

2003 Joint Committee on Audit

MMSD

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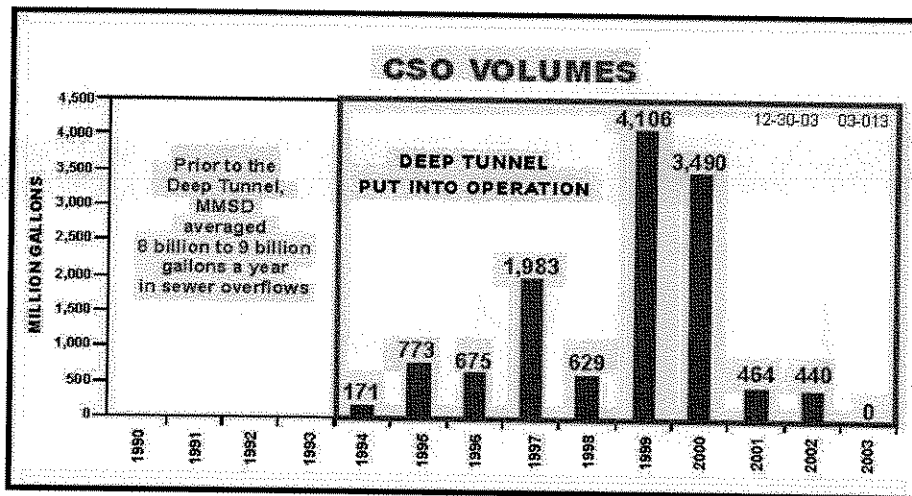
## News Release

**Immediate Release: January 8, 2004**

Contact: Bill Graffin, Public Information Manager, (414) 225-2077

# Zero Deep Tunnel overflows in 2003

(Milwaukee, WI) – 2003 marked the first time in history that the Milwaukee Metropolitan Sewerage District (MMSD) operated an entire year without having a Deep Tunnel related overflow caused by heavy rain. Technically called combined sewer overflows (CSO's), the District has not had a CSO in 17 months, with the last one occurring in August 2002.



“We had a dry year, but this is still a remarkable accomplishment when you consider that, before the Deep Tunnel, MMSD used to average 8 billion to 9 billion gallons in sewage overflows every year,” said Dennis Grzezinski, MMSD Commission Chairman. “We used the tunnel 35 times in 2003. That’s 35 overflows prevented. To put



it another way, without the Deep Tunnel, those 35 storms would have caused billions of gallons in overflows.”

In 2003, the Deep Tunnel prevented more than **2,100,000,000** gallons of wastewater and polluted runoff from getting into Milwaukee area rivers and Lake Michigan by safely storing the flow until there was capacity at the treatment plants to clean the wastewater.

MMSD’s two treatment plants cleaned a total of 62.3 billion gallons of wastewater in 2003.

Regrettably, the District did have one dry weather sanitary sewer overflow in 2003, a 90,000-gallon overflow that was the result of a construction contractor’s error. MMSD has reviewed the accident and taken steps to help prevent this type of mistake from happening in the future.

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**Asbjornson, Karen**

**From:** Seaquist, Sara  
**Sent:** Thursday, January 08, 2004 11:28 AM  
**To:** Asbjornson, Karen  
**Subject:** FW: MMSD news release  
CR email...MMSD

-----Original Message-----  
**From:** eCommunications [mailto:Ce@mmsd.com]  
**Sent:** Thursday, January 08, 2004 10:56 AM  
**Subject:** MMSD news release

<<News Release #1.doc>>  
**Immediate Release: January 8, 2004**  
Contact: Bill Graffin, Public Information Manager, (414) 225-2077

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(Chart: see attachment)

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**Asbjornson, Karen**

**From:** Asbjornson, Karen  
**Sent:** Monday, February 16, 2004 10:02 AM  
**To:** Asbjornson, Karen  
**Cc:** Chrisman, James  
**Subject:** FW: MMSD eNews  
fyi...

Karen Asbjornson  
Office of Senator Carol Roessler  
(608) 266-5300/1-888-736-8720  
Karen.Asbjornson@legis.state.wi.us

-----Original Message-----  
**From:** eCommunications [mailto:Ce@mmsd.com]  
**Sent:** Monday, February 16, 2004 8:57 AM  
**Subject:** MMSD eNews

**Seagull droppings top source of beach bacteria, study finds**  
Gulls blamed for beach closings

February 16, 2004  
By Michael Hawthorne  
Tribune staff reporter  
Published February 16, 2004

Those pesky seagulls begging for french fries and other handouts along the shores of Lake Michigan are also responsible for the high bacteria levels that are closing beaches.

In a study to be released Monday, Lake County officials used DNA to identify seagull droppings as the top source of E. coli bacteria in water samples collected last summer. Human waste, most likely from sewage spills, came in second.

The study is the latest attempt to grapple with a high number of swimming bans every summer. There were 178 beach closings

in Lake County last year. Chicago had 130.

Seagulls, lured by abundant food and attractive nesting grounds, are increasingly common at beaches along the Great Lakes. Many have become so addicted to human handouts that they no longer are afraid of people. Some birds are so aggressive that throwing them a fry or a piece of bread is the only way to get rid of them--for a moment.

Reducing litter, in particular food and food packaging, is considered one of the best ways to keep beaches clean. But it's not the only solution. A panel of federal, state and local officials that reviewed the study said more also needs to be done to eliminate sewage spills into Lake Michigan.

"It's obviously more than the birds," said state Sen. Susan Garrett (D-Lake Forest), who secured the funding for the \$30,000 study.

In July, power failures at pumping stations in Lake Bluff and Lake Forest allowed more than 350,000 gallons of raw sewage to spill into the lake. Human waste also occasionally escapes treatment when heavy rains overwhelm the region's aging sewers, or when sewage seeps out from leaking pipes.

Officials from the North Shore Sanitary District welcomed the new study because it confirmed their long-standing belief that sewage isn't the only cause of beach closures.

"We know more needs to be done," said Brian Jensen, the district's general manager. "But this study suggests we need a more comprehensive effort to get these bacteria counts down."

To conduct the study, volunteers and local officials scooped up bird droppings and pried open sewer covers to sample raw sewage. They collected water from shallow shore areas, where disease-causing *E. coli* bacteria typically are highest.

The results are similar to another study conducted last year by a researcher from Purdue University's Calumet campus in Hammond. At the time, Garrett and others questioned the researcher's conclusion that seagulls were responsible for unacceptably high *E. coli* levels in Lake Michigan.

Officials who reviewed the latest study are recommending that all Lake County beaches have covered garbage cans that are emptied at least twice a day. They also want more study of beach grooming practices that could reduce levels of bacteria that thrive in warm, wet sand.

To limit human sources of bacteria, local sewers should be inspected for illegal discharges, the group said.

"The reality is we have a number of known sources of bacteria that we can do something about," said Joel Brammeier, manager

of habitat programs at the Lake Michigan Federation.

Researchers are working on methods to alert the public more quickly about water contamination. Current methods force health officials to wait a day before learning the results.

In an attempt to predict when bacteria levels will be high, officials plan to install equipment this summer that will monitor wind, sunlight, rainfall and temperature at Lake Forest Beach and the South Beach at Illinois Beach State Park. A similar system tested at Chicago's 63rd Street Beach four years ago predicted unacceptable E. coli levels 86 percent of the time.

"We still have a lot of work to do," said Jack Darin, director of Illinois' Sierra Club chapter. "It's sad when we have to think twice about having a fun day at the beach."

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**Asbjornson, Karen**

**From:** eCommunications [Ce@mmsd.com]  
**Sent:** Wednesday, February 04, 2004 8:49 AM  
**Subject:** MMSD eNews

<<Mercury.doc>>

**Immediate Release  
February 4, 2004**

Contact: Bill Graffin, Public Information Manager, (414) 225-2077

## **MMSD Commission enhances efforts to reduce mercury pollution to Lake Michigan, food chain**

(Milwaukee, WI) - Milwaukee Metropolitan Sewerage District (MMSD) Commissioners have approved a first of its kind program in Wisconsin that, through the help of dentists, will be a significant tool in preventing mercury pollution from getting into Lake Michigan.

"Mercury is a toxic pollutant, particularly harmful to children and developing fetuses, that is the cause of a statewide fish consumption advisory for Wisconsin anglers," said Randy Case, Community Mercury Reduction Coordinator, Wisconsin Department of Natural Resources (DNR), Bureau of Cooperative Environmental Assistance.

Many sources release mercury to the environment. Mercury found in Wisconsin rivers and lakes is primarily caused by air pollution. Wastewater treatment plants have very stringent limits on the amount of mercury that can be discharged from the plant. Dental offices are the largest source of mercury discharges to wastewater treatment plants, which are not designed to remove mercury from sewage. Used for fillings, dental amalgam is 50 percent mercury. When dental work occurs, vacuum systems remove waste amalgam from the mouth and deliver it into the sewer system.

MMSD's new program will require approximately 500 dentist offices in the District's service area to install amalgam separators, devices that capture amalgam so that it can be recycled or disposed of properly.

"This new program will prevent 95 percent or more of the amalgam from dentist offices from getting into Lake Michigan," said Dennis Grzezinski, MMSD Commission Chairman. "The program does require dentists to spend money on new equipment, but the benefits of this investment in water quality and public health outweigh the costs. Mercury is dangerous and we need to keep it out of the food chain."

