

No surprise here.

Gov. Jim Doyle and the Wisconsin Legislature have worn their halos with pride, champion campaign-finance reform while doing absolutely nothing about it.

We'll get to it in spring, they promised for months, and then vacated the Capitol following through.

They could still reconvene to make good on their pledge. But don't hold your breath. State campaign-finance abuse of criminal proportions and overwhelming popular reform, the Madison insiders like the cash that rolls in more than they respect the

We're happy Bothof is sticking around

University of Wisconsin-Green Bay Athletic Director Ken Bothof decided last week to leave his present job rather than be considered for a similar post at St. Louis University. He was an associate athletics director at St. Louis before taking the UWGB job in November.

It's our gain.

Since Bothof came, things have definitely been on the athletics upswing at UWGB. Todd Kowalczyk to turn around a sagging men's basketball program, and he's done it. Phoenix Fund, a fund-raising arm for the athletics department, has doubled in dollars and tripled in membership since Bothof came.

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Don't Throw State In Dumping Debate

Wisconsin State Journal :: LOCAL/WISCONSIN :: B1

Saturday, June 12, 2004
George Hesselberg

Whenever someone starts a sentence with the words "Don't you feel sorry for Wisconsin," you know that whatever you hear next, you're not going to like.

So it was Wednesday, when Chicago Sun Times columnist Neil Steinberg started a sentence with those very words.

Even worse, the sentence before that sentence was: "Have some pity."

Pity? For Wisconsin? Where pity is almost the official state angst?

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Steinberg was casually chiding his congressman, Mark Kirk, for describing Wisconsin waste polluting Lake Michigan as "cheesehead sewer water."

As he wrote: "While I'm normally indifferent to the feelings of the justly maligned, this is Wisconsin we're talking about. Have some pity. Don't you feel sorry for Wisconsin? I sure do. So close to Chicago, yet still an isolated nowhere of cows and dogtracks and cheese,

populated by those who never got their lives together enough to move here. Wisconsin is like the dim brother who lives in the basement and nobody talks about. You don't want him teased."

Well, uh, thanks.

Steinberg and his amusing friend are correct about the sewage, though there is a perpetual debate within the confines of nowhere (Wisconsin) about whether Milwaukee area residents qualify as "cheeseheads." (Even though the spongy non-cheese-colored headgear was invented there.)

The sewage? Last month the Milwaukee Metropolitan Sewerage District dumped 4.6 billion gallons of untreated sewage -- known also rather untastefully as "raw" sewage -- into Lake Michigan, where it disappeared. I guess Chicago found it.

Recent news reports from Milwaukee quote Environmental Protection Agency officials as considering this to be "extremely serious." (I wonder how many billions it would take for it to be "great, big, huge, honking intolerable.")

The solution, the officials predicted, will be "complex, expensive and time-consuming."

A person almost -- almost -- might prefer to dip a pinkie into the pretty, multi-colored waters around Navy Pier.

Why any city would want to dump bad things into the body of water upon which it places some pride and a few big boats is beyond me. In Madison, we do it the old-fashioned way. We simply spread it on our lawns and let nature take its course. We would prefer, ahem, that Milwaukee and Chicago keep this exchange of, um, inflammable rhetoric, between themselves.

But Steinberg had to throw the whole state into the mix, which makes some of his pity well-aimed. We, too, pity Milwaukee.

Except for that part about "Wisconsin is like the dim brother who lives in the basement and nobody talks about. You don't want him teased."

He's got this all wrong.

That's not our brother in the basement, that's our cousin from Illinois.

Please pass the pity, and when the wind is blowing just right in Chicago, you know they have just flushed in Milwaukee.

Which just shows, though we may have never gotten our lives together enough to move to Chicago, parts of us just seem to belong there.

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Editorial: Yes, dumping is bad. Next?

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From the Journal Sentinel

Posted: June 13, 2004

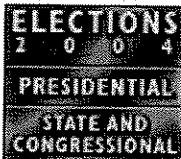
An Environmental Protection Agency official announced the other day what everyone in southeastern Wisconsin already knows: The dumping of storm water and sewage into Lake Michigan this spring was "extremely serious" and "unacceptable." But the official was a little light on what to do about the problem, except to suggest that the fix will be complex and - of course - costly.

Like a lot of critics of the Milwaukee Metropolitan Sewerage District, the EPA official didn't suggest any specific solutions for the problem. To his credit, he *did* say the EPA would work with MMSD on finding an answer. Interestingly, his suggestion that the fix is likely to be expensive implies that the problem lies more in a physical system unable to handle the influx of water than in the way that system is being managed.

A final determination on that has still to be made - and it should be a high priority of the independent audit that's been proposed by Milwaukee Mayor Tom Barrett - but we're inclined to agree. It does appear that the system was built too small, based on premises that underestimated the rapid development and amount of upstream pollution and water that would enter the system.

It would be simpler if the answer were a change in management. And it would be nice if a lawsuit by the Sierra Club could make the problems go away, as state Sen. Alberta Darling (R-River Hills), former Democratic Gov. Tony Earl and Wisconsin Manufacturers & Commerce seemed to suggest recently. But using the district's problems to launch simple-minded political attacks - which is what Darling, the WMC and Earl were really doing - probably won't reduce by one gallon the amount of sewage that will enter Lake Michigan the

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next time heavy rains hit the area.

The real answer will require more thought and - probably - a technical and very expensive solution. It will be interesting to see whether Darling and other critics are concerned enough over pollution in the lake to support the tax increases that a technical solution could require.

Still, the critics' basic points are undeniable. The dumping is unacceptable, and something must be done - without breaking the backs of local taxpayers. The trick now is to move forward. Barrett, who suggested the audit and who is talking about getting federal funds and help, seems to be on the right track. Other critics could best help by joining him rather than simply continuing to whine or make jokes about what's floating in the lake.

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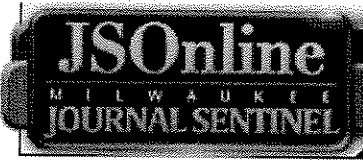
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Suburbs want say in fixing sewers

Debate over billing, representation echoes past 'wars'

By LISA SINK and AMY RINARD
lsink@journalssentinel.com

Posted: June 13, 2004

If Milwaukee wants the suburbs in outlying counties to help pay for expensive sewer fixes, those suburbs deserve greater representation in choosing what fixes are done at what cost, some community leaders say.

Others balk at paying anything at all, saying that if the way to reduce sewage dumping into Lake Michigan is by separating Milwaukee's combined sanitary and storm water sewers, Milwaukee should pay for it alone.

Debate about potential billion-dollar fixes to last month's 4.6 billion-gallon dumping by the Milwaukee Metropolitan Sewerage District is reviving questions of district governance and billing methods that loomed large in the so-called sewer wars.

Although suburban leaders say they don't want to repeat that bitter, protracted legal and political battle, some are raising the same disputes.

