needs to be thorough and technically sound to comply with the State of Wisconsin Compact implementation statute, and we are pleased the DNR has agreed it does.

Waukesha needs a safe and reliable water source because a layer of shale in the area prevents precipitation from easily recharging the city's main water supply. In addition, the deep aquifer is heavily used by other communities in southeastern Wisconsin and northeastern Illinois. The aquifer is down by more than 400 feet, affecting surface waters like wetlands and streams. As the aquifer has declined, natural contaminants like radium, a carcinogen, have increased in our water. Waukesha is now under a court order to provide water that meets the federal radium standard.

Opponents of the Waukesha application seem to be driven by other agendas that are more political than substantive. Eight states, Congress, and the President all supported a Great Lakes Compact. Anyone that takes the time to review Waukesha's comprehensive application or the DNR's review of the application, knows the proposal does not harm the Great Lakes, and provides environmental benefits to the Root River. The application should not be controversial.

The critics' arguments about this being a major precedent and the beginning of hundreds of diversions, including to Western states, would have been relevant before

the existence of the Compact. However, the Compact dealt with those issues by banning water from being pumped to non-Great Lakes states. As you know, the Compact allows water for communities in straddling counties, like Waukesha, that have a demonstrated need.

As you also know, Wisconsin, on a bipartisan basis, agreed to the Compact because a new law was needed to protect the Great Lakes from the threats of real diversions – diversions without return flow. The City of Waukesha supported the Compact because the negotiators and other stakeholders all promised that decisions would, in fact, be objective and scientific, not political.

Opponents of the application forget that the Compact would not have passed the state Legislature without the support of Waukesha and surrounding areas. The City of Waukesha and the State of Wisconsin are now relying on the promises made at the time of the Compact's adoption that decisions would be made in good faith, and on an objective basis.

Opponents of the Waukesha application don't seem to understand that encouraging political decisions threatens the Compact itself – and threatens the Great Lakes – by rejecting the legal premise of the Compact, to require objective reviews. It is the political appeals of opponents of the Waukesha application that threaten the Great Lakes, not the City of Waukesha.

The City of Waukesha has applied under the Compact and meets its terms:

- It will return about 100% of the water to the Great Lakes after use and treatment
- It does not have a reasonable water supply alternative. (The Compact and Implementation Legislation in Wisconsin do NOT say it must be a “last resort,” despite claims by opponents.) The review by the DNR shows that Waukesha groundwater alternatives would unreasonably damage the environment, even if Waukesha used less water than what the DNR said is a reasonable projection of demand.

The depletion of the aquifer in Waukesha County is one of the primary reasons for passing the Groundwater Quantity Act in 2004. The bill recognized the connection between groundwater and surface waters, and prioritized the recovery of the depleted aquifer in Waukesha. Although opponents of Waukesha's application supported the act and its goals at the time, today they urge Waukesha and the DNR to ignore the law, the impacts on surface waters and the goal of aquifer recovery. This is something we as legislators representing areas affected by Waukesha's water supply will not accept.

Sincerely,



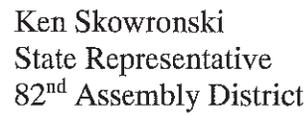
Adam Neylon
State Representative
98th Assembly District



Jessie Rodriguez
State Representative
21st Senate District



Scott Allen
State Representative
97th Assembly District



Ken Skowronski
State Representative
82nd Assembly District



Chris Kapenga
State Senator
33rd Senate District



Mary Lazich
State Senator
28th Senate District

CC: Wisconsin Governor Scott Walker

Ms. Shaili Pfeiffer
Wisconsin Department of Natural Resources
Via email: shaili.pfeiffer@wisconsin.gov



August 12, 2015

RE: Issues pertaining to the water supply service area plan as proposed in the City of Waukesha's application for a diversion of Lake Michigan water under the Great Lakes Compact

Dear Ms. Pfeiffer,

We are writing on behalf of the Compact Implementation Coalition with some clarifying questions that arose from a conversation that we had in July with Eric Ebersberger and Judy Ohm. We hope that we can come to a common understanding of the Department's intended procedure and how the approval process for the water supply service area (WSSA) plan should be structured to ensure compliance with the Great Lakes Compact.

With regard to the rulemaking for the process of water supply planning mandated under Wis. Stat. s. 281.348, it is our understanding that the department intends to abandon the draft rule NR 854, and approve the WSSA plan without the requisite rulemaking.

As described during our last conversation with Department staff, the approval of the WSSA plan would not take place until after the Regional Body review and the Council approves (or denies) the diversion application as a whole, and the Department anticipates that the Council may condition approval of the diversion on changes to the WSSA. With these basic process concepts in mind, we have a number of follow up questions that we request responses to from the Department:

1. The Department has stated that formal public hearings were held on the development and implementation of the WSSA plan. We are not aware of any such public hearings that were held or records of such by SEWRPC, City of Waukesha or the DNR and how they complied with specific criteria in Wis. Stat. §281.348, or the Great Lake Compact provisions governing a community without potable water supplies. Can you provide us with the specific dates and records of such formal public hearings on the WSSA Plan, including any formal documents that were issued such as a response to comments?