Amalgam separators are commercially available and range in price from several hundred to several thousand dollars for purchase. They

*Copy in folder*

can also be leased. Dentist offices will have until February 2008 to install the devices.

"The Wisconsin Dental Association, representing over 2,800 dentists, has demonstrated a solid commitment toward a clean and safe environment by working with the state's Department of Natural Resources and the Milwaukee Metropolitan Sewerage District to ensure that Milwaukee dentists are informed and able to comply with the upcoming requirements to reduce the level of mercury in waste water," said Wisconsin Dental Association President Dr. Dennis Engel.

Revisions to MMSD's policy were developed through a partnership between MMSD, the Wisconsin and Milwaukee area dental associations and the Wisconsin Department of Natural Resources.

"MMSD is the first major metropolitan sewerage district on the U.S. side of the Great Lakes to take this alternative approach to dental wastewater management and will serve as a model for wastewater treatment plants both in Wisconsin and in the Great Lakes Basin," said Case.

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**Asbjornson, Karen**

**From:** Sequist, Sara  
**Sent:** Wednesday, March 24, 2004 12:29 PM  
**To:** Asbjornson, Karen  
**Subject:** FW: MMSD eNews  
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-----Original Message-----

**From:** eCommunications [mailto:Ce@mmsd.com]  
**Sent:** Wednesday, March 24, 2004 10:16 AM  
**Subject:** MMSD eNews

**EPA recognizes MMSD for water quality improvement efforts in struggling countries**

(Milwaukee, WI) - It can be used to monitor the environment and protect water quality and instead of going to a landfill in Southeast Wisconsin, lab equipment, no longer needed by the Milwaukee Metropolitan Sewerage District (MMSD), is in the hands of the Baltic nations of Latvia, Lithuania and Estonia. The three countries recently joined the European Union (EU), which requires members to establish environmental programs to meet water quality standards. The United States Environmental Protection Agency (EPA) was called upon to help these countries establish the needed environmental programs. However, funds for the expertise and equipment, needed to comply with the standards, were in short supply in these countries. Read more at: <http://www.mmsd.com/home/index.cfm>

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# Deep tunnel system was down to 1 pump

## 1 billion gallons of raw sewage may have been dumped

By STEVE SCHULTZE and MARIE ROHDE  
sschultze@journalsentinel.com

Posted: May 18, 2004

For an 18-hour span in the midst of last weekend's massive dumping of raw sewage, just one of the three giant pumps critical to the Milwaukee sewerage district's deep tunnel system was working, officials said Tuesday.

That left just one pump to struggle to transfer the contents of the almost full, 405-million-gallon tunnel to the treatment plants, as on-and-off rain drenched the area.

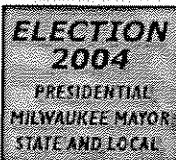
With no room in the tunnel, the Milwaukee Metropolitan Sewerage District allowed perhaps 1 billion gallons of untreated sewage mixed with storm water to overflow into local waterways and Lake Michigan. That would make it one of the largest dumping incidents since the deep tunnel system was finished a decade ago.

Even though the dumping was intended to avoid basement backups, dozens of residents in Milwaukee and Glendale had sewage in their homes, causing thousands of dollars in damage and a boatload of annoyance. In Whitefish Bay, village officials faced a Hobson's choice of dumping or allowing sewage to back up into residents' basements,

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### Milwaukee

#### Quotable

“Dumping human feces means there will be human diseases in the water. This certainly doesn't make me anxious to plan any swimming trips this year.”

- Lynn Broaddus, executive director of Friends of Milwaukee's Rivers

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Great Lakes: Great Lakes: Bush creates task force to consolidate efforts



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and opted to dump another 125,000 gallons of sanitary sewage into the lake.

"I saw it," Whitefish Bay Village Engineer Mary Jo Lange said "I popped the manhole cover and saw a tidal wave coming back into our sewer."

Lynn Broaddus, executive director of Friends of Milwaukee's Rivers, was particularly concerned about the environmental impact of dumping sewage into area waterways.

The sewage feeds algae growth in Lake Michigan, is unsightly and disrupts the ecosystem, Broaddus said. She fears a direct impact on human health.

"Dumping human feces means there will be human diseases in the water," she said. "This certainly doesn't make me anxious to plan any swimming trips this year."

According to officials from the MMSD and United Water Services, the private firm under contract to operate the sewer system, the complex and expensive tunnel system worked properly. In fact, it worked almost as well as it might have even if everything was operating at 100% efficiency, said Kevin Shafer, MMSD's executive director.

A construction project that effectively reduced the treatment capacity at the district's two treatment plants made little difference in the volume of sewage dumped, Shafer said.

### Construction questioned

Critics, however, questioned the official version of events.

"Why are they doing work during the time of year when there's usually a lot of rain?" asked environmental lawyer Karen Schapiro.

A lot of time and money has been put into the deep tunnel, she said, "but it's clear that the system is not working." Schapiro represents several groups that have sued MMSD over sewage dumping.

Mayor Tom Barrett, who campaigned for office on a theme of overhauling MMSD, said he wanted more answers.

"I want to know why we aren't working at full capacity at this time of year," Barrett said. Major sewage dumping is simply unacceptable, he said.

"Even if the system has met expectations, that's not the end of the story," he said.

### Recent Coverage

- 5/17/04: As storm hits, deep tunnel 65% full
- 5/16/04: More showers may mean more sewer overflows

Clifford Van Beek's home in the 2100 block of W. Villard Ave. had sewage in its basement Friday night for the third time since 1997, spoiling carpeting, a mattress and box spring and numerous smaller items.

"Nobody wants to see this sewage going into the lake; I don't either," Van Beek said. "However, I'd rather see it in the lake than being processed through my bedroom."

MMSD's Shafer said the dumping was a function of a lot of rain falling in a short period of time - more than the system could handle.

"That's your headline," Shafer suggested. Even if all three tunnel pumps were operating properly, it would have made only a marginal difference in the volume of the dumping, Shafer said.

He acknowledged that an ongoing project to replace two huge stainless steel sewage holding tanks on Jones Island limited the capacity of the system. The \$1.8 million job was authorized last fall on an emergency basis, after a consultant warned that one of the 10-year-old units faced "a potential catastrophic failure."

The nine-month job was launched as quickly as possible and couldn't have been scheduled to avoid the rainy season, he said.

The tank under construction replaces a worn one that's 25 feet in diameter and 24 feet tall. It holds wastewater from the deep tunnel before it's processed at the Jones Island sewage treatment plant. Actual construction began in March. It is supposed to be completed in June and is on schedule, Shafer said.

Then contractors also will replace a 75-foot-high tank 14-feet in diameter that holds sewage pumped from the tunnel and headed for either of MMSD's two treatment plants.

Because the shorter tank is temporarily out of commission, one of the tunnel pumps that normally sucks sewage from the tunnel is shut off.

### **Second pump shut off**

In addition, a second tunnel pump - which could have been used to transfer sewage flow to the 75-foot-tall tank and eventually to South Shore treatment plant in Oak Creek - was shut off during the big rains because sewage already was flowing as fast as that plant could handle, said Terry Tobel, project manager for United Water Services, the private firm hired to run the sewer system.

That meant that on Saturday, when much of the dumping was being done, just one pump was operating. Each pump has the capacity to pull 40 million gallons a day from the tunnel and send it to the treatment



plants.



MMSD has not formally issued its estimate of the volume of sewage it dumped, but district spokesman Bill Graffin said the total "could very well reach" 1 billion gallons. If that tally proves accurate, it would be the third largest dumping incident in the history of the deep tunnel system.

**Carol Roessler**  
STATE SENATOR

An overflow of 1.6 billion gallons occurred in June 1997 following 8.1 inches of rain spread over 36 hours, and a 1.1 billion-gallon sewage dumping occurred in July 1999, after 3.9 inches of rain fell over 12 hours.

An official estimate of this month's dumping should be issued this week, Shafer said.

An estimated 4.25 inches of rain has fallen so far this month, according to the National Weather Service. That's 2.45 inches above normal. It rained seven of the past 10 days, with the heaviest rain coming Friday.

Mike Martin, MMSD's director of technical services, said the official record didn't tell the whole story.

"It was an intense rain that came over a short period," Martin said, adding that part of the area registered rains much higher than the official count.

Sewage was dumped at nine locations Monday night and Tuesday morning after a rain of a little less than a quarter-inch. Even though it was dry Saturday, Sunday and part of Monday, the deep tunnel was nearly two-thirds full when the rain started Monday night.

The district may count that storm along with last week's rain as a single storm. Under the terms of the MMSD operating permit, the district can dump sewage up to six times a year if the weather is extraordinarily severe.

### City's drinking water

Meanwhile, Milwaukee officials held a news conference Tuesday to assure local residents that drinking city water was fine, despite the sewage dumping.

Paul Biedrzycki, disease control and prevention manager for the city Health Department, said the dumping of untreated sewage into the lake is "not a good thing," but he said he's seen no data "that suggests a risk."

Carrie Lewis, superintendent of Milwaukee Water Works, said "each

of the multiple barriers we have in place (to disinfect drinking water)  
is functioning at its best."