"The bottom line will come down to who makes the decisions," said Neil Palmer, an Elm Grove village trustee who helped negotiate the \$140 million settlement that ended the sewer wars in 1996.

"Everybody has a responsibility to deal with the issue because of its

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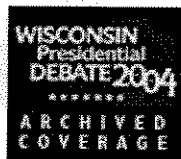
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environmental effects and its economic effects," Palmer said. "The point is, how will a decision be made."

Resentment and distrust remain over how the district decided to build the nearly \$3 billion deep tunnel system and bill suburbs for their share of the construction costs based on their property values, Palmer said.

Eight communities in Waukesha, Ozaukee and Washington counties lost a 13-year fight to base sewer costs on usage - how much waste communities flush into the system.

They also failed to persuade state lawmakers to change the makeup of the sewerage commission - a non-elected taxing authority. Seven of the 11 commissioners are appointed by the Milwaukee mayor. The other four are appointed by the Intergovernmental Cooperation Council, which represents the Milwaukee County suburbs.

"The decision on which course to take, meaning build a deep tunnel versus beginning separation, was a political decision, not a technical decision or an economic one," Palmer said. "Time has shown that that was not a very good decision."

Suburbs want seat at table

Menomonee Falls Village President Jefferson Davis said, "We were told eight years ago and after \$140 million that this problem was taken care of. Well, it's obvious that it hasn't."

Davis said residents are pushing him to not pay "one more dollar" for new upgrades unless changes in governance and billing occur. "We want to pay our fair share, but we don't want any more flawed concepts," he said. "We want some representation on that MMSD board because it's taxation without representation."

State Sen. Neal Kedzie (R-Elkhorn) said governance will be reviewed.

"I've already told the various parties involved, including MMSD, that anything and everything needs to be put on the table when we discuss the potential solutions to the present problem - and that includes governance," Kedzie said.

Barrett calls for calm

Milwaukee Mayor Tom Barrett said there is no need for suburban officials to start bracing for Sewer Wars Part II.

The cost of separating the sewer system and an analysis of whether it would be worth the price are among a long list of sewer-related questions that are part of a special study he ordered on sewage



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dumping by MMSD, he said.

"I am not proposing this (sewer separation), but since a number of people have asked about it, I think it's important that we put forth what the costs are and what the benefits are so we can have a real public debate on it," Barrett said.

Earlier this month, Barrett suggested that the suburbs chip in to help pay for any work on a separated sewer system because Milwaukee residents, especially in poor neighborhoods, simply could not afford to pay the cost.

He also emphasized his belief in regional cooperation and the need to recognize the Milwaukee region as a single economic entity.

"It's not like here's Tom Barrett proposing to stick it to the suburbs," Barrett said.

Tunnel a 'failed boondoggle'

Michael McDonald, a Menomonee Falls trustee who chairs the village's sewer utility committee, said he was having a hard time fathoming throwing more money to fix the deep tunnel, which he called a "failed boondoggle."

MMSD has blamed leaky suburban sewers as a major cause of deep tunnel overflows. Suburban leaders said they have spent millions tightening their sewers to keep rainwater from entering sanitary sewers, while Milwaukee continues to send rain through a combined system.

"We are responsible for our system," New Berlin Mayor Ted Wysocki said. "Brookfield is responsible for its system. Milwaukee should be responsible for their system. . . . It's on their dime to fix it."

Mequon Mayor Christine Nuernberg said, "We have to look at the science before we do anything. What's actually going to work?"

Municipal budgets are already stretched thin, she said. And others noted that debate continues on tax levy freezes and constitutional amendments limiting tax increases.

"Raising property taxes to fix a system in another community, the reality is that just isn't going to happen," Nuernberg said.

Federal funds suggested

Barrett said there are places other than the suburbs to get funding for sewer projects.

"If there's going to be a large cost, the first place I'm interested in going for money is the federal government," he said.


With several other cities along the Great Lakes facing sewer problems similar to Milwaukee's, preserving the quality of the Great Lakes' water supply should be a federal priority, Barrett said.

"I'm willing to work with anyone to solve this problem," he said, urging suburban officials to remain calm while the sewerage system studies are done.

"All I am saying is, give peace a chance."

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Walker favors separating sewers to stop dumping

He says new lines should be added as sewers are upgraded

By STEVE SCHULTZE
sschultze@journalsentinel.com

Posted: June 13, 2004

Milwaukee County Executive Scott Walker will announce his support today for gradual separation of Milwaukee's combined sewers, as part of a program aimed at avoiding dumping of raw sewage.

Any time a street or sewer project is undertaken in the city, a separate line should be installed so eventually a network of separate sanitary and storm sewers is created, Walker said. The older portions of Milwaukee and Shorewood are the only parts of the Milwaukee metropolitan area that don't already have separate sewer lines.

While that may not provide immediate relief from the area's dumping woes, it would set the area on a course to correct the local sewer system shortcomings, Walker said.

"If we started it 20 years ago, we'd be well on our way of solving things," he said.

He had no cost estimate or timetable for such an approach, which was proposed earlier by the Wisconsin Underground Contractors Association.

Water Woes

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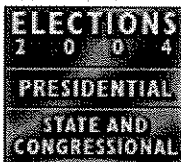
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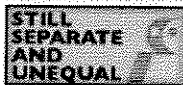
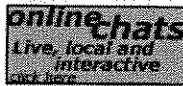
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The city of Milwaukee is spending nearly \$20 million this year to replace old combined sewer pipes with new combined pipes. The contractor group, which hopes to compete for the additional work such a program would entail, has said it would make sense to install a new separate sewer line when such repairs are done.

Bill Graffin, spokesman for the Milwaukee Metropolitan Sewerage District, said Sunday the district supports separating the sewers when studies show that it would improve water quality and be cost effective.

A combined sewer system can become overloaded after large rainstorms and be forced to dump untreated sewage, Graffin said. But under normal conditions, that system - unlike separate sewers - offers the advantage of treating runoff from streets and yards that contain pollutants such as fertilizers, he said.

"It's something that needs study, and that's what we're doing right now. What a lot of people don't realize is that if you separate, you'll actually hurt water quality," Graffin said.

Walker also said he favors a change in Milwaukee's ordinance to require disconnection of home and business downspouts from the sewer system, as another way of diverting flow to the sewers. Disconnection of downspouts was forbidden until 2001, when it was changed to permit - but not require - the practice.

Walker also said the county should push for separating new sewers for development in the Park East Freeway corridor, consideration of construction of additional storm water detention ponds and review of all county facilities to make sure storm water is diverted from the sewers.