2. It is our understanding that individual households or parts of communities in Wisconsin have experienced or might experience bacterial contamination of water supplies requiring appropriate construction of well casings to prevent such contamination of their water supplies – what are the DNR’s policies and requirements in those instances? How many of those communities have been required to seek municipal water supply service instead of implementing construction of well casings to prevent contamination? If these communities are required to hook up to a municipal supply, will they also be required to abandon or improve their existing wells? What is required in an instance where a community needs to hook up to the municipal supply, but cannot? Is there a policy in place for an interim solution?
3. DNR and Waukesha have both stated that a DNR official recommended that a portion of the Town of Genesee be included in the WSSA plan for public health reasons. We have not seen an official record of such a recommendation by the DNR, can you supply us with that formal recommendation and when it was issued? Has the Department considered other options for the Town of Genesee’s water supply?
4. Have any homeowners, businesses or other entities within the Town of Genesee (4.4 sq. mile area recommended to be added to the WSSA plan) requested to hook up or in fact have any been hooked up to the City’s water supply because of bacterial contamination in their wells? How many households have experienced well contamination or are on land that is unsuitable for septic, and where are they located?
5. Over the past several years, the Department, the City of Waukesha and SEWRPC have said that any WSSA plan must be coterminous with an approved sewer service area plan. However, it would appear that SEWRPC and the City of Waukesha’s development and reliance on the WSSA plan of 2008 is in direct conflict with this mandate because the portion of the Town of Genesee included within the WSSA plan is not within the City’s sewer service plan. Now, the Department has conditioned its approval of the WSSA plan on the addition of the Town of Genesee area to the sewer supply plan. What are the legal requirements for this type of post-hoc revision of the sewer service plan and what are the opportunities for the general public to be meaningfully involved in that process?

We are also very concerned to learn that the Department intends to respond to public comments only on the Department’s draft EIS, and not on the Department’s draft Technical Review. The Compact makes clear that States are required to provide for meaningful public participation when reviewing diversion applications. As part of that, States must “provide a record of decision” which includes both the public comments that were submitted during the process and the State’s “responses.” Great Lakes–St. Lawrence River Basin Water Resources Compact Art. 6, §6.2. Waukesha and DNR have made numerous technical and substantive changes to Waukesha’s application since the Department’s last public participation process in

2013. These changes demand another round of Department response to comments. Furthermore, it is disconcerting that for a decision of this magnitude the Department would depart from long-established principles of meaningful public participation. Accordingly, we strongly urge the Department to reconsider its plan to not respond to comments on the draft Technical Review.

We look forward to the Department's response to these questions and a continued dialogue about these important issues pertaining to Waukesha's application.

Sincerely,

Peter McAvoy, of Counsel

Elizabeth Wheeler, Clean Wisconsin

Hoekstra, Ashley N - DNR

From: Todd Weik <toddweik@cbceng.com>
Sent: Thursday, July 16, 2015 9:35 AM
To: DNR Waukesha Diversion App
Subject: Public Comment on the Diversion of water to Waukesha

To Whom It May Concern,

I would like to express my **opposition** to the request of the City of Waukesha to divert water from Lake Michigan to provide drinking water to the City and environs. My opposition is based on the following:

1. Any diversion of Great Lakes water over the subcontinental divide, in my opinion, will open the flood gates for more and more communities/states to request and be granted the opportunity to divert water. The precedence will be set by the City of Waukesha. Although this maybe farfetched, what would stop drought ridden states to request Great Lakes water?
2. The City of Waukesha has not embraced nor employed any type of water conservation efforts or any recharge efforts. The use of green infrastructure has been proven to provide a valuable water recharge vehicle. The City, under their current public works improvement policies, ignore the opportunities to utilize porous pavements, infiltration basins and biofilters to assist in recharging the shallow aquifers. All other recharge opportunities need to be tried and exhausted before they are allowed to divert water. Of course, the City has sat on their hands when it comes to this technology and will wait until 2018. They will argue that they have run out of time and they need the diversion. This in my opinion is not acceptable and they should be directed now to start to implement water recharge and conservation technologies.
3. There are proven radium reduction and removal treatment technologies that will work. Yes they cost money. But so will a large scale diversion. Engineers have said that the City will be sending the water taken out of the Lake back via WWTF discharges. Really? The low flows that are discharged from WWTF's don't even come close to the amount of water that will be diverted. This is a smoke and mirrors theory. How does the water used to water lawns, clean cars, etc. get back to a WWTF for return from a WWTF.
4. The great lake system is not an infinite water source to be pillaged like oil. We need to protect that resource with whatever means that we have at our disposal. Short sighted leaders need to stop and look at the long term environmental impacts of any diversion. Although it may have little effect in my lifetime, the long term consequences to the states and provinces will be negative if this diversion is granted and the potential for more and more diversions will occur.