"I'm at home drinking the water," she said.

**Carol Roessler**  
*Linda Spice of the Journal Sentinel staff contributed to this report.*  
STATE SENATOR

From the May 19, 2004 editions of the Milwaukee Journal Sentinel

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# Phil Montgomery

Serving the Communities of Allouez, Ashwaubenon, De Pere and Green Bay

FOR IMMEDIATE RELEASE  
For further information contact:

May 20, 2004  
Rep. Phil Montgomery  
Phone: (888) 534-0004

## Montgomery Statement on MMSD Dumping

What is happening in Milwaukee is an environmental tragedy.

The multi-billion dollar construction of the Deep Tunnel was supposed to put an end to metro Milwaukee's perennial wastewater treatment problems. It has failed in every regard.

The recent dumping of 1.5 billion gallons of raw sewage is just the latest episode of MMSD's abuse of Lake Michigan. Only government could get away with such environmental degradation.

Clearly, our regulatory priorities are out of whack. On one hand, state bureaucrats are regulating responsible employers to death. On the other hand, MMSD is repeatedly dumping billions of gallons of raw sewage into Lake Michigan without any repercussions.

This session, the Legislature passed my Green Tier bill, a common-sense piece of legislation that rewards employers for good environmental stewardship without any repercussions.

Ironically, while the Legislature worked to improve private sector environmental performance, MMSD was busy polluting our water supply with billions of gallons of untreated sewage.

We cannot tolerate MMSD mismanagement any longer. It's time for the state to step in.



News from the desk of  
*Cathy Stepp*

FOR

State Senator • District 21

IMMEDIATE RELEASE

May 20, 2004

CONTACT: Cathy Stepp

(608) 266-1832

## Statement from Senator Cathy Stepp on MMSD Sewage Dumping

“Like most residents of southeastern Wisconsin, I am outraged that MMSD dumped an astounding 1.5 billion gallons of raw sewage into our lakes and streams. My anger is also directed at the selective outrage of some self-styled environmentalists who vocally criticize minor pollution from small businesses but remain mute on the tidal wave of pollution belched by a government agency.

Every day the attorney general brags in press releases about how she pummeled a small business for some infraction of Wisconsin’s confusing and burdensome regulations. MMSD spewed 1.5 billion gallons of raw sewage. Will the attorney general go after MMSD with the same zeal?

The legislature passed a new law streamlining Wisconsin’s cumbersome water permitting process. Some groups couldn’t put out enough Chicken Little-esque press releases to forecast the alleged environmental disasters that would ensue. Now, we have an *actual* disaster on our hands. The sky really is falling, but there is nary a peep from some so-called defenders of the water. I’m worried some people won’t care about this massive dumping unless we find the plume of waste drowned a garter snake.

During my time on the DNR Board, I saw the problems at MMSD firsthand. Milwaukee has an ailing and failing sewer system infrastructure that is a huge burden on MMSD’s system capacity. This will be an enormously expensive problem to fix. MMSD needs to come clean and acknowledge the elephant in the room.

As the Committee’s vice-chair, I fully support Chairman Kedzie’s plans to hold a hearing of the Senate Committee on Environment and Natural Resources to get to the bottom of this mess. The new mayor of Milwaukee has pledged to overhaul MMSD. I am optimistic that by working together we can do what it takes to protect our valuable waterways. We owe it to our children and grandchildren.”

###



State Senator

**Neal J. Kedzie**

11<sup>th</sup> Senate District

May 20, 2004  
For Immediate Release

Contact: Sen. Neal Kedzie  
(608) 266-2635

## **‘Why Aren’t Green Groups Seeing Red?’**

*Kedzie Questions Lack of Interest by Major Environmental Groups Over Sewage Dumping*

**Madison** – “Their silence is deafening,” said state Senator Neal Kedzie of many prominent environmental groups who – over the last four years – have been eerily quiet regarding the numerous sewage overflow events by the Milwaukee Metropolitan Sewerage District, including the most recent event, which is being reported as over 1 billion gallons of partially or untreated wastewater. Kedzie is concerned that many green groups have been expending a great deal of time and resources scolding the Bush Administration’s environmental agenda, while “backyard” issues like MMSD are apparently going unnoticed.

Kedzie, who Chairs the Senate Environment and Natural Resources committee, said that during the ‘Year of Water’ we can not look past the chronic problem that has plagued the MMSD for the last several years. Reports of such discharges came to the attention of Kedzie almost four years ago to the day when he served in the Assembly as Chair of the Environment Committee. Since that time, a number of initiatives have been taken including a comprehensive DNR review of sewage overflow policy, public hearings by the environmental committees of the Legislature, numerous meetings with DNR and MMSD officials, a legislative tour of the facility, and a 76-page Legislative Audit Report on the MMSD.

However, all the while, major statewide environmental groups have neither expressed any significant outrage nor offered any suggestions to the committee as how to possibly resolve this issue of mutual concern. Lake Michigan is Wisconsin’s largest freshwater source and since 1994, more than 17 billion gallons of partially or untreated sewage has been dumped into it by the MMSD. The state audit report concluded that the \$3 billion dollar Deep Tunnel system has failed to meet the expectations when first designed and water quality outside the combined sewer area has not improved, or has deteriorated, since 1994.

-more-

**May 20, 2004: Kedzie Press Release – MMSD**  
**Page 2 of 2**

“Unfortunately for the greens, they can’t lay this one at the doorstep of George Bush,” said Kedzie. “What we need is involvement by *everyone* in order to resolve this matter and perhaps they’ll start to focus more on sewage dumping than Bush dumping.”

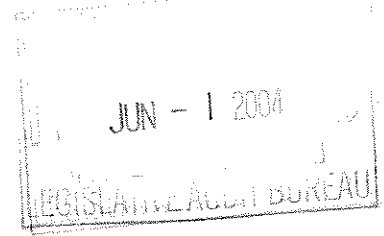
Kedzie is considering re-opening the investigations into the MMSD and its private contractor, United Water Services. In addition, Kedzie hopes to hear from many elected officials in the Milwaukee area as well as officials from the Wisconsin Department of Natural Resources. He hopes environmental groups will engage in this new round of legislative hearings.

###



**Joe Leibham**

STATE SENATOR



May 27, 2004

The Honorable Tom Barrett, Mayor  
City of Milwaukee  
City Hall, Room 201  
200 East Wells Street  
Milwaukee, Wisconsin 53202

Dear Mayor Barrett,

In recent weeks the Milwaukee Metropolitan Sewerage District has dumped billions of gallons of sewage into area waterways, including 1.5 billion gallons in one event last week. Recently, I learned of your decision to appoint a study committee to conduct an audit of the District. Various press accounts indicate that the study committee's audit will: determine the cost-effectiveness of and options related to partial or complete sewer separation; assess the effects of sewage dumping on water quality; and review the District's contract with United Water Services.

As a former co-chairman of the Joint Legislative Audit Committee, I wanted to take this opportunity to suggest that the study committee carefully examine past audits of the District prepared by the nonpartisan Legislative Audit Bureau. Over the past 15 years, the Bureau has audited the District on three separate occasions, issuing reports in 1991, 1997, and 2002. The 2002 audit was conducted specifically at my request due to growing concerns and frustrations with the operation and questionable management of the District. A copy of each report is enclosed for your reference and use with the study committee.

These audit reports analyzed many of the issues proposed for reexamination by the study committee, including causes of sewer overflows and their effects on water quality. By building upon the work of the Legislative Audit Bureau, it is my hope that the study committee may find its task easier. I am also certain that staff from the Legislative Audit Bureau would be willing to testify before the study committee should they have any questions about these reports. I would encourage the study committee chairperson to contact State Auditor Janice Mueller at (608) 266-2818 to further discuss the audits' findings.

All my best as you seek to correct this unacceptable pollution for our Great Lake Michigan. Please contact me if I can provide any additional information or legislative assistance.

Thank you for your service to the City of Milwaukee.

It is an honor representing the residents of the 9<sup>th</sup> District in the State Senate!

Sincerely,

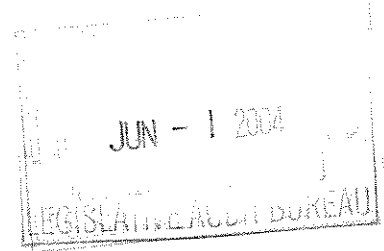
**Joe Leibham**  
State Senator  
9<sup>th</sup> Senate District

cc: Janice Mueller  
State Auditor



**Joe Leibham**

STATE SENATOR



May 27, 2004

The Honorable Tom Barrett, Mayor  
City of Milwaukee  
City Hall, Room 201  
200 East Wells Street  
Milwaukee, Wisconsin 53202

Dear Mayor Barrett,

In recent weeks the Milwaukee Metropolitan Sewerage District has dumped billions of gallons of sewage into area waterways, including 1.5 billion gallons in one event last week. Recently, I learned of your decision to appoint a study committee to conduct an audit of the District. Various press accounts indicate that the study committee's audit will: determine the cost-effectiveness of and options related to partial or complete sewer separation; assess the effects of sewage dumping on water quality; and review the District's contract with United Water Services.