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Asbjornson, Karen

From: Willy Rogalinski [rogalinski@nisi.net]
Posted At: Monday, June 14, 2004 8:27 AM
Conversation: this problem pisses me off
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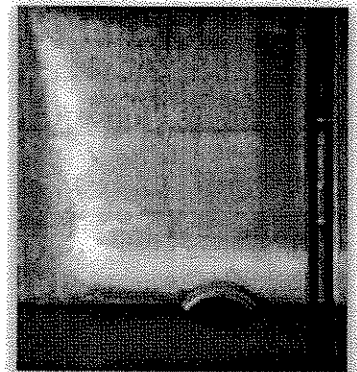
Milwaukee's Mess

by Christopher Westley

[Posted June 14, 2004]

Perhaps you have heard that the bureaucrats running the Milwaukee Metropolitan Sewerage District recently dumped 4.6 billion gallons of raw sewage into Lake Michigan along the Wisconsin coast. What's more, they did it as a matter of policy.

That you probably haven't heard about this scandal says much about the sycophantic relationship between the public sector and the so-called free press in this first decade of the 21st century[1], showing that press coverage is lacking in other areas than simply its coverage of Iraq. It also indicates much about the degree to which the public sector is held to a lower standard than the private sector, a relation which is true, to varying degrees, throughout the United States, but especially in that birthplace of the Progressive Era, the Peoples Republic of Wisconsin.



I know about this scandal because of a recent trip to that state. You can't walk along the lake there without covering your nose and wondering if you are endangering your health. The beaches along the lakefront—always a popular destination during Memorial Day weekend—were closed. From what I could tell, the locals are mad as hell about the situation and are completely unable to do anything about it, so entrenched are the perpetrators of this crime.[2]

How could this happen? The answer is a textbook case that could have fit well as an appendix to Ludwig von Mises's *Bureaucracy*.

Several years ago, MMSD officials decided to upgrade its sewer system by creating a deep tunnel that would feed raw sewage with rain water to its water treatment facilities. This \$3 billion project took several years to complete and was touted as the answer to an existing sewage system that was so old that it had become an environmental and health hazard.

The risk in choosing a single "deep tunnel" system combining both types of wastewater lie in deciding what to do when excessive rainwater stressed the system. Many thought that a dual system of piping that separated rain from waste water was a safer, if more expensive, solution in an area of the country known for heavy spring rains. Instead, the city decided on the deep tunnel with the understanding that whenever the system reached capacity, it would dump the overflow into the lake.

Although this was a policy that would probably have resulted in criminal penalties if ever adopted by a private firm, in hindsight, this was probably a tough call. One had to balance the possibility of overflow with the short-term savings of the deep tunnel (even though both options cost in the billions of dollars). These decisions are much more likely to be made correctly when those who are making them stand to experience benefit or harm as a result. And as should be no surprise to readers of Mises.org, this is much more likely when such decisions are made in the private sector. Mises writes about this phenomenon in *Bureaucracy* (1983, pp. 50-52):

Bureaucratic management is management bound to comply with detailed rules and regulations fixed by the authority of a superior body. The task of the bureaucrat is to perform what these rules and regulations order him to do. His discretion to act according to his own best conviction is seriously restricted by them.

. . . The objectives of public administration cannot be measured in money terms and cannot be checked by accountancy methods. . . . Within a business concern such things can be left without hesitation to the discretion of the responsible local manager. He will not spend more than necessary because it is, as it were, his money; if he wastes the concern's money, he jeopardizes the branch's profit and thereby indirectly hurts his own interests. But it is another matter with the local chief of a government agency. In spending more money he can, very often at least, improve the result of his conduct of affairs. Thrift must be imposed on him by regimentation.

. . . In public administration there is no market price for achievements. This makes it indispensable to operate public offices according to principles entirely different from those applied under the profit motive. . . . Bureaucratic management is management of affairs which cannot be checked by economic calculation.

So, where does this leave the city of Milwaukee? Currently, there is much finger pointing going on. [3] There are plans to appoint a commission to study the scandal and learn whatever is necessary so that it does not happen again. Members of the state legislature are planning hearings. These responses amount to predictable nonsense meant to convey the message to an angry public that the system can still work if only, yet again, it can be tweaked in the right way.

But unfortunately, the system can be tweaked indefinitely, and to no avail, as long as the incentive structure facing decision makers is not changed. The likelihood of anyone being held criminally responsible currently seems quite low. No one has been fired. More tellingly, lawyers have not exactly been lining up at the trial bar to file cases against the perpetrators of this crime like they did shortly after the oil spill of the Exxon Valdez in the 1980s.

Remember that? Back in 1989, a drunken ship captain named Joseph Hazelwood literally fell asleep at the helm of his oil tanker as it ran aground on Bligh Reef in Alaska's Prince William Sound, causing about 11 million gallons of oil to spill into the water. Exxon was found guilty of negligence and a \$5 billion verdict was issued against it. Though the area harmed by the oil spill has largely recovered, some adverse effects still linger.

The incident shows how private sector actors are held responsible for their actions. This is as it should be. One of the great benefits of private property is that owners are held liable when property is used to damage others. This promotes more responsible use of property and causes it to be used in ways that are socially optimal.

There are other contrasts as well. Eleven million gallons of oil spilled into a body of water connected to an ocean is small potatoes compared to 4.6 billion gallons of raw sewage dumped into a great lake. This makes the dichotomy between the reactions to the Exxon Valdez and the smelly mess in Milwaukee so glaring. (Do environmentalists only condemn private sector perpetrators of ecological damage?) And while the costs of Exxon's oil spill can easily be assigned to the firm's

shareholders, the costs of MMSD's poor stewardship must be socialized among the taxpayers.

Currently, Milwaukee residents are being told that the long term solution to its sewage problem lies in switching to the dual piping system, another multi-billion dollar project on top of the relatively new deep tunnel system. Whether this system is implemented (as seems likely) or not, taxpayers will continue to pay by either enduring disgusting lake breezes or in increased taxes in order to finance the improvements.

But they will pay. As someone with familial roots in the Milwaukee area going back over 150 years, I find the situation scandalous and discouraging, but hardly surprising. The city of Milwaukee has long been dominated by left-liberal political machines that have ruined what was once a great city and have, over the last several decades, caused an exodus to outlying suburbs and other states that pose lesser threats to disposable incomes.

When I visit Milwaukee today, I am struck by the extent to which it is living on the fumes of past accomplishments. Unfortunately, those fumes have long turned sour. Much stinks in Milwaukee, and it isn't just coming from the lakefront.

Christopher Westley, Ph.D., teaches economics at Jacksonville State University. See his [Mises.org Daily Articles Archive](#). Send him [MAIL](#). Comment on this article on the [blog](#).

[1] A search on the invaluable Google News site under the terms "Milwaukee" and "raw sewage" recently yielded only 32 articles, most all of them from regional news sources.

[2] From [MSNBC](#), May 23, 2004: "The sewage dumpings come at a time when residents of the Milwaukee area are gearing up for summer. Many people who were at the lakefront Saturday voiced concerns about the lake water. 'It's pitiful,' said Danny Anaya, 19, after fishing near the grounds of Summerfest. 'You can see brown stuff and diapers floating around.'