I understand that the DNR has provided a preliminary acceptance of the plan. I believe this is acceptance is politically driven. We should not play politics with the one resource that the other cities and states want....clean, fresh water.

Please do not allow this diversion to take place. There are other ways for the City to obtain the radium free drinking water that they need.

Respectfully submitted,

Todd B. Weik PLA, CPESC
Manager LID Design Services
CBC Engineers & Associates, Ltd.



125 Westpark Road

Centerville, Ohio 45459
Milwaukee Office
W336 N6978 Stonefield Ct.
Oconomowoc, WI 53066
Phone : 937-428-6150 (Corporate)
Cell : 262-219-2938

Hoekstra, Ashley N - DNR

From: Hoekstra, Ashley N - DNR
Sent: Thursday, August 27, 2015 2:28 PM
To: DNR Waukesha Diversion App
Subject: FW: City of Waukesha-Great Lakes Water Compact
Attachments: DNR Bureau of Drinking Water & Groundwater Letter dated 8-27-2015.pdf

From: Aschenbrenner, Hilda [<mailto:HAschenbrenner@waukeshacounty.gov>]
Sent: Thursday, August 27, 2015 11:16 AM
To: Hoekstra, Ashley N - DNR
Cc: Shaver, Dale
Subject: City of Waukesha-Great Lakes Water Compact

Hello Ms. Hoekstra,

Attached you will find a letter signed by Waukesha County Executive Paul Farrow and County Board Chairman Paul Decker. If you have any questions, please feel free to contact our office.

Thank you.

Waukesha County
Office of the County Executive
515 W. Moreland Blvd.
Waukesha, WI 53188
262-548-7902

Waukesha County Environmental Action League

August 28, 2015

Ms. Ashley Hoekstra
DNR Bureau of Drinking Water and Groundwater
Box 7921
Madison, WI 53707-7921

Dear Ms. Hoekstra,

We thank the staff at the WI-DNR for the opportunity to comment on the draft Technical Review and Environmental Impact Statement for the City of Waukesha's Proposed Diversion of Great Lakes Water for Public Water Supply with Return Flow to Lake Michigan.

The Great Lakes contain 1/5 of the world's fresh water and the world is becoming an increasingly thirsty place. It is therefore not possible to overstate the importance of this resource or the importance of the precedent that the Waukesha diversion application will set.

We reiterate that we don't necessarily oppose the idea of Waukesha getting Great Lakes water. We also recognize the fact that the department must take some action in response to the City's application. Moreover, we agree with the agency that a Great Lakes diversion is preferable to degradation of the areas lakes, streams and wetlands due to over pumping of the shallow aquifer. The critical question is, does the city really need Great Lakes water?

Clearly, there has been a significant drop in the water level of the deep aquifer from pre-development times and since heavy pumping began. When one looks at how the deep aquifer has recovered over the last 15 years, though, it begs the questions of whether or not Waukesha needs Great Lakes water at all. In addressing this issue the technical document states "...the department concludes that a groundwater drawdown of approximately 350 feet below pre-development groundwater levels in the deep sandstone aquifer represents a significant drawdown in the deep aquifer and limits the availability of potable water supply from the deep aquifer." The draft EIS goes on to conclude that the "no action" option is not feasible.

This is a qualitative statement that, we argue, does not contain the quantitative information necessary to justify ruling out the "no action" alternative. In fact, we have not seen any conclusive data which indicates that, with treatment, the City's existing water supply will not be sufficient for many decades to come.

We **have** seen, in the Non-Diversion analysis conducted by GZA / Geo Environmental, evidence that:

- 1) the deep aquifer is rebounding
- 2) per capita water use, as well as total water use, is decreasing

- 3) treatment of water for radium, as well as other contaminants, is a workable solution
- 4) treatment of existing supplies is less than half the cost of building pipes and pumps to and from Lake Michigan

There are many things driving this application forward: the expense of treating the existing water supply, people's reputations and careers, money that has already been spent on this project and money that will be spent in the future, and, frankly, a bogus water service area that **needs to be rewritten**. None of these reasons justify moving the application forward.

For now, the only thing we should move ahead on is making sure that Waukesha implements the remainder of its water conservation plan and that they treat the water as necessary. In the mean time USGS can continue to monitor the aquifer's recovery to see if it can be expected to supply Waukesha's water supply needs over the long term. It should also be noted that there are ways that we can help to increase the water levels in the deep aquifer. For example much of the eastern part of Brookfield (which lies in the Great Lakes basin) uses groundwater to supply its water needs. If these users were to hook up to the City of Milwaukee's sustainable water system this could help the aquifer recover even more.