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Sincerely,

  
**Joe Leibham**

State Senator  
9<sup>th</sup> Senate District

cc: Janice Mueller  
State Auditor



**Asbjornson, Karen**

**From:** Hoxtell, Wade  
**Sent:** Tuesday, June 01, 2004 10:41 AM  
**To:** Asbjornson, Karen  
**Subject:** FW: MMSD storm update

-----Original Message-----

**From:** eCommunications [mailto:Ce@mmsd.com]  
**Sent:** Friday, May 28, 2004 4:50 PM  
**Subject:** MMSD storm update

**Immediate Release****May 28, 2004**

Contact: Bill Graffin, Public Information Manager, (414) 225-2077

## Storm Update (May 7 through 24, 2004)

(Milwaukee, WI) -- The following is a summary of the information provided to the Wisconsin Department of Natural Resources regarding sewer overflows from the Milwaukee Metropolitan Sewerage District (MMSD) system for the period covering May 10, 2004 through May 24, 2004.

From May 7 through 24, area rain gauges recorded rainfall totals ranging from 10.86 inches in Mequon to 7.04 at Mitchell International Airport. Using an average of 8.9 inches of rain over MMSD's 420 square mile service area, an estimated 65 billion gallons of water saturated the District.

Some of the storms were very intense, resulting in flooding on the Milwaukee River. At one point, the Deep Tunnel volume went from 120 million gallons to 258 million gallons in one hour.

While overflows did not occur every day during this time frame, the volumes listed below were recorded at various periods within the dates provided.

<b>May 10 through 18</b>	Combined sewer overflow	1,461,000,000
	Sanitary sewer overflow	<u>103,000,000</u>
	Total gallons:	1,564,000,000
<b>May 19 through 24</b>	Combined sewer overflow	2,680,000,000
	Sanitary sewer overflow	<u>372,000,000</u>
	Total gallons:	3,052,000,000

MMSD is still treating flows from the storms. From May 7 through 27, more than 14.5 billion gallons of rain and wastewater entered into MMSD's sewer system from the storms and normal daily wastewater flows. Nearly 10 billion gallons were captured and treated. However, during that same time 4.6 billion gallons of wastewater and rain spilled into area waterways from MMSD sewers because of system capacity limitations and in an effort to avoid basement backups. During extended periods of dry weather MMSD's two treatment plants process 160 million gallons of wastewater per day. Based on that figure, MMSD would have captured and treated 3.36 billion gallons of wastewater from May 7 through 27 if it had not rained.

"We're in the business of treating wastewater and when we're unable to do that completely, it's a huge disappointment," said MMSD Executive Director Kevin Shafer. "We share the same reaction to

overflows as everyone else. They are not acceptable. We do not want any overflows and continue to work hard on numerous projects that will help reduce the problem."

**Short term action:** MMSD has already formed two task forces to find solutions to overflow trouble spots at Range Line Road in River Hills and Lake Drive and Ravine Lane in Bayside. A multi million dollar relief sewer project is moving forward to correct another trouble spot at 31<sup>st</sup> Street and Fairmont in Milwaukee.

Engineers and planners are studying whether plans can be expedited for two new Deep Tunnels that must be completed before 2010. Tunnel boring is complete and concrete lining work will soon begin on the Northwest Side Relief Sewer, which will add 88 million gallons of storage capacity to the northwest side of MMSD's service area. The Northwest Side Relief Sewer is expected to be operational by the end of 2005.

**Long term action:** work continues on MMSD's Overflow Reduction Plan, a \$900 million system upgrade that includes the Deep Tunnel projects mentioned above. All projects in the plan must be completed by 2010.

Planning is underway to determine what it will take to protect and improve water quality in the region in 2020. The Water Quality Initiative is a watershed planning effort that places a strong emphasis on cost effective, science based decision making to accommodate growth while protecting our rivers and Lake Michigan.

"We're pumping out the Deep Tunnel as fast as we can and we're now in a favorable position to handle any storms that may hit over the weekend," said Shafer. "We're optimistic. Before this recent deluge, we had gone 19 months without any rain related overflows. I want to get back on that track."

- 30 -

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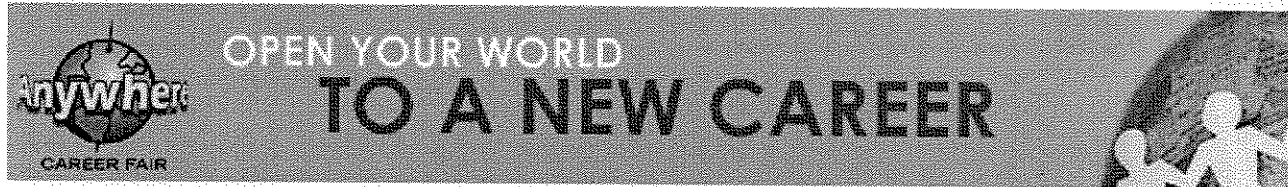
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# Sewage dumped in May: 4.6 billion gallons

## Amount tops any yearly total since tunnel opened

By MARIE ROHDE and STEVE SCHULTZE  
[mrohde@journal sentinel.com](mailto:mrohde@journal sentinel.com)

Posted: May 28, 2004

The sewerage district dumped an unprecedented 4.6 billion gallons of raw sewage this month - exceeding any annual dumping tally since the deep tunnel system opened in late 1993.

That included 3 billion gallons dumped between Friday and Tuesday, as well as 1.6 billion gallons dumped earlier in May.

Milwaukee Metropolitan Sewerage District officials blamed intense back-to-back storms and almost unrelenting rain for the massive sewage overflows. Since May 7, district rain gauges indicated a range of between 6.98 inches on Milwaukee's southeast side and 10.86 inches in Mequon.

"That's more than any sewage treatment system in the country could handle," said Kevin Shafer, the district's executive director. The dumping "is something we have to do if we want to minimize and prevent basement backups," he said.

He said there were no operational errors he had uncovered that would help explain the

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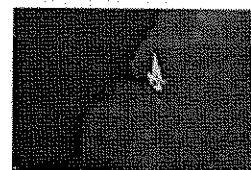
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### MMSD



Photo/Butch Jorgenson

A sailboat makes its way along Lake Michigan on Friday in this aerial photo from Chopper Four with power zoom. The discolored water extended past the breakwater; the contents are unknown.

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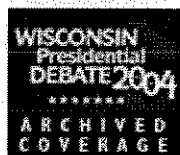
Milwaukee: 3 beaches in city closed to swimming

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record dumping volumes. Construction projects at the Jones Island treatment plant slowed the process of pumping out the deep tunnel, but MMSD officials have said so much sewage flow was coming so fast the projects made little or no difference in the dumping.

To visualize how much sewage was dumped by the district, consider these calculations: The 4.6 billion gallons would fill Miller Park 15 times over, from its base to its retractable roof. The sewage spill would also fill the U.S. Bank office tower on the lakefront 41 times.

Both the state Department of Natural Resources and the U.S. Environmental Protection Agency are reviewing reports of the dumping. Under state and federal law, the portion of the dumping that came from sanitary sewers is illegal except in the most dire weather emergencies.

The vast majority of the sewage dumped in May - 4.14 billion gallons - was from the portions of Milwaukee and Shorewood where combined sewers carry both storm water and sanitary waste from homes and businesses. That can be dumped legally during some heavy storms as long as it does not adversely affect the water quality of local streams or Lake Michigan.

But there also were 475 million gallons of sanitary sewage dumped by MMSD, as well as 4.6 million gallons dumped from local sewers under the control of the City of Milwaukee and some suburbs. That dumping is expressly forbidden by federal law.

While the overall dumping of 4.6 billion gallons is huge, MMSD officials noted that 9.9 billion gallons of wastewater was treated at the two plants. Under normal conditions, the average would have been 3.36 billion gallons.

Before the tunnel was built, an average of 7 billion or 8 billion gallons of sewage was dumped annually by the district.

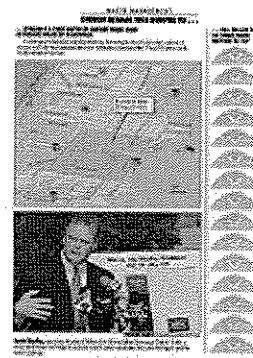
Beaches closed

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- 5/22/04: Sewage overflows as MMSD closes all gates
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Graphic/Enrique Rodriguez  
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Meanwhile, three Milwaukee beaches were closed for the Memorial Day weekend, the traditional kickoff for summer. Shafer acknowledged that sewage overflows contributed to the beach closings but said they are not the only cause.

At a news conference Friday, Shafer was asked whether he felt responsible for the beach closings.

"We are not the one who produced the water that got into the system," he said. "We're not happy the beaches are closed, but you can only do so much."

Mayor Tom Barrett said he had ordered the beaches closed even though the pollution numbers have improved since earlier in the week.

"At the first briefing the numbers were not good," Barrett said. "But I thought it was prudent to close the beaches."

He said he's been assured that the drinking water - piped in from a mile and a half from shore - is excellent.

E. coli levels at the Linnwood treatment plant north of Bradford Beach spiked May 13 to 15 and from May 17 to 19, but they have remained below counts recorded last summer when the water temperature was warmer and the bugs could live longer. The highest count: 89 bacteria coliform per 100 milliliters on May 18, according to the Milwaukee Water Works.