" 'I think the dumping is criminal,' said Craig Stocks, 51, of Caledonia as he stepped out of Lake Michigan near South Shore Park. He had just cleaned his sailboat and said he would immediately wash his hands. He plans to sail this summer but will try to stay out of the water. 'I'm not going to swim in it,' he said. 'If I fell in and swallowed the water, I'd worry about getting dysentery.' "

[3] From the Milwaukee Journal Sentinel, May 29th, 2004: "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. '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.' "

Asbjornson, Karen

From: Sen.Kedzie
Sent: Tuesday, June 15, 2004 3:05 PM
Subject: MMSD Summit: June 17, 2004 - Milwaukee

Thank you for your interest and participation in our meeting regarding the Milwaukee Metropolitan Sewerage District. Attached is the agenda for the morning meeting and we hope to stay on topic and work collectively towards reasonable and workable solutions to this important issue.

If you have any questions, feel free to contact my office.

Sincerely,

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



MMSD Summit
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2001-02 MMSD State Audit Report: <http://www.legis.state.wi.us/lab/reports/02-12full.pdf>

**Roundtable Discussion of the Milwaukee Metropolitan Sewerage District
Wisconsin Department of Natural Resources – Milwaukee Office, Room 141
2300 N. Martin Luther King Drive (N. 3rd Street), Milwaukee
Thursday June 17, 2004 – 9:00 a.m. to 11:00 a.m.**

Legislative Hosts

State Senator Neal Kedzie

Chair, Senate Environment and Natural Resources Committee

State Senator Carol Roessler

Co-Chair, Legislative Audit Committee

State Senator Alberta Darling

8th Senate District

State Representative Sue Jeskewitz

Co-Chair, Legislative Audit Committee

State Representative DuWayne Johnsrud

Chair, Assembly Natural Resources Committee

Attendees

Tom Barrett, Mayor – City of Milwaukee

Scott Walker, County Executive – Milwaukee County

Kevin Schafer, Director – Milwaukee Metropolitan Sewerage District

Scott Hassett, Secretary – WI Department of Natural Resources

Mary Schlafer, Executive Assistant – WI Department of Natural Resources

Gloria McCutcheon, Regional Director – WI Department of Natural Resources

Pat Henderson/Jordy Jordahl – Office of Governor Jim Doyle

Mark Kohlenberg, President – Village of Shorewood

Jan Mueller – Wisconsin Legislative Audit Bureau (and staff)

Other attendees may include additional DNR staff, MMSD officials, staff from legislative offices, and staff from municipal offices.

Agenda

1. Welcome and Introductions
 - Opening Remarks by Legislators
 - Opening Remarks by MMSD
 - Opening Remarks by DNR
 - Opening Remarks by Milwaukee County Executive
 - Opening Remarks by Milwaukee Mayor

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 - Potential costs and funding sources
 - Potential actions by EPA

4. Summary and Adjournment

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Deal for lake water may bring sewer funds

It could be the solution for two big regional problems

By STEVE SCHULTZE, MARIE ROHDE and LEE BERGQUIST
sschultze@journalsentinel.com

Posted: June 14, 2004

Milwaukee needs a major and likely expensive fix for its dumping-prone sewers.

Waukesha and other eastern Waukesha County communities need a new water supply.

And Great Lakes governors are thinking of changing the rules on sharing water with communities near the lakes.

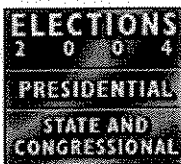
Those three developments, coupled with some key local officials who are at least open to the idea of a sewer-for-water swap, have begun to generate some buzz about what would amount to a seismic shift in regional cooperation.

Another key element in the hypothetical deal: tax revenue sharing, a far-reaching idea. The water-seeking Waukesha suburbs would agree to funnel some of the property taxes from their new commercial and industrial development to Milwaukee in exchange for tapping Lake Michigan.

Unlike his immediate predecessor, Milwaukee Mayor Tom Barrett

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Quotable

“ We have to look to partnerships in service sharing and forget about boundaries. ”

- Carol Lombardi, Waukesha mayor

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said he's open to exploring the notion.

"Whether it's water, whether it's sharing the tax base, I think all those issues are issues that certainly create an opportunity for regional cooperation," Barrett said. "It's far too premature to say what the quid pro quo might be, but I think having the conversation is a good starting point."

To prosper and compete with other economic centers in the country, southeastern Wisconsin communities must forge ties and get past old parochial jealousies, he said.

Barrett is not pushing a specific sewer-for-water swap. And he was cautious in discussing the idea, which is bound to reopen old wounds and stir old rivalries, including the "sewer wars" deal that resulted in suburban communities' helping to pay for the deep tunnel and other sewer projects based on property value.

After the Milwaukee Metropolitan Sewerage District's historic dumping of 4.6 billion gallons of untreated sewage last month, pressure has mounted for a fix - something that officials have said could cost billions.

Leaders are talking

Discussions are quietly taking place among city and suburban leaders on the general notion of the sewer-for-water swap.

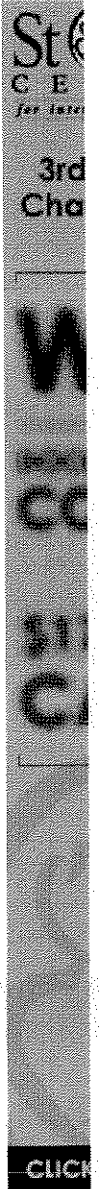
Tim Sheehy, president of the Metropolitan Milwaukee Association of Commerce, is arranging a more formal presentation with local officials. He said he wants to have the session within about a month, and that it would feature information about a similar deal approved two years ago with Racine and three surrounding communities.

After six years of negotiations, Racine agreed in 2002 to provide municipal sewer and water to neighboring Mount Pleasant, Sturtevant and the Town of Caledonia. The deal allows the smaller communities to fulfill their development and expansion plans; the city will get part of the tax revenue from the development.

The money Racine gets may be used only to redevelop rundown neighborhoods, clean up old industrial sites and support endangered civic assets such as the city zoo, art museum and library. The smaller communities are also paying for badly needed and expensive upgrades to the sewage treatment plant.

Racine has already received \$1 million of the \$74 million it is expected to get over 30 years.

Waukesha County Executive Dan Finley is an enthusiastic backer of



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the general idea for the Milwaukee-Waukesha area. He said it would be difficult to accomplish but, if successful, would usher in "a landmark change in the way the region is governed."

Finley said, "It arguably would be one of the biggest changes in the history of the region."

The timing might be right for something such as a sewer-water swap and tax revenue sharing, he said.

Officials with the City of Waukesha already have met with Milwaukee and state Department of Natural Resources officials to discuss technical details of moving water from the lake to Waukesha, said Dan Duchniak, director of Waukesha's water utility.

Waukesha Mayor Carol Lombardi said the city would consider some kind of sharing with Milwaukee.

"I am a big supporter of regionalism," Lombardi said. "We have to look to partnerships in service sharing and forget about boundaries."

Lombardi said Waukesha officials are laying the groundwork for a possible deal with Milwaukee or perhaps Oak Creek.