If Waukesha can learn to "live within its means" through the "no action/treatment" option, it will be best for the Great Lakes **and** for Waukesha's water rate payers. If, in the future, the data indicates that Waukesha's current water supply system cannot meet the necessary demands for the long term, the application can be re-submitted. At that point it can and should move forward. Perhaps a memorandum of understanding between the department and the city can identify the roles, responsibilities and expectations of the various parties.

On the other hand, if the project moves forward without a comprehensive look at the "no action/treatment" option, we would be undermining the Great Lakes Compact and leaving the lakes vulnerable. Please let us not be so foolish.

Thank you for your consideration of these comments.

Sincerely,

Nancy Gloe, Board Member

On behalf of the Waukesha County Environmental Action League



MILWAUKEE COMMON COUNCIL

City Hall Room 205, 200 E. Wells Street, Milwaukee, WI 53202 • (414) 286-2221 • Fax (414) 286-3456 • www.milwaukee.gov/council

August 27, 2015

Ashley Hoekstra
DNR Bureau of Drinking Water and Groundwater
Box 7921
Madison, Wisconsin 53707-7921

Re: Reconsideration of City of Waukesha's Proposed Lake Michigan Water Diversion

Dear Ms. Hoekstra:

The undersigned disagree with the Department of Natural Resources' conclusion related to the City of Waukesha's revised Application for a Lake Michigan Diversion with Return Flow as outlined in its Draft Technical Review. The City of Waukesha's application is fundamentally flawed and fails to meet the criteria set by the Great Lakes Compact for water diversion outside the Great Lakes drainage basin. As such, we respectfully request the Department of Natural Resources reconsider its initial, preliminary approval of the City of Waukesha's proposal to divert Lake Michigan water.

Credible environmental engineering studies released subsequent to the DNR's pre-approval demonstrate that the City of Waukesha does indeed have viable alternatives to a Lake Michigan diversion that meet its current and future water needs. Consequently, Waukesha's application fails to meet perhaps the most critical requirement set by the Great Lakes Compact, that only communities with no water source alternatives are eligible for water diversions. While Waukesha's application summarily dismisses several alternatives as unsustainable, these recent studies expose the City's refutations as self-serving and in error.

These studies suggest Waukesha grossly overestimates its future water needs by failing to use truly representative water consumption rates, and by expanding its service area (to comply with what the City and Southeastern Wisconsin Regional Planning Commission cite as a state mandate) to include communities that have neither requested nor need water service, and certainly have not demonstrated a lack of alternative water sources. Once this exaggerated need is ratcheted back to a more reasonable water consumption rate, it is evident Waukesha can meet future needs with its existing deep and shallow well infrastructure. As for radium contamination, Waukesha can do what many communities in Wisconsin already do, treat its well water to meet federal and state standards.

Importantly, Waukesha further exaggerates its water consumption rate by failing to fully implement water conservation measures before making its diversion application, as required

by the Great Lakes Compact. Instead it cavalierly proposes to implement strict conservation measures only after the City begins consuming water diverted from Lake Michigan.

Waukesha, for a third time, does not meet the minimum criteria for a Great Lakes water diversion set by the Great Lakes Compact when the City fails to return diverted water back to Lake Michigan without doing harm to other waterways, and without mixing Great Lakes water with out-of-basin water. Waukesha's proposal to return water diverted from Lake Michigan via the Root River threatens to increase phosphorus pollution in a river already officially designated as impaired. Furthermore, the increased flow created by Waukesha's discharge into the Root River threatens to exacerbate high-water overflows on a river prone to periodic flooding. Given Waukesha's leaky sewer system, everyone recognizes rainwater which should be draining into the Fox River and ultimately into the Mississippi River, will infiltrate Waukesha's sewer system, and subsequently be treated and returned instead to Lake Michigan. Not only will this mix Great Lakes water with out-of-basin water, violating the very letter of the diversion requirements of the Great Lakes Compact, but this "reverse diversion" of Mississippi River basin waters out of the Mississippi River drainage basin is expected to have a detrimental effect on the habitat and aquatic life of the Fox River.

Clearly this is a complex issue with vocal proponents and opponents, but we feel it is incumbent on the DNR, as the state's environmental guardian, to proceed with utmost caution. This is especially important considering your decision is precedent-setting and being followed nationally. Diverting Great Lakes water out of its drainage basin is a radical environmental action with far-reaching consequences, both known and unknown, and may spark environmentally unsustainable development outside the Great Lakes drainage basin similar to development in the western United States where water use and shortages have become a crisis.