By comparison, raw water at the treatment plant averaged 63 during August 2003, and on five days that month, the count was over 200, records show. Even with the higher counts in 2003, officials said the plant was able to make the water safe to drink.

Sen. Neal Kedzie (R-Elkhorn), chairman of the Senate Environment and Natural Resources Committee, said he found the sewage dumping numbers "staggering" and vowed to have MMSD appear before his committee to explain matters.

"I disagree with the assertion that these were monsoon rains," Kedzie said. "You know a monsoon when you see one, and this was not a monsoon."

He thinks the district has to look at separating the combined sewer system in parts of Milwaukee and Shorewood. In addition, he said MMSD has to re-examine the way it operates the two plants so all equipment is operating when the rains come.

Finally, he said there must be improvements in the field: Southeastern Wisconsin has to more aggressively fight non-point source pollution. Retention ponds have to be built to capture water, and improvements

along watersheds are needed to soak up rainwater before it flows into streams.

### **Runoff pollution a problem**

Robert Biebel, chief environmental planner at the Southeast Wisconsin Regional Planning Commission, said he does not believe the dumping will have a long-term effect on the rivers or Lake Michigan because of the tremendous volume of rain mixed with the sewage.

Biebel said that non-point source pollution - water that runs into streams, rivers and lakes from streets and fields and is not treated - is a bigger problem than dumping because it represents more pollution and less is being done to fix it.

Last week, Barrett called for an audit of MMSD to get to the root of the dumping woes. A committee he appointed will report their findings by Labor Day, he said.

Late Friday afternoon, the tunnel was still storing 128 million gallons of sewage. Terry Tobel, the manager of the plant operated by a private firm, said the tunnel would be emptied by Sunday - if the weather stays dry. However, rain was in the forecast for late today and Sunday.

"We're not out of the woods yet," Shafer said. "We're still on weather alert at MMSD."

*Lee Bergquist of the Journal Sentinel staff contributed to this report.*

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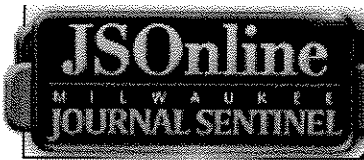
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# Environmental groups called lax on MMSD

## Deep tunnel seemed to solve it for some; others had different priorities

By STEVE SCHULTZE and MARIE ROHDE  
[sschultze@journalsentinel.com](mailto:sschultze@journalsentinel.com)

Posted: May 29, 2004

This month's record dumping of raw sewage by the Milwaukee Metropolitan Sewerage District has put state environmental advocacy groups on the spot, defending charges that they've been slow to call MMSD to account.

Some groups acknowledge that Milwaukee's sewage dumping hadn't been a priority issue, and are now scrambling to display aggressiveness on the issue. But that newfound bite comes after years of relative passivity on the topic.

The accusations of environmentalists' lethargy about dumping have come mainly from Republican lawmakers, many of whom have tangled with environmental activists often on other issues, and from conservative talk radio.

Sen. Alberta Darling (R-River Hills), a frequent critic of MMSD, said it was shocking how quiet environmental groups have been about dumping, particularly in contrast with their activism on a host of other issues at the statehouse.

### MMSD

#### Quotable

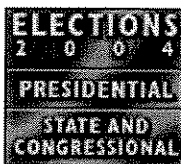
“The traditional environmental groups in the state were absolutely AWOL during this whole thing, and that troubles me”

- former Gov. Tony Earl, now a lawyer and lobbyist

“Battling MMSD in the papers and public opinion - that's one tactic,

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"They must have a very narrow agenda," Darling said. "It would sure help to have the environmental groups exert pressure on us and MMSD to ensure accountability." She said a legislative hearing on this month's dumping would likely be scheduled for July.

Others are now asking similar questions.

"The traditional environmental groups in the state were absolutely AWOL during this whole thing, and that troubles me," said former Democratic Gov. Tony Earl, now a lawyer and lobbyist.

"My large grievance with a lot of environmental groups: They are great at viewing with alarm and saying how terrible things are, and not so good at helping people find solutions," he said.

"In this case, the traditional environmental groups didn't even view with alarm. They didn't do a damn thing," said Earl, who acknowledged a history of tangling with the groups while serving as governor (1983-'87) and secretary of the state Department of Natural Resources (1975-'80).

John Brogan, a Green Bay executive, former member of the Natural Resources Board, and Democratic activist, was similarly dismissive, saying environmental activists had taken a pass on a hugely important issue.

"The environmentalists are great at occasionally pointing out a problem," Brogan said. "They aren't good at working out a solution."

### Cooperation vs. confrontation

Reasons for the environmental groups' relative quiet on dumping range from the simple - other priorities, such as transportation and power plants - to more subtle ones. After Milwaukee agreed to build the deep tunnel system following years of controversy and court battles, the aura of crisis surrounding sewer pollution faded and the focus on water pollution turned toward so-called "non-point" sources - construction and farm runoff, some analysts said.

And Milwaukee's upgraded sewer system had the added environmental bonus of treating all street runoff along with sanitary wastes - a big

but I don't think it's going to work. ”

- Derek Scheer, water policy director for Clean Wisconsin

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advantage over separated sewers. But separation - or some modified version of that - has gained some new adherents as it's become increasingly obvious that the deep tunnel simply can't handle the tremendous volume from storm sewers after big rains.

Jeffrey Foran, president of the Midwest Center for Environmental Science and Public Policy, said his group had often favored cooperation rather than confrontation, when it came to dealing with MMSD.

But he hit MMSD for this month's dumping, calling it "appalling" and saying it was undoubtedly to blame for heavy bacteria contamination at Milwaukee's beaches. That problem is likely to linger for weeks, he added.

"I can say, without data but without hesitation, that the problems that we are now seeing at the beaches are a direct result" of the big sewage discharges into the lake this month, Foran said.

He also accused MMSD officials of exaggerating results of MMSD-sponsored research that pointed to sea gulls as a major source of E. coli pollution at South Shore beach.

"They have funded research that they believe will get them off the hook," Foran said, a charge that MMSD Executive Director Kevin Shafer flatly denied.

### **Center had backed off**

Foran called for creation of a trust fund for lake pollution research, with MMSD providing the money but an independent board deciding what projects are done.

His sharp criticism stands in contrast to the group's past light touch when it came to MMSD. For example, the Midwest Center - formerly called Citizens for a Better Environment - declined to join a federal lawsuit seeking penalties against MMSD for dumping.

Foran defended that move, saying the lawsuit seemed likely to accomplish little.

The Chicago-based Lake Michigan Federation and the local Friends of Milwaukee's Rivers sued MMSD in 2002, claiming the dumping violated the federal Clean Water Act and wasn't sufficiently pursued by the state DNR. A judge rejected the claim, but the case was appealed to the 7th Circuit U.S. Court of Appeals.

Some traced the center's reticence to the fact that Foran's predecessor was Susan Mudd, the wife of former Milwaukee Mayor John O. Norquist, who effectively controlled MMSD through the mayor's

power to appoint seven of 11 MMSD commissioners. Norquist also pushed through the controversial privatization of a large part of the MMSD work force in 1998, which critics have said led to corner-cutting in the sewer system's operations.

"During Norquist's tenure, Susan Mudd was silent about this," said Bob Boucher, the former head of Friends of Milwaukee's Rivers, one of two groups that sued MMSD.

"When I came on, we did start looking hard at MMSD," Foran said.

Mudd couldn't be reached for comment.

In addition, Thomas Crawford, an MMSD lawyer and friend of Norquist's, is a longtime member of the board of Foran's group. Foran said during his tenure, Crawford hasn't tried to squelch any criticism of MMSD.

### **Sierra Club defends stance**

The Sierra Club also has taken some lumps for lying low on dumping.

Eric Uram, a Midwest Sierra Club regional representative, acknowledged that MMSD's dumping had perhaps "not gotten the full attention that it may deserve" from the organization. "But it's not like we're ignoring it," he said.

Underscoring that the matter now is fully on its radar screen, the Sierra Club issued a statement saying this month's dumping "represents a total breakdown of the systems recently put in place to deal with storm and sanitary sewage."

Even more provocatively, the Sierra Club compared May's sewage dumping to major dumping in 1993, which the club claimed contaminated the city drinking water supply with *Cryptosporidium*, "killing 137 people and sickening over 400,000."

However, the precise source of the *Cryptosporidium* parasite never was identified, and blame for the cryptosporidiosis outbreak was placed on shortcomings with the city's old water filtration system. A new filtration system was subsequently installed.

The Sierra Club also has had to respond to questions raised about whether its links with Dennis Grzezinski, an environmental lawyer and chairman of the sewerage commission, have caused it to go soft on MMSD. Grzezinski has represented the Sierra Club in its lawsuit objecting to We Energies' proposal to use Lake Michigan water to cool a new power plant in Oak Creek.

That criticism "is bunk," said Rosemary Wehnes, an organizer with the

Milwaukee Sierra Club chapter. "It really burns me up."

Grzezinski is not an officer of the Sierra Club and not a club staffer, Wehnes and Uram said. Grzezinski did not return calls for comment on his relationship with the club.

The new mayor, Tom Barrett, has said he'll keep Grzezinski on the MMSD commission.