Until former Milwaukee Mayor John O. Norquist left office in January, the idea had no life because Norquist was adamantly opposed to selling Lake Michigan water. Barrett at least might consider the move.

Report calls for change

Laws banning diversion of Great Lakes water also pose a substantial obstacle to the deal. But a draft report being circulated among Great Lakes governors and Canadian provincial premiers calls for amending the 1986 Water Resources Development Act, which gives each governor and premier the right to veto water deals, according to the Council of Great Lakes Governors.

The much-anticipated report could offer new ways to manage the Great Lakes.

A guiding tenet: Water taken from the lake would have to be cleaned and returned to the lake, presumably through municipal water and sewer systems. Communities that could not return the water would have to pay for projects such as restoration of wetlands.

Todd Ambs, a DNR official familiar with the report, acknowledged that different scenarios have been analyzed in the report, including one that closely resembles the Milwaukee-Waukesha situation.

By law, Great Lakes water can't be extended to communities outside the subcontinental divide - a line that runs through eastern Waukesha County, roughly along Sunnyslope Road - unless they get approval from all eight Great Lakes governors and the premiers from Quebec and Ontario, Canadian provinces bordering the lakes.

The change that Great Lakes officials are reviewing must win approval from state legislatures and Congress before the Waukesha diversion could occur.

Waukesha is eager to explore the Lake Michigan option. In addition, the U.S. Environmental Protection Agency and the DNR have ordered the city to reduce radium in drinking water by 2006.

In the short run, Waukesha is spending \$8.2 million to dig two new wells. "But they aren't the long-term water supply solution," Duchniak said.

In the long run, Duchniak said, the city has two options: dig new wells in western Waukesha County or tap into Lake Michigan. Officials estimated the cost of tapping into the lake at \$44 million and the cost of digging new wells at \$77 million.

But digging more wells might exacerbate groundwater problems in Waukesha County, where demand for water is outstripping supply.

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Asbjornson, Karen

From: Sen.Kedzie
Sent: Thursday, June 17, 2004 3:40 PM
Subject: MMSD Summit: thank you!

Just a short note to thank you for your participation in today's MMSD meeting in Milwaukee. I believe our discussion was productive and will assist us as we move forward to a public hearing before the standing committees of the Legislature later in July.

Again, thank you and please feel free to contact our office with any additional, pertinent information.

Sincerely,

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

**Roundtable Discussion of the Milwaukee Metropolitan Sewerage District
Wisconsin Department of Natural Resources – Milwaukee Office, Room 141
2300 N. Martin Luther King Drive (N. 3rd Street), Milwaukee
Thursday June 17, 2004 – 9:00 a.m. to 11:00 a.m.**

Legislative Hosts

✓ **State Senator Neal Kedzie**
Chair, Senate Environment and Natural Resources Committee

✓ **State Senator Carol Roessler**
Co-Chair, Legislative Audit Committee

✓ **State Senator Alberta Darling**
8th Senate District

✓ **State Representative Sue Jeskewitz**
Co-Chair, Legislative Audit Committee

State Representative DuWayne Johnsrud
Chair, Assembly Natural Resources Committee

✓ *Rep. Jeff Stone*

Attendees

- ✓ **Tom Barrett**, Mayor – City of Milwaukee
- Scott Walker**, County Executive – Milwaukee County
- ✓ **Kevin Schafer**, Director – Milwaukee Metropolitan Sewerage District
- ✓ **Scott Hassett**, Secretary – WI Department of Natural Resources
- Mary Schlafer**, Executive Assistant – WI Department of Natural Resources
- Gloria McCutcheon**, Regional Director – WI Department of Natural Resources
- Pat Henderson/Jordy Jordahl** – Office of Governor Jim Doyle
- ✓ **Mark Kohlenberg**, President – Village of Shorewood
- ✓ **Jan Mueller** – Wisconsin Legislative Audit Bureau (and staff)

*Michael McLake
Joan Tierney*

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Agenda

1. Welcome and Introductions

- ✓ Opening Remarks by Legislators
- ✓ Opening Remarks by MMSD
- ✓ Opening Remarks by DNR
- ✓ Opening Remarks by Milwaukee County Executive *arrived late 9:50*
- ✓ Opening Remarks by Milwaukee Mayor *a little late*

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1. Welcome + Introduction

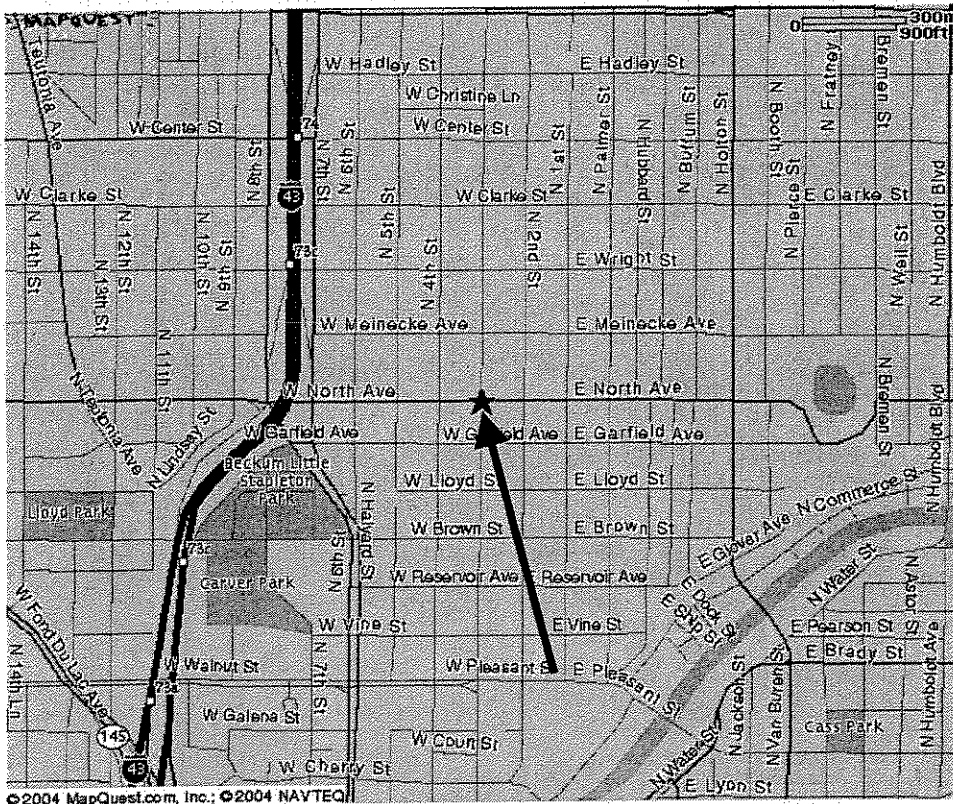
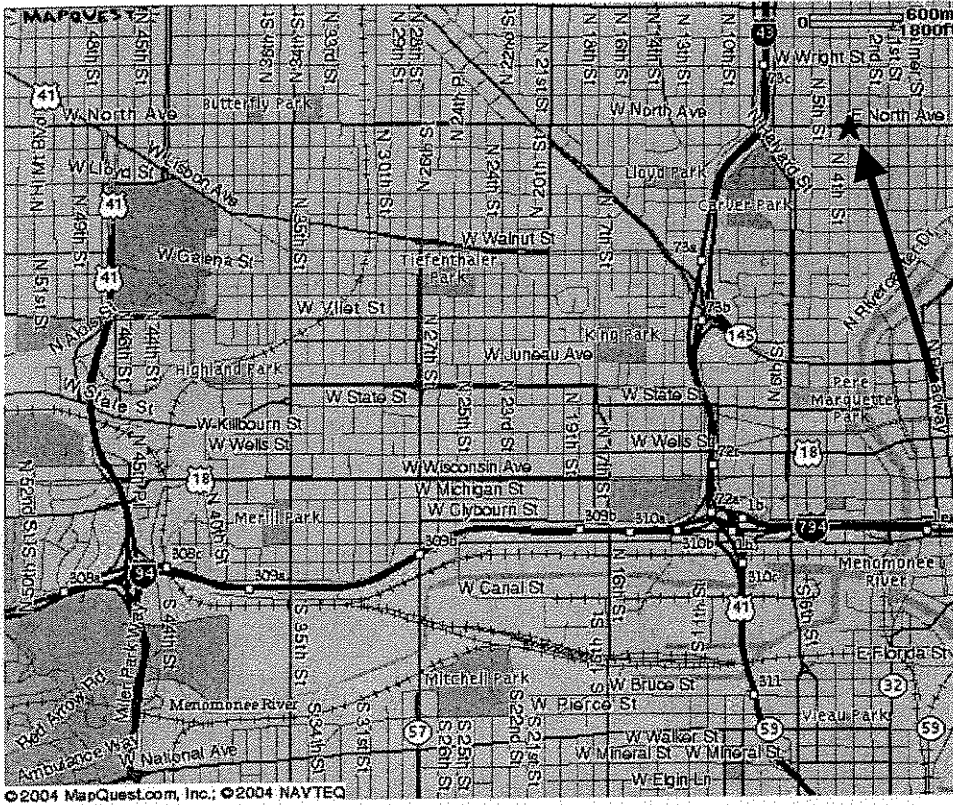
Darling - at pt. have to come to solutions
- identify the problem and the solution
accurate assessment so we can get viable solution