There is wisdom in the criteria set by the Great Lakes Compact for Great Lakes water diversions outside the Great Lakes drainage basin. The fact that the City of Waukesha has failed to meet several of these carefully considered and well-thought-out criteria should give the DNR pause, and prompt the Department to rescind its preliminary approval of Waukesha's water diversion application, requiring the Applicant to revise its Application for a Lake Michigan Diversion with Return Flow.

Sincerely yours,



President Michael J. Murphy



Ald. Nik Kovac



Ald. Robert Bauman



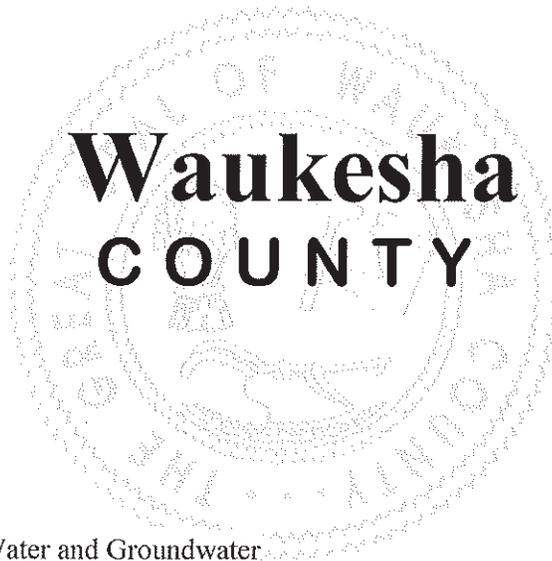
Ald. Willie C. Wade



Ald. Robert W. Puente



Ald. José G. Pérez



August 27, 2015

Ms. Ashley Hoekstra
DNR Bureau of Drinking Water and Groundwater
PO Box 7921
Madison, WI 53707-7921

Dear Ms. Hoekstra:

We are writing you today to express our strong support for the City of Waukesha's application to divert Lake Michigan water under the terms of the Great Lakes Water Compact ensuring a long-term solution to Waukesha's water needs.

In December, 2010 the Southeastern Wisconsin Regional Planning Commission (SEWRPC) completed the preparation of a **Regional Water Supply Plan for Southeastern Wisconsin**. The Plan was led by an advisory committee of water and land use experts from State and federal agencies, academic and environmental communities, concerned businesses and industries and local units of government. The advisory committee unanimously approved the Plan. Waukesha County, having contributed over \$204,000 toward the detailed research, **adopted the Plan as a refinement to our Comprehensive Development ("Smart Growth") Plan**. Adoption of the Plan by Waukesha County is a commitment to implement the recommendations. The Regional Water Supply Plan, as it relates to Waukesha County contains **four key recommendations**.

The **center piece recommendation** for Waukesha County to effectively contribute to **creation of a sustainable water supply system** in southeastern Wisconsin is for **the City of Waukesha Water Utility to convert to Lake Michigan as the source of water supply with the provision of return flow to Lake Michigan**. Conversion by the City of Waukesha allows for many of the other existing water utilities in our "straddling county" to remain on groundwater supply as a sustainable water supply source.

The second key recommendation states the County should continue to plan low density development in non-sewer service areas, particularly in the western half of the County to **preserve infiltration of rainfall and snowmelt for regional groundwater recharge**. This recommendation is a foundation of the adopted Comprehensive Development Plan for Waukesha County and is **being implemented zoning decisions**. Most of the western half of the County, has existing and planned development patterns at 5 acre densities or less, agricultural lands and other open spaces. This development pattern will protect essential groundwater infiltration areas and make municipal water supplies unnecessary.

The third key recommendation is to preserve sub-regional infiltration areas to **protect key surface water features that are dependent upon groundwater supply**. Those areas have also been identified in the Comprehensive Development Plan for Waukesha County and **are being protected** through public acquisition, dedication or preservation through land use regulation.

The final key recommendation is implementation of a **water conservation program**. Waukesha County, in cooperation with the City of Waukesha **formed a Waukesha County Water Conservation Coalition** to prepare and implement a water conservation public education strategy aimed at successfully implementing the water conservation program recommended in the Regional Water Supply Plan. The Coalition, organized as a not-for-profit organization of representatives from businesses, municipal water utilities and special interest groups, has been recognized as a state and national leader for its coordinated water conservation efforts. The organization was key to developing a strategy to achieve the City of Waukesha's **very aggressive goal of reducing water consumption by 20% by the year 2020**.

The Waukesha County Board adopted the Regional Water Supply Plan as a commitment to implementing a sustainable water supply system for southeastern Wisconsin. The conversion by the City of Waukesha to a Lake Michigan source of water with return flow is grounded in years of research, sound science and responsible land use planning. We encourage the Wisconsin Department of Natural Resource to endorse the City of Waukesha water supply application to complete the scientifically sound regional water supply implementation strategy.