Wehnes mentioned, as further evidence of the club's commitment to water pollution issues, its lawsuit against Cintas, an industrial laundry, over grease discharges. Part of a \$65,150 settlement of that suit will go toward water quality testing in Lake Michigan.

Derek Scheer, water policy director for Clean Wisconsin, conceded that the group has "laid off" MMSD in public. But he said the organization, formerly called Wisconsin's Environmental Decade, had stepped up its activism on water pollution issues and MMSD over the past two years.

"Battling MMSD in the papers and public opinion - that's one tactic, but I don't think it's going to work," Scheer said. He said his organization had met several times privately with MMSD officials to discuss dumping concerns.

"We are working with the polluting organization, meeting with them and talking about solutions," he said. "Yet, because we don't come out in the press on the days of the big overflows, we get criticized."

Scheer said he has come to the conclusion that separating Milwaukee's combined sewers needs to be done to fix the problem. Combined sewers carry both storm water and sanitary waste and greatly add to the flow to treatment plants after heavy storms.

While some groups admit they've had other priorities, they don't accept the premise that the environmental community has sat out the MMSD dumping issue.

Foran said it's untrue his group has sat silently on dumping, but it hasn't necessarily rushed to hold news conferences to unleash criticism, he said.

### **No clear solution**

"The environmental community may be somewhat refrained about screaming," he said, because of the difficulty in proposing a solution to such a complex problem.

"There are solutions, but they are hugely expensive," he said. And the solutions pose additional problems, he said. For example, if

Milwaukee were to separate its combined sewers, that could mean the organic and chemical pollutants that wash off streets in rainstorms would no longer be filtered at the sewage treatment plants.

Mordecai Lee, a University of Wisconsin political scientist and former member of the sewerage commission, said it's not surprising that only a few environmental groups have spoken out about dumping.

When sewage dumping issues were raised in the 1970s, environmental groups were vocal in pointing out the pollution problem but "almost couldn't care about the solution," Lee said. The massive deep tunnel project and related sewer improvements - and the nearly \$3 billion cost - also were presumed by many to have effectively solved sewer overflow problems, he said.

Journal Sentinel reporting on the issue in recent years has prodded interest in "re-evaluating whether the system was working properly or not," Lee said.

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## Asbjornson, Karen

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**From:** Matthews, Pam  
**Sent:** Tuesday, June 01, 2004 9:53 AM  
**To:** Asbjornson, Karen; Chrisman, James; Shannon, Pam  
**Subject:** FW: MJS - Environmental groups called lax on MMSD

FYI...

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**From:** Handrick, Diane  
**Sent:** Tuesday, June 01, 2004 9:05 AM  
**To:** Matthews, Pam; 'SueHome'  
**Subject:** FW: MJS - Environmental groups called lax on MMSD

This message was sent to all the representatives

**Subject:** MJS - Environmental groups called lax on MMSD

Dear Local and Wisconsin officials, I am in somewhat disagreement with today's headline and some of the content in today's Milwaukee Journal Sentinel article.

<http://www.jsonline.com/news/metro/may04/233191.asp>

Our organization Friends of Milwaukee's Rivers, Lake Michigan Federation, our hard working staffs and with the able and dedicated service of concerned attorneys filed suit with MMSD over two years ago for dumping of raw sewage in the water ways. Our local Federal Judge Clavert dismissed the case in Milwaukee so it was never tried. We appealed the case before the Federal - Circuit Court of Appeals in Chicago. The case was heard over one month ago and a decision should be reached in the near future. The legal process can be slow and a costly one. FMR is made up of grassroots type people working full time jobs that dedicate our free time and resources that we can afford to fight a battle against a giant multi-million dollar organization and the judicial process. This is truly David versus Goliath in more ways than one. Please visit our web site for more information - <http://www.mkeriverkeeper.org/>.

In the meantime, our organization (FMR) probably has at least weekly and sometimes daily contact with MMSD especially during these times of dumping. We have worked cooperatively on a number of projects and try to persuade MMSD to seek innovative solutions for stormwater loading and flood problems. Our projects are related to improving the waterways. A lot of this type of activity does not find its way into the news since these types of details would dull the senses of many people. And yes we have been working on solutions all along. It is also difficult to be a part of the solution process when the Commission Board is made up mostly of elected officials in control of governance with authority granted by the State of Wisconsin. And

the main crux of the lawsuit is there is no penalty for dumping therefore no incentive to improve the system - just keep dumping and weather the storm until maybe a bigger lawsuit from Illinois would change the character of the game.

We have not had major sewer dumping for 2 years or flooding problems because of drought conditions. Sewer and flood problems did not happen overnight. They have evolved over decades with our ongoing rapid growth and will continue to be a problem into the future. The recent flooding in Kenosha was not caused by Kenosha development practices but rapid build out of impervious surfaces in northeast Waukesha, Menomonee Falls at the head waters of the Fox River stretching south.

Solutions to sewage overflows and flooding are complex and cross many jurisdictional boundaries. As much as MMSD deserves to be taken to task, there is plenty of blame to go around across southeast Wisconsin and even at our State level since MMSD governance and power is granted by Wisconsin and the State has gutted Smart Growth planning and funding efforts that call for community cooperation to directly come up with regional solutions.

Sincerely,

David A. Ciepluch  
Board Chair of Friends of Milwaukee's Rivers  
Masters Degree in Urban Planning - Environmental Resources  
LEED Accredited Professional  
728 West Abbott Avenue  
Milwaukee, WI 53221  
414-483-9551



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# Editorial: Hand-wringing won't cut it

From the Journal Sentinel

Posted: June 3, 2004

The Wisconsin Department of Natural Resources took steps this week that could punish those responsible for dumping enormous amounts of storm water and sewage into Lake Michigan last month: people who pay water bills. Which means pretty much everyone in the Milwaukee Metropolitan Sewerage District's area of service, as well as those in other municipalities that could be fined for sewer overflows.

That's right: The same people who suffer the environmental consequences of dumping may get to pay for the privilege in higher water and sewer bills. How's that for adding insult to injury?

It's not that the DNR has much choice. The way the system is set up, MMSD could be fined for violating its water permit, which the district did pretty regularly last month. The penalties could add up to \$1 million in this case. Whatever fines are assessed will come out of the district's budget, which is paid for, of course, through water and sewer fees and other assorted taxes.

So the upshot of the dumping could be, essentially, a tax increase, as it can be any time a municipality or public utility is fined. There's some compensation, no doubt, in the feeling that others will benefit: 90% of the fine goes to a common school fund that pays for public school libraries, while 10% will go to the Milwaukee County treasurer. It would be nice if someone could find a better system, but for now, we're stuck with this one.

The tax increase would probably make taxpayers angrier than they are already. And they should be. Dumping of the magnitude that took

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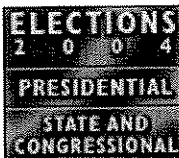
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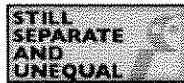
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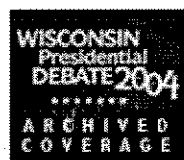


place last month is unacceptable, even in a particularly wet spring. Taxpayers should be so angry, in fact, that they move beyond the wringing-of-hands stage that many area politicians and talk show hosts have adopted to a real interest in how to actually solve the problem.

Should we separate sewers? Build more capacity into the tunnel system? Limit upstream development? Try to deal with non-point source pollution from runoff and animal waste? Fire United Water Services, the private company that operates the tunnel system for MMSD? Change the governing structure for the district? Hold MMSD officials more accountable for the district's failings? All of the above? Keep in mind that every solution will come with a price tag, and some will be exceedingly steep.

Certainly, the independent audit proposed by Milwaukee Mayor Tom Barrett should address all those issues. But it wouldn't hurt for area residents to start thinking about them now. Because, in the end, they are the ones who will have to pay, one way or another.

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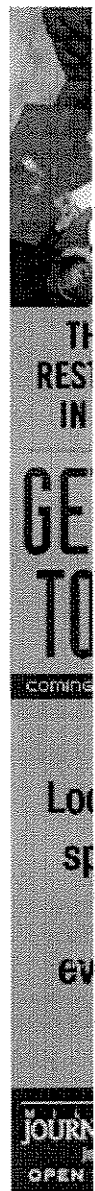


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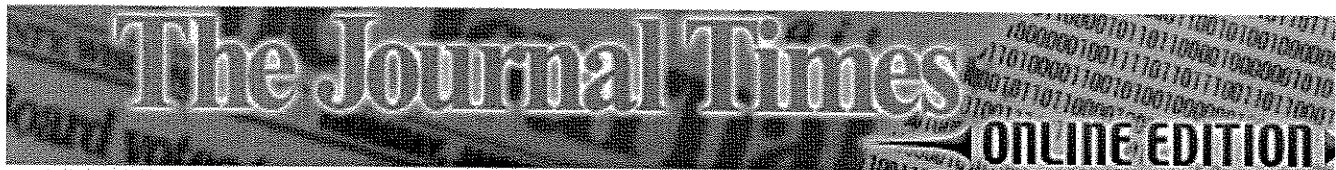
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## Ryan calls for probe of sewage dump

By Dustin Block

RACINE - U.S. Rep. Paul Ryan joined with a fellow Milwaukee-area congressman on Wednesday in calling for a federal investigation into the causes behind 4.6 billion gallons of sewage being dumped into Lake Michigan last month.