Kevin, MMSD - taken aggressive steps to address the audit
- funnel 1st phase
50 → 60 → 2.3

Tom Barrett, Mayor - deal w/ the future → work
together to get at the problem

Hassett - not just MMSD issue - a regional issue
roles: 1. regulate it - enforcement
not going to eliminate beach closings
2. technical experts

Map to DNR Milwaukee office – 2300 N. Martin Luther King Drive



Drive past the building and turn left. This will take you to the parking lot in the back of the building (on N. 2nd Street)

Issued notice of violation,
11 tributaries 31 SSOs 3/29-5/22
CSO

④

Mequon Thiensville still under review

MMSD - 4.6 million -

3 locations on N Shore → 10-12 inches in a 3wk period
four task forces

3lst/Claremont - fast track plan also an area
identified

wettest May on record

LAB/Jan - discharges reduced - not reached results
- financial hit - costs
2.3 billion Plan to extend tunnel
786 million spent now

water quality has not improved

KSMMSD - water quality

80-330 on wet day
dry day

60 → 2.3 ave overflow a year
ave 8-9 billion BY 1.3 billion gallons

* # & volume of overflows decreased

6-12-04 Scott Walker let - SW arrived

DNR/MMSD

allowed 6 events by EPA

MMSD - says 1 event

DNR - series of events

1 → 3

overflows

17.4% increase

user charge &
assessment on proptax

if flow go up → charge more?

- 1/2 lined w/ concrete
less water going in from inflow into the tunnel

(3)

Darling - wants -
what ~~learn~~ from other cities - going thru something

- ① regional area governance
 - ② financial accountability
 - ③ if come to plate
- group to draw up list of causes & solutions & the costs

MMSD - Chicago
50-60 times Atlanta overflows

DNR: DNR bring EPA up-to-date
trigger contractor expertise - what happened in other cities

Detroit, Cleveland → work w/ other great lakes states

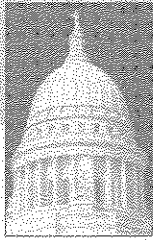
40-50% rainwater from private property
Bandit - FL \$8 billion for wastewater

LAB - limited capacity rate insuff to meet max
20% under designed capacity

20th
- accurately predict precipitation
extend 6 hr to 24 hr prediction

MMSD

JUN 18 2004



STATE REPRESENTATIVE
JON RICHARDS

SERVING MILWAUKEE'S
EAST SIDE, DOWNTOWN AND
BAY VIEW NEIGHBORHOODS

June 18, 2004

Sen. Carol Roessler, Co-Chair Joint Audit Committee
Room 8 South
State Capitol
Hand-Delivered

Dear Sen. Roessler:

I am writing with regard to an inter-agency meeting that was held on Thursday, June 17, 2004 at the Southeast Region DNR office in Milwaukee. The meeting was to discuss issues related to MMSD. The Milwaukee Metropolitan Sewage District is located in my Assembly district.

As you are aware, Great Lakes Water Quality issues are a primary concern for me. I was one of the creators of the Southeast Wisconsin Beach Task force that has been a leader in identifying the causes of beach closings in Milwaukee. I have coordinated local efforts to clean algae from Milwaukee's beaches and I have been very vocal about MMSD's responsibilities during high rain events and sewer overflows.

I would respectfully ask that I be included in any future inter-agency meetings that your office might coordinate regarding MMSD and Great Lakes Water Quality issues. The future of our Great Lakes depends on all of us working together to find solutions to sewage dumping and stormwater treatment and educate the public.

I look forward to continuing to work with your office on issues concerning the Great Lakes. If you would like to discuss this matter with me directly, please feel free to contact me in Milwaukee at 414/416-1695.

Sincerely,

JON RICHARDS
Assistant Democratic Leader
19th Assembly District

CAPITOL
P.O. Box 8953, Madison, WI 53708 • (608) 266-0650 • Fax: (608) 282-3619
Email: rep.richards@legis.state.wi.us Toll-free: 1-888-534-0019

HOME
1823 North Oakland Avenue, Milwaukee, WI 53202 • (414) 270-9898



Asbjornson, Karen

From: Johnson, Dan (Legislature)
Sent: Friday, June 18, 2004 4:18 PM
To: Handrick, Diane
Cc: Asbjornson, Karen; Petri, Tom
Subject: RE: Meeting

Diane,

Thanks for sharing your reply to the Rep. Richards letter. While we probably won't reply to the letter, I'd just like to point out a few things regarding this matter.