Sincerely,



Paul Farrow
County Executive



Paul L. Decker
County Board Chairman

Hoekstra, Ashley N - DNR

From: Dunning, Charles <cdunning@usgs.gov>
Sent: Friday, August 28, 2015 3:03 PM
To: DNR Waukesha Diversion App
Cc: Daniel Feinstein; Hunt, Randall; John Walker
Subject: Written comments
Attachments: FINAL_comments_WDNR_IES_Waukesha_diversion_for_Aug28.pdf

Thanks you for the opportunity to provide these comments from Daniel Feinstein.

Charles Dunning

Charles Dunning, PhD
Supervisory Hydrologist
Groundwater Specialist
USGS Wisconsin Water Science Center
608-821-3897
608-712-7974 (cell)



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Wisconsin Water Science Center
8505 Research Way
Middleton, WI 53562-3586
Phone: (608) 828-9901
Fax: (608) 821-3817
<http://wi.water.usgs.gov/>

August 28, 2015

MEMORANDUM

To: Shaili Pfeiffer, Wisconsin Department of Natural Resources (WDNR)
From: Daniel Feinstein, U.S Geological Survey (USGS), Wisconsin Water Science Center
Subject: Comments on the Draft Environmental Impact Statement (DEIS) for the proposed City of Waukesha Great Lakes diversion.

- 1) In the context of the one-foot threshold for simulated drawdown under wetlands, it might be proper for the Department to acknowledge the uncertainty inherent in groundwater flow models. With respect to Upper Fox River model used for the shallow pumping scenario simulations presented in the DEIS, the limitations section of the USGS report describes the uncertainty in model input and output (Feinstein et al., 2012). Grid discretization, boundary conditions, property zones, and other structural features of the model lend some granularity to the model results making the exact locations of simulated one-foot drawdown contours at the water table uncertain.

- 2) On p. 62 of the DEIS there is the statement that:

"The groundwater level in the deep sandstone aquifer increases toward the western edge of Waukesha County. The area just west of Waukesha County has the highest heads in the sandstone aquifer and forms the potentiometric divide (deep aquifer groundwater divide). Historical water-level data collected are not adequate to characterize the exact location of this regional divide, nor whether the divide has moved since pre-development time."

While it is true that measured hydraulic head data are not adequate to map the divide, one of the main motives for developing the USGS/WGHNS regional model for southeastern Wisconsin published by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) was to use mathematical and calibration constraints to reproduce the behavior of this divide through time. Simulations using the regional model show that the divide has moved west on the order of 10 miles since pre-development times (see the USGS website <http://wi.water.usgs.gov/glpf/> under the Implications section for a map showing the simulated movement of the deep divide.) It might be worth mentioning these findings in the EIS.

- 3) On p. 84 of the DEIS there is the statement that:

"Reduced groundwater levels in southeastern Wisconsin have in turn affected regional surface waters, which in 2000 were estimated to receive about 18 percent less in groundwater contribution as water migrates toward the deep aquifer (USGS, 2007)."

I was not able to find this statement on the cited website (although it is very possible I overlooked it). However the report on which the website material is largely based (SEWRPC, June 2005) states in Part II, p. 33 that according to the regional model for southeastern Wisconsin, the volume of deep pumping in 2000 is equivalent to 4% of overall groundwater recharge and has caused a reduction of 6.7% of predevelopment inland baseflow over the 7-county area. These numbers might be more appropriate for the IES.

References:

- Feinstein, D.T., Fienen, M.N., Kennedy, J.L., Buchwald, C.A., and M.M. Greenwood, 2012, Development and application of a groundwater/surface-water flow model using MODFLOW-NWT for the Upper Fox River Basin, Southeastern Wisconsin: U.S. Geological Survey Scientific Investigations Report 2012-5108, 124 p.
- Feinstein, D., Eaton, T., Hart, D., Krohelski, J., and Bradbury, K., 2005. Numerical simulation of shallow and deep groundwater flow in southeastern Wisconsin; Report 2: Model results and interpretation. Southeastern Wisconsin Regional Planning Commission, Technical Report 41, 63 p.
- Feinstein, D. and others, 2003. Groundwater in the Great Lakes Basin: the case of Southeastern Wisconsin. U.S. Geological Survey, <http://wi.water.usgs.gov/glpf/>

Hoekstra, Ashley N - DNR

From: Simon Belisle <simon.belisle@glslcities.org>
Sent: Thursday, August 27, 2015 2:08 PM
To: DNR Waukesha Diversion App
Cc: David Ullrich
Subject: Comments on Waukesha Draft EIS and Technical Review
Attachments: GLSLCI Comments on Waukesha EIS 2015.pdf

Dear Ms. Hoekstra,

Please find attached the Great Lakes and St. Lawrence Cities Initiative's comments on the draft EIS and Technical Review of the City of Waukesha's application for a diversion of water from the Great Lakes.