Ryan, R-Janesville, and U.S. Rep. James Sensenbrenner, R-Menomonee Falls, wrote letters to officials of the Environmental Protection Agency and the Great Lakes Interagency Task Force on May 25 calling for an investigation into what was then 1.5 billion gallons of sewage mixed with storm water dumped into the lake by the Milwaukee Metropolitan Sewerage District. An additional 3.1 billion gallons of the sewage and rain mix was bypassed into the lake as rain continued throughout the last week in May.

"I think we need some answers," Ryan said Wednesday. "This affects the Racine beaches, tourism in Racine for the summer and anyone who plans on spending their summers on the lakefront."

Heavy storms at the end of May overwhelmed MMSD's facilities and forced the utility to bypass its treatment system and dump the sewage into the lake. The amount of sewage dumped by MMSD last month alone was more than any annual total since 1993, when the city completed its "deep tunnel" project to prevent bypasses into the lake.

While the May bypass was massive, it's unclear if it will impact Racine County this summer. Currents do carry water from north to south along the Lake Michigan shore, but even 4.6 billion gallons of sewage may not be enough cause noticeable harm to local beaches.

Ryan and Sensenbrenner called on the EPA and the Great Lakes task force to examine the causes of MMSD's dumping to prevent future occurrences.

Ryan said it was the EPA's responsibility to get involved in the issue, and said the task force should make the dumping a top agenda item.

One major concern, he added, was that MMSD dumped far more sewage last month than it did seven years ago when a much larger storm hit the Milwaukee area.

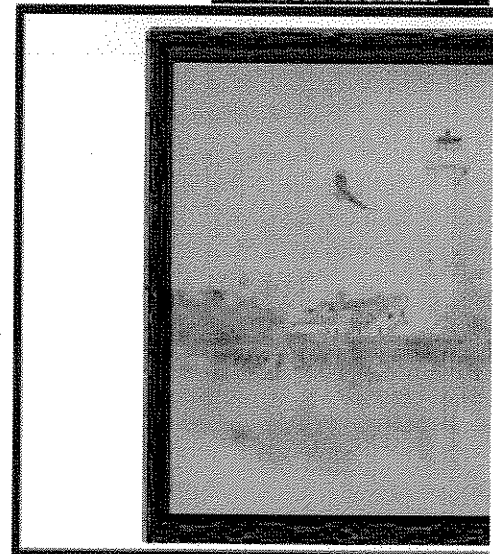
"Their performance is going down," said Ryan, whose First Congressional District includes all of Racine County.

MMSD said last month that the bypasses were necessary to avoid backups into people's homes. Officials added that no utility in the country could handle the record amounts of rain that fell on southeast Wisconsin in May without dumping some sewage.

One problem for MMSD is that its storm water and sewer systems are mixed together, forcing the utility to handle both rain and sewer water. Most municipalities, including Racine, have divided their storm water and sewer systems to minimize the impact of storms. Such a project may cost as much as \$3 billion and take 20 years - with questionable benefit.

The dumping is not expected to have a long-term effect on area beaches because it was diluted by the storm water. High bacteria levels were reported at Milwaukee beaches shortly after the dumping, but any ill effects for Racine County were gone as of Wednesday. Both Racine and Milwaukee beaches reported "good" water conditions.

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Milwaukee Journal Sentinel June 4, 2004

# MMSD told to find solutions to dumping

## DNR also orders beach, water cleanup plan

By **STEVE SCHULTZE**  
and **MARIE RONDE**  
sschultze@journal sentinel.com

The Milwaukee Metropolitan Sewerage District must find new solutions to curb future sewage dumping and develop plans to clean up waters and beaches from last month's record dumping, a top Department of Natural Resources official said Thursday.

In addition, the DNR wants MMSD to consider speeding up planned sewer improvements, said Mary Schlaefer, executive assistant to DNR

Secretary Scott Hassett.

The DNR, as expected, issued a violation notice Thursday against MMSD for discharging half a billion gallons of untreated sewage from separate sanitary sewers. The notice covers 31 specific dumping incidents, all but two of which occurred between May 10 and May 24 when heavy rains fell in the Milwaukee area.

Thursday's violation notice included two earlier dumping instances from March and April.

Schlaefer said the DNR was

likely to ask the Justice Department to sue MMSD and seek monetary penalties for last month's dumping of 4.6 billion gallons of raw sewage from both the separate and combined sewers.

"Given the circumstances, I think it is likely there will be a referral to the attorney general in this case," Schlaefer said.

Justice Department communications officer Brian

Rieselman declined to comment, saying that would be inappropriate without an actual referral.

The DNR has scheduled an enforcement conference Monday in Milwaukee to discuss the violations and potential remedial actions with MMSD officials.

MMSD Executive Director Kevin Shafer and sewerage commission Chairman Dennis Grzezinski were unavailable for comment.

District spokesman Bill Graffin said MMSD would "fully cooperate" with the DNR and would attend Monday's meeting ready "to answer any and all questions."

He noted that the district has a number of corrective projects under way. And the district also provided \$800,000 toward a study to determine sources of pollution in the rivers, estuary and the lake, he said.

The May dumping exceeded any annual volume of untreated sewage MMSD discharged since the deep tunnel system was completed in late 1993.

Milwaukee Journal Sentinel June 4, 2004

...cont. from prev. page

**From combined sewers**

The notice does not accuse MMSD in connection with the bulk of its dumped sewage — at least not yet. That's because some 4.1 billion of the 4.6 billion gallons dumped came from combined sewers carrying a more diluted mix of rainwater and sanitary waste.

MMSD may legally dump up to six times a year — without regard to volume of the dumping — from combined sewers, as long as local water quality isn't harmed.

The DNR is still evaluating whether MMSD's dumping from combined sewers also violated its permit, according to a letter sent to MMSD on Thursday.

Older parts of Milwaukee, including downtown and half of Shorewood, have combined sewers. MMSD's state permit forbids dumping from separate sanitary sewers, which serve the rest of Milwaukee and Shorewood and 26 other communities served by MMSD.

The DNR also cited Milwaukee and five suburbs — Cudahy, Whitefish Bay, Elm Grove, Hales Corners and West Allis — for dumping lesser amounts of untreated sewage in May from municipal sewer lines. Brown Deer, Bayside and Fox Point were issued violation notices earlier.

The state also is considering violations against Mequon and Thiensville for sewage dumping, the DNR reported.

Milwaukee Mayor Tom Barrett said that although fines against MMSD may be "legally appropriate," he would prefer to see money go

toward solutions and to repair damage.

"I'd rather put the money into mitigation rather than send it to Madison because frankly, if we do that, we're just going to have to turn around and ask Madison for money for mitigation," Barrett said.

State law allows fines of up to \$10,000 a day for dumping from each outfall, or sewer dumping location. That comes to a possible \$580,000 fine for MMSD, based on the list of violations in Thursday's notice. An earlier, less precise accounting of discharges by MMSD suggested an even greater number of dumping incidents and higher possible fine.

Ninety percent of any fines collected in such cases would go to a state fund to support school libraries. The remaining 10% would go to the treasurer of the county in which an enforcement lawsuit is filed.

**Legislators urge pressure**

Two key Republican lawmakers Thursday urged the DNR and Justice Department to keep pressure on MMSD.

Sen. Neal Kedzie, chairman of the Senate Environment and Natural Resources Committee, said MMSD deserved a hefty fine.

"It's about time MMSD is put on notice," said Kedzie, of Elkhorn. Even though property tax payers and rate payers would likely pay any fine assessed against MMSD, it's important that a fine be levied to show the seriousness of the situation, he said.

Sen. Alberta Darling of River Hills said fines as well as a DNR sewer-extension moratorium should be threatened to get MMSD to address sewer fixes and dumping cleanup honestly.

Under state law, the DNR has authority to stop extending sewers to any new development as a means of curbing dumping.

Rosemary Wehnes, an organizer with the Milwaukee Sierra Club chapter, said MMSD should take responsibility for cleaning up beaches and tributary streams to Lake Michigan sullied by MMSD's sewage dumping.

"If people call in and identify objects in the river that could have potentially washed in from sewage dumping, MMSD has a responsibility to make sure those items are removed," Wehnes said.

Lynn Broaddus, executive director of Friends of Milwaukee's Rivers, said she was not opposed to fines against MMSD but would prefer the money be used for a community environmental project.

"MMSD should not be treated any differently than anyone else who pollutes," Broaddus said. "We're thrilled to see that the DNR is doing its job."

Milwaukee Journal Sentinel June 4, 2004

# Hand-wringing won't cut it

The Wisconsin Department of Natural Resources took steps this week that could punish those responsible for dumping enormous amounts of storm water and sewage into Lake Michigan last month: people who pay water bills. Which means pretty much everyone in the Milwaukee Metropolitan Sewerage District's area of service, as well as those in other municipalities that could be fined for sewer overflows.

That's right: The same people who suffer the environmental consequences of dumping may get to pay for the privilege in higher water and sewer bills. How's that for adding insult to injury?

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Certainly, the independent audit proposed by Milwaukee Mayor Tom Barrett should address all those issues. But it wouldn't hurt for area residents to start thinking about them now. Because, in the end, they are the ones who will have to pay, one way or another.