First, contrary to his claim, Milwaukee Metropolitan Sewerage District is not solely located in his Assembly District. MMSD is comprised of 28 flow communities that are located within numerous Senate and Assembly Districts. The District's 420-square-mile service area includes all cities and villages, (except the City of South Milwaukee), within Milwaukee County and all or part of ten municipalities in the surrounding counties of Ozaukee, Washington, Waukesha and Racine. Thus, the 19th Assembly District only comprises a small portion of the MMSD and it was never our intent to invite each legislator from each legislative district within the MMSD service area.

Second, to the best of my knowledge, Representative Richards has only once publicly expressed his concerns of MMSD, that occasion being the most recent events in May, 2004. Over the last four years, then-Representative Kedzie, now-Senator Kedzie has spearheaded a number of initiatives to find resolution to the MMSD situation. At no time has Representative Richards ever appeared before any standing committee of the Legislature, nor forwarded his concerns to any member of the standing committees (Democrat or Republican), nor ever expressed any interest in working with Representative/Senator Kedzie on this matter. To date, the best his staff has been able to offer is a berating of Senator Kedzie's motives as nothing more than partisan, political rhetoric. As a staff person and confidant of the Senator, I take great offense to that as he takes his duties as Chair of the Assembly Environment Committee and the Senate Environment Committee quite seriously.

And finally, while Representative Richards may have created and coordinated the Beach Task Force, that committee has never reported any of its findings to the standing committees of the Legislature, or anyone else that I know of. Quite frankly, I do not believe that any report generated by the committee would rank MMSD as high on the list of factors relating beach closings. And while Representative Richards is certainly welcome to any meetings and public hearings regarding MMSD, nothing precludes him from convening a similar meeting of his own. At that time, he may decide whom to invite, as it would be his discretion to do so. Keep in mind, Representative Jeff Stone was not invited, but he appeared at the meeting and was certainly welcome.

Thanks again Diane, I just didn't want you to feel solely responsible for whatever outrage Representative Richards has expressed.

Dan Johnson

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

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

From: Handrick, Diane

Sent: Friday, June 18, 2004 3:41 PM
To: Rep.Richards
Subject: Meeting

Dear Jon,

I just learned that you seem both upset and concerned that you did not receive an invitation to the MMSD/Audit committee meeting on June 17th in Milwaukee.

Please be assured we did not intend to shut you out. As you know, I am co-chair of Audit, and we have long intended to have some discussion with MMSD and other interested parties about the possibility of acting on Sen. Darling's and Sen. Kedzie's request for an MMSD Audit.

Frankly, this meeting began as a small follow up discussion to that request. As we were scheduling, the list of attendees expanded when Sen. Kedzie, who had questions for his Environment Committee, and I discovered we had similar issues to discuss with the same people (i.e., Mayor Barrett, Kevin Schaffer, etc.). We simply combined our interests to meet at the same time, with the scheduling happening over just one week's time. However, we did not extend the invitation to the entire Joint Finance, Senate Environment & Natural Resources, or Audit Committees.

I certainly understand your frustration, since you represent that area and have long worked on issues affecting the Great Lakes and Milwaukee. I am sorry we did not inform you of the meeting and I will keep this in mind for the future.

Sue

Office of Rep. Sue Jeskewitz
314N, Capitol
608-266-3796
1-888-529-0024

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Equipment glitches still plague MMSD

Delayed computer upgrade poses dumping risk, operator's report says

By STEVE SCHULTZE and MARIE ROHDE
sschultze@journalsentinel.com

Posted: June 16, 2004

Construction project delays and equipment shortcomings continue to plague the sewerage district, creating at least potential vulnerability to additional raw sewage dumping, according to a report by the private contractor that operates local sewers.

A long-delayed computerized control system that guides operation of the deep tunnel system remains unfinished, posing dumping dangers, says the May report by the contractor, United Water Service.

"The risks for operational problems and system overflows remain as the project delays continue," according to the report. The system was supposed to have been installed about two years ago, but has been delayed for a variety of reasons, and the cost has ballooned by \$1.5 million to about \$13 million.

In addition, the report says that a \$2 million project to install net-like devices at the Jones Island sewage treatment plant failed during an initial run in April. That means dozens of condoms that slip through the plant daily must continue to be manually removed from chlorination tanks before effluent is

Sewer Controversy

By the Numbers

11.4 billion gallons
Amount of sewage treated at the two MMSD plants in May, about double the average for the month.

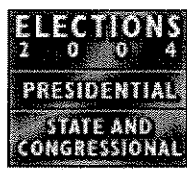
5,500 tons
Amount of Milorganite produced in May, second highest in the past six years and nearly 50% above average. Milorganite is a commercial fertilizer made from processed sewage biosolids.

Recent Coverage

- 6/17/04: Equipment glitches still plague MMSD
- 6/11/04: Sewer split called a costly fix

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discharged into Lake Michigan.

Although United Water highlighted equipment problems as possibly contributing to the dumping, officials at the Milwaukee Metropolitan Sewerage District have said the entire system, including the deep tunnel, worked fine, and the record 4.6 billion gallons of untreated sewage dumped in May was solely due to excessive rainfall. State regulators are considering filing a lawsuit against MMSD for the dumping.

Computer system troubles

The old computer system crashed during last month's rainstorms, but MMSD officials said enough of the new system was ready to take over at critical moments, so that those problems did not contribute to the May dumping.

Mike Martin, technical services director for MMSD, said he was confident that enough of the new computer system was operational to take over if needed.

However, testing of the new system will take another two weeks or so, he said. The risk of computer failure causing additional sewage dumping during the period is "negligible," according to Martin.

The computer system controls gates leading to the deep tunnel. When the gates are closed, untreated sewage overflows into area streams and the lake. Delays in the new system were prompted in part by disputes between MMSD and several communities over radio signal antenna height, Martin said. The new computer system is radio-controlled by signals picked up by a series of antennas.

MMSD commissioners have agreed to add some \$1.5 million to the cost of the new computerized control system to pay for smaller antennas and related equipment, Martin said.

The condom-catching system at Jones Island is a stopgap measure approved last year after public reports of large numbers of condoms floating in the Milwaukee harbor. Attorney General Peg Lautenschlager threatened to prosecute over the matter.

- 6/8/04: Sewer fixes costly and complex, EPA says
- 6/3/04: MMSD told to find solutions to dumping
- 6/2/04: DNR set to take action against MMSD
- 5/25/04: Contractors group pushes project to separate sewers
- 5/24/04: Floods abound; more rain ahead
- 5/22/04: Sewage overflows as MMSD closes all gates
- 5/21/04: Nichols: Sewer dispute could hit the fan again
- 5/21/04: Sewage dumping around state was negligible
- 5/20/04: Barrett wants suburbs' help if sewer fix is needed
- 5/19/04: Dumping of sewage second-largest ever
- 5/19/04: Editorial: The sound of lame excuses
- 5/18/04: Deep tunnel system was down to 1 pump
- 5/17/04: As storm hits, deep tunnel 65% full
- 5/16/04: More showers may mean more sewer overflows
- 5/14/04: Rains force dumping of sewage into waterways
- 5/14/04: Millions of gallons of sewage discharged
- 5/12/04: Editorial: MMSD: Wet, blue Monday
- 5/12/04: Sewage spills after storm defy cleanup

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Storms affect project

The new net system - "floatables removal project," as MMSD calls it - got a harsh test with the heavy sewage flows prompted by last month's storms.