Thank you for allowing public comments on such an important project.

Best regards,

Simon Belisle

Simon Belisle, Program Manager
Great Lakes and St. Lawrence Cities Initiative
20 North Wacker Drive, Suite 2700
Chicago, Illinois 60606
Phone : 312-201-4517
simon.belisle@glslcities.org
www.glslcities.org
[@GLSLcities](https://twitter.com/GLSLcities)





RECEIVED-DNR

AUG 24 2015

DRINKING WATER & GW

August 20, 2015

Ms. Ashley Hoekstra
DNR Bureau of Drinking Water and Groundwater
Box 7921
Madison WI 53707-7921

Dear Ms. Hoekstra,

Waukesha State Bank supports the application of the City of Waukesha as it is currently proposed to obtain water from Lake Michigan, which is subsequently returned, and believes that it is the best option for providing a long term, environmentally sound, sustainable water source.

Regards,

Ty R. Taylor
President



August 28, 2015

Ashley Hoekstra
DNR Bureau of Drinking Water and Groundwater
Box 7921
Madison, WI 53707-7921
DNRWaukeshaDiversionApp@wisconsin.gov

Ms. Hoekstra,

I submit this comment in support of the City of Waukesha's application for Lake Michigan water. Based upon the City's Application and detailed scientific evidence and extensive modeling studies, I believe that Lake Michigan water is the only reasonable water supply alternative for the City, because it is the most protective of public health, the least likely to have adverse environmental impacts, the most reliable, and the most sustainable long-term water source.

The Alliance is the largest business association in Waukesha County, representing more than 1,000 member companies and community organizations. Collectively, our members employ over 60,000 people in this area. Approximately 25 percent of our member businesses are located in Waukesha and employ several thousand individuals who work and/or live in Waukesha.

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

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

Waukesha has examined many water supply alternatives. All others have greater adverse environmental impact and are less protective of public health. Many studies have shown Lake Michigan would provide a reliable water supply for the long term, without any adverse impact to this Great Lake.

Whether you're looking at this issue from the perspective of a business person or an environmentalist, the city's application is the only solution that really makes sense.
Sincerely,

A handwritten signature in blue ink that reads "Suzanne Kelley". The signature is written in a cursive, flowing style.

Suzanne Kelley
President
Waukesha County Business Alliance



Cornerstone Plumbing, LLC
Steven D. Adkins
1305 Poplar Dr
Waukesha, WI 53188

August 18th, 2015

Ashley Hoekstra, DNR Bureau of Drinking Water and Groundwater

Re: Support of Waukesha's water application

I appreciate the opportunity to be here and voice my support of a project that will create about 300 jobs and provide an economic windfall to Southeastern Wisconsin. This project will not only result in \$200 million of investment in regional infrastructure, but provide a safe and reliable water source to the people of Waukesha.

Waukesha's groundwater contains levels of radium that exceed federal drinking water standards, which is being provided to its citizens. After performing a multi-year study, the Department of Natural Resources concluded that Waukesha's unique situation calls for the diversion of Lake Michigan water. As part of their plan, Waukesha will be returning water that has been treated and cleaned back to the lake, causing no net effect on water levels.

This plan sustainably gets Waukesha the quality water it needs and also creates a significant opportunity for economic growth. The plan wouldn't just benefit the people who would gain access to the water but also the workers and contractors who will build the infrastructure to support it. This is a significant \$200 million project not just in terms of the 300 jobs it will create, but because it will secure a safe and sustainable source of water for generations to come.

Considering the initial \$200 million investment, creation of 300 construction jobs, potential for future growth and Waukesha's unique situation, we believe approving this plan is the right decision.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Adkins", written over a series of horizontal lines.

Steven D. Adkins

To: Ashley Hoekstra, DNR Bureau of Drinking Water and Groundwater

Fr: Justin K Castleman

Castleman & Sons Plumbing Inc.

11725 W. Scherrei Drive

Franklin, WI 53132

Da: August 18th, 2015

Re: Support of Waukesha's water application

I appreciate the opportunity to voice my support of a project that will create about 300 jobs and provide an economic windfall to Southeastern Wisconsin. This project will not only result in \$200 million of investment in regional infrastructure, but provide a safe and reliable water source to the people of Waukesha.

Waukesha's groundwater contains levels of radium that exceed federal drinking water standards, which is being provided to its citizens. After performing a multi-year study, the Department of Natural Resources concluded that Waukesha's unique situation calls for the diversion of Lake Michigan water. As part of their plan, Waukesha will be returning water that has been treated and cleaned back to the lake, causing no net effect on water levels.

As a licensed plumbing, well pump and small water system operating company we are engaged in water or water quality issues on a daily basis. The plan wouldn't just benefit the people who would gain access to the water but also the workers and contractors who will build the infrastructure to support it.