## Asbjornson, Karen

---

**From:** Johnson, Dan (Legislature)  
**Sent:** Monday, June 07, 2004 4:19 PM  
**To:** Handrick, Diane  
**Cc:** Asbjornson, Karen  
**Subject:** MMSD meeting

Hi Diane,

Sue and Neal spoke today about the June 17 meeting and if we can just make this one big pow-wow, rather than have separate meetings of our own, that would be great. As I understand it, the following people or agencies will be in attendance:

- MMSD
- DNR
- Tom Barrett
- Scott Walker
- Village of Shorewood
- Jeskewitz
- Roessler
- Kedzie

So, seems like a full boat, but we'd like to make sure that Secy. Hassett is there (or at least invited) as well as someone from Doyle's office, (Pat Henderson, perhaps). And Rep. Johnsrud, if he hasn't been invited already, as we may have a joint hearing on this matter in mid-July.

Thanks Diane!

Dan Johnson  
State Senator Neal Kedzie  
11th Senate District  
(608) 266-2635

**Hoxtell, Wade**

---

**From:** eCommunications [Ce@mmsd.com]

**Sent:** Tuesday, June 08, 2004 10:04 AM

**Subject:** MMSD News Release

**Immediate Release**

**June 8, 2004**

Contact: Bill Graffin, Public Information Manager, (414) 225-2077

## **MMSD proposing to freeze nearly 1/3 of non-union salaries**

(Milwaukee, WI) – Milwaukee Metropolitan Sewerage District (MMSD) Commissioners are reviewing a compensation study that recommends major changes in the pay plan that covers approximately 115 management, professional and non-union positions.

The report, which was initiated by MMSD Executive Director Kevin Shafer in the fall of last year, would freeze the salaries of 32 employees and move most non-union employees into a pay for performance plan.

“This is an effort to control costs and taxes,” said Shafer. “We need to make sure that salaries for MMSD employees are in line with the market and that future increases are based on performance. We’re eliminating automatic cost of living adjustments for most non-union employees.” said Shafer.

Completed by Carlson Dettman Consulting, the study compared MMSD salaries to those of 15 other wastewater treatment agencies. The study found that the salaries of 32 District employees are above market pay ranges when compared to the other 15 wastewater treatment agencies. The study recommends that salaries for the 32 employees remain frozen until the market pay ranges catch up to the individual salaries. At that time, the effected employees would be eligible for a performance-based pay increase.

MMSD estimates savings related to these wage freezes will be approximately \$90,000 in 2005.

Sixteen administrative and support staff employees will continue to receive annual cost of living adjustments if they are within the new pay ranges.

The Commission is expected to act on the new pay plan in June. If approved, the new pay plan would take effect on January 1, 2005.

-30-

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**Asbjornson, Karen**

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**From:** Hoxtell, Wade  
**Sent:** Tuesday, June 08, 2004 12:15 PM  
**To:** Asbjornson, Karen  
**Subject:** FW: MMSD News Release

-----Original Message-----

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## What About Water Quality?

The ebb and flow of the separated sewer debate

By Doug Hissom

After 4 billion gallons of sewer overflow poured into Milwaukee's waterways, talk of sewer separation is officials' agendas. It should turn into quite a debate, given early discussions with some experts in the field

What's known as the combined sewer area in Milwaukee County includes a 22-square-mile piece of the city roughly from Bay View to Shorewood and west to the city limits at Wauwatosa. It's an area where rainwater and sewage combine and travel in the sewers, to be treated primarily at the Jones Island treatment plants of the Metropolitan Sewerage District. The rest of the metro area has separated sewers, where rainwater runs directly into the waterways and the sewage runs to treatment plants for processing.

Talk of separating the sewers has become more popular in light of the recent overflows. Milwaukee Mayor Tom Sawyer has mentioned that he wants to study the idea. MMSD has a 2020 planning committee that will produce an estimate on the costs of sewer separation by August.

### Separate But Not Equal

The fundamental question involving such a project should be whether or not it will improve the water quality. The bottom line, it appears, is that it will not. Even with the current sewer-overflow problem, scientists agree that street run-off as part of the combined sewers is preferable to letting it go untreated into the nearest waterway. 80% of the wastewater running through the system during a rainstorm is pretty much run-off water.

It turns out that water running off the streets into the rivers around here can have some really bad stuff in it. A conference of sewerage agencies called runoff the "Superfund issue of the next 10 to 20 years."

The crux of the debate comes down to this: If the sewers are separated sewage overflows should be eliminated. The street run-off will go directly into the lake even during mild rains. Although the thought of sewer overflow may be more revolting, the street run-off is more toxic.

The parts of the city that have combined sewers are generally those without much grass or places to absorb runoff, allowing the pollutant-laden water a quick ride to the rivers if they weren't being cleansed at the treatment plants.

What's in that water? Chlorides from salt used on roads in winter; coliform bacteria from animal waste and sewer hook-ups; heavy metals from auto brakes, coolants, paints and metal platings; fertilizers; herbicides; oil and grease; and sediments from construction projects.

And these high levels of fecal matter, fertilizer and industrial runoff will get to the rivers every time it rains when the sewers overflow as it is now, warn water-quality experts.

"It would be a huge step backward in water quality," says Sandra McLellan, a scientist at the UW-Milwaukee Lakes Research Institute, when asked about separating the combined sewers.

She also notes that when the sewers overflow, most of what drains into the rivers is bacterial content, which washes down rather quickly. In contrast, chemicals from car exhaust, pesticides and oils never really deteriorate or build up in the water. They can be eliminated at the treatment plant, however.

Erik Christensen, an engineering professor at UW-Milwaukee did a study on water quality after the deep trenching project and found that conditions did improve. He says, however, that separation "should be given some serious thought. It's very expensive, but someone should look into it."

Christensen says some runoff concerns could be dealt with through holding ponds and other diversionary projects.

## Asbjornson, Karen

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**From:** Sen.Kedzie  
**Sent:** Wednesday, June 09, 2004 12:31 PM  
**To:** Hassett, P. Scott; Henderson, Patrick - Office of Governor Jim Doyle; Jordahl, Harald - Office of Governor Jim Doyle; 'CountyExec@milwcnty.com'  
**Cc:** Heinen, Paul H; Schlaefer, Mary W. (DNR)  
**Subject:** MMSD Summit: June 17, 2004

June 9, 2004

To: Scott Walker, Milwaukee County Executive  
Scott Hassett, Secretary - Wisconsin Department of Natural Resources  
State Representative DuWayne Johnsrud - Assembly Natural Resources Chair  
Pat Henderson - Office of Governor Jim Doyle  
Jordy Jordahl - Office of Governor Jim Doyle

Recently, Representative Sue Jeskewitz and Senator Carol Roessler initiated a private meeting to discuss the Milwaukee Metropolitan Sewerage District with the Department of Natural Resources and other interested parties. That meeting is scheduled for 9:00 a.m. on Thursday June 17, 2004 at the DNR in Milwaukee.

In order to avoid duplicity, I am requesting your attendance (or a member of your staff) at this meeting as I also considered organizing such a meeting prior to any public hearings, which may be held sometime in July. Please reply to this e-mail as soon as possible if you are able to attend or not. We hope our discussion will be productive and useful as we collectively work towards some type of resolution to this important matter.

Thank you very much.

**Neal Kedzie**  
Chair, Senate Environment and Natural Resources Committee  
State Senator  
11th Senate District

**MMSD Summit: June 17, 2004 9:00 - 11:00**  
**Wisconsin Department of Natural Resources - Milwaukee**  
**2300 N. Martin Luther King Drive (3<sup>rd</sup> Street)**  
**Room 141**  
**Parking available on 2<sup>nd</sup> Street**



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## OPINION

Posted June 14, 2004

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# Editorial: Here are some quick takes on in the news

## EPA drops the ball on Milwaukee sewage

It should have been a no-brainer for the U.S. Environmental Protection Agency to figure out that Milwaukee's flagrant abuse of Lake Michigan is unacceptable.

The city and its suburbs, after all, had dumped billions and billions of gallons of sewage into the lake over the past 10 years, preferring to unload it on lakeshore neighbors back up in their basements.

The EPA was curiously quiet, however, until almost 6 billion gallons of Brew City sewage wound up in the lake in May. Reacting to the criticism that followed, the federal Midwest administrator finally acknowledged that Milwaukee's sewerage system "was not to be the comprehensive solution to the problem."

Floating tampons, condoms and smelly brown sludge after previous dumpings at Milwaukee weren't much of a clue.

## State tax increases lower than most

As we have known for a long time, Wisconsin is one of the highest taxing states in the country. But a recent report by the National Association of State Budget Officers says our increase in personal taxes during this fiscal year is much lower than most.

According to the statistics published in The Wall Street Journal, only 15 states had smaller increases in fees and taxes, on everything from income to real estate and capital gains, in the fiscal year that ends in two weeks.

Wisconsin has had a total increase of \$1.8 billion in fees and taxes this fiscal year, while 15 other states showed either no increase or a decrease, 35 other states had higher hikes. For example, Michigan had a total increase of \$2.8 billion, while Ohio had an increase of \$1.5 billion.

It's something to cheer, anyway.

## Campaign-finance reform ignored again