Considering the initial \$200 million investment, creation of 300 construction jobs, potential for future growth and Waukesha's unique situation, we believe approving this plan is the right decision.

Sincerely

Justin Castleman

Castleman & Sons Plumbing, Inc.

Steamfitters Local 601

3300 S 103rd Street
Milwaukee, WI 53227
414.543.0601

<http://www.steam601.org/ContactInformation.htm>

To: Ashley Hoekstra, DNR Bureau of Drinking Water and Groundwater

Fr: Joel Zielke, Business Manager, Steamfitters Local 601

Da: August 28th, 2015

Re: Support of Waukesha's water application

Thank you for the chance to express our support for the City of Waukesha in its efforts to source clean, high-quality water. It has been estimated that the \$200 million project will result in about 300 full-time jobs during construction, which will certainly bring an economic boom to the area.

Waukesha is currently providing local groundwater to residents, but that water has levels of radium which exceed federal drinking water standards and is not a sustainable solution for the city's drinking water problem.

After years of study, the Department of Natural Resources determined that Waukesha should have access to Lake Michigan water. Waukesha has spent years researching and planning this solution. Our view is that the decision on an issue this important should be based on facts while keeping in mind the economic impact it will have on the region.

By pursuing the Lake Michigan diversion plan, full-time work will be created for about 300 deserving Wisconsinites. Approving Waukesha's plan will result in residents receiving the high-quality water they deserve while also benefitting the workers, contractors and suppliers who will put the necessary infrastructure in place.

Waukesha's plan calls for the return of water back to the lake, which will not bring about any change to lake water levels. The working men and women of Steamfitters Local 601 stand firmly behind the City of Waukesha and support this \$200 million project that will bring about 300 jobs to hard-working Wisconsinites.



SIERRA
CLUB
FOUNDED 1892

Sierra Club-John Muir Chapter

754 Williamson Street, Madison, WI 53703
(608) 256-0565 <http://wisconsin.sierraclub.org>

Ashley Hoekstra
Wisconsin Department of Natural Resources
Bureau of Drinking Water and Groundwater
BOX 7921
Madison, Wisconsin 53707-7921

Dear Ms. Hoekstra,

On behalf of our 15,000 members and supporters of the Sierra Club-John Muir Chapter, I am writing to express the Chapters opposition to the application by the City of Waukesha to divert Great Lakes Water under the Great Lakes – St. Lawrence River Basin Water Resources Compact (Compact).

The Compact bans water diversions outside of the Great Lakes basin with very limited exceptions. Any community applying for a diversion must demonstrate that it has exhausted all available options to obtain water. The City of Waukesha has not met this burden.

The City of Waukesha has not justified why it needs so much more water than it is currently using. In fact they have made their case even harder by proposing to expand their service area to include Pewaukee and other towns in Waukesha County—without reason. This on its face is sufficient to deny the application. Moreover, there has been ample evidence produced by the National Wildlife Federation and other that show that groundwater levels in the Waukesha area are stabilizing and Waukesha's water use has been decreasing for decades.

In addition, the City has refused to consider alternatives which not only exist but are significantly cheaper for Waukesha water users than diverting water from the Great Lakes. Waukesha can meet its needs with its existing wells and address its Radium problem by treating their well water. This is already being done in dozens of communities in Wisconsin as well as many, many more around the county.

Given that the City of Waukesha has failed to meet its burden of showing that it has no option other than using Great Lakes water, we request that this application be rejected on the grounds that it is not consistent with the Compact.

We appreciate your consideration of our comments and look forward to hearing back from you.

Sincerely,

Elizabeth Ward, Conservation Programs Coordinator
Sierra Club—John Muir Chapter

Founded in 1892 by John Muir, the Sierra Club is America's oldest, largest and most influential grassroots environmental organization. The Sierra Club's mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out those objectives.

Hoekstra, Ashley N - DNR

From: Elizabeth Ward <elizabeth.ward@sierraclub.org>
Sent: Friday, August 28, 2015 6:03 PM
To: DNR Waukesha Diversion App
Subject: Sierra Club Waukesha Diversion
Attachments: Sierra Club Waukesha Diversion Comments.pdf

Dear Ms. Hoekstra,
Please accept our attached comments on Waukesha's proposed water diversion.

Thank you in advance,
Elizabeth

Elizabeth Ward- Conservation Programs Coordinator
Sierra Club- John Muir Chapter

Elizabeth.Ward@sierraclub.org

754 Williamson Street **(Note new address!)**
Madison, WI 53703-3201
(inside the building with the Council of the Blind and Visually Impaired)

Phone: (608) 256-0565

<http://sierraclub.org/wisconsin>
<https://www.facebook.com/SierraClubWI>