"Heavy rain resulted in problems with net removal, broken cables, broken nets and debris getting by the nets," the United Water report says. The nets are built into removable frames installed in effluent tanks.

When last month's heavy sewage flows hit the Jones Island plant, the net frames' seal didn't hold, and condoms and other debris slipped through the gap, said Mike Link, technical services director for United Water.

Repairs to the condom-catching system will be covered by the contractor, said MMSD spokesman Bill Graffin. MMSD has been paying \$2,898 a week to have one worker skim condoms for eight hours a day while the net system is being fixed, he said. Part of that amount pays for a boat that patrols the harbor, sampling the water and hunting for condoms. The district will try to recover those costs from the firms that designed and installed the condom catchers, he said.

The biggest day for manually netting condoms at the treatment plant was May 14, when 233 prophylactics were retrieved, according to MMSD records. The lightest day was May 6, when 17 were netted.

The condom skimmers' hourly rate to the district is \$43, which includes costs of fringe benefits, said United Water spokeswoman Jane LeCapitaine. Neither she nor Graffin could say how much of the hourly fee the worker actually gets or why the hourly charge is so high.

MMSD also has collected condoms by netting them from a boat that plies the harbor. That yielded 105 on May 13 and considerably fewer other days last month.

United Water has blamed a malfunctioning \$8.5 million screening system at the front of the plant for the condom problem.

Because of the condom net system snafu, the chlorine tanks have been intermittently in and out of service during May, the report said. Dousing the treated sewage with chlorine to disinfect bacteria is the final step in the treatment process.

Construction of new aeration tanks at the treatment plant also may have contributed to the May overflows, Link said. Five of 32 tanks were out of service in May. That reduced treatment capacity by about 10% to 15%, Link said.

He agreed with MMSD officials that yet another project - replacement of giant sewage holding tanks - also probably contributed to the overflows, but only slightly. Those tanks are used to hold sewage pumped out of the deep tunnel before it is rerouted for treatment at either Jones Island or the MMSD South Shore plant in Oak Creek.

Only one or two of the three giant tunnel pumps were used during the May rains and dumping because the holding tanks are under construction and several months past their projected completion date.

Despite those shortcomings, the sewage that was treated met state limits for effluent pollutants, the report said.

Some 11.4 billion gallons of sewage were treated at the two plants in May, about double the average for the month.

Sewage picture mixed

Although MMSD officials have emphasized that the wastewater that was dumped last month was highly diluted and the system contained the same amount of sewage that flows through it in a dry month, figures in the May report suggest a more complex picture.

The report said that 5,500 tons of Milorganite - a commercial fertilizer MMSD makes from processed sewage biosolids - were produced in May. That was the second highest monthly volume over the past six years and nearly 50% more solids than the average monthly figure.

Link said there are two reasons for that. One source of the additional waste volume is matted sewage solids that accumulate in sewers during dry weather and are scoured out during rainstorms.

"The stuff that hangs on the top of the sewers gets flushed out of the sewer system" in heavy rains, he said. Another source is runoff material - soil and other solids washed into combined storm and sanitary sewers, he said.

Some of that heavier sewage load also presumably washed into the lake untreated during the massive dumping.

But some MMSD officials this week expressed reservations about spending millions or possibly billions of dollars to reduce dumping.

Jeannette Bell, an MMSD commissioner and mayor of West Allis, said huge sums should not be spent on projects unless they ultimately improve Lake Michigan water quality.

"I don't want to spend millions and millions of dollars with no environmental advantage," Bell said, or perhaps even a worsening of water quality.

She alluded to concerns raised that separating the old, combined storm and sanitary sewers in older parts of Milwaukee and Shorewood might mean street pollutants that now get filtered through sewage treatment plants would simply run directly into tributary streams and the lake.

Sewer separation has been raised by Milwaukee Mayor Tom Barrett and others to be studied as a possible solution to the city's dumping woes. Separation was considered in the 1970s, but rejected in favor of building the nearly \$3 billion deep tunnel system and related sewer improvements.

Commissioners approved spending \$99,932 for an audit of MMSD ordered by Barrett, though with some grumbling. Bell said she hoped the city wasn't simply looking at MMSD as a "deep pocket."

"Milwaukee wants a study and we end up paying for it," Bell said. MMSD is a separate political entity from the city, but the mayor effectively controls MMSD through his power to appoint seven of 11 sewerage commissioners.

The bulk of the money for the study, \$63,382, will go to Brown and Caldwell, a large engineering firm with ties to MMSD. Don Theiler, who heads the Seattle sewer utility, will be paid \$6,375 for his expenses related to the study but nothing for his time. Richard Sandaas, a former Seattle sewer utility official, will be paid \$30,175.

Barrett has said he wants the MMSD audit to be independent.

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Audit Committee Meeting Minutes
Local Issues Panel
June 28, 2004
The Port of Milwaukee

ATTENDEES:

Audit Committee Members:

Don Theiler
Nancy Frank
Joe Messinger
Pat Curley
RoseMary Oliveira
Tony Earl
Pat Curley

Local Issues Panel Members:

Ted Wysocki – Mayor, City of New Berlin
Joe Davis, Sr. – District No. 2 Alderman, City of Milwaukee
Christine Nuernberg – Mayor, City of Mequon
Alberta Darling – State Senate from River Hills
James Ryan – President, Village of Hales Corners
Kathleen Pritchard – Mayor, Village of Whitefish Bay

Audience:

Steve Jacquart – MMSD
Dick Sandaas – RKS
Peter McAvoy – 16th Street Community Health Center
Bill Kappel – City of Wauwatosa
Erick Shamberger – City of Milwaukee Budget
Marie Rohde – Journal Sentinel
Jodi Tierny – Broydrick and Associates
Tim Seider – City of Greenfield/MMSD Vice Chair
Jeannette Bell – City of West Allis/MMSD Commissioner
Andy Lukas – Brown and Caldwell
Elizabeth Lorentz – Brown and Caldwell
Cathleen Rose – Lake Michigan Federation

PANEL DISCUSSION:

Theiler started the panel discussion by asking if there should be any other questions, besides those previously submitted to the panel, which should be addressed by the Audit Committee. *(The questions submitted to the panel from the Audit Committee are attached to these minutes for reference.)*

Audit Committee Meeting Minutes
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June 28, 2004

Ms. Nuereberg started the discussion by stating that sewer/overflow control comes at a price, basically you have to determine what the public is willing to pay for regarding the level of water quality. The general impression of the public is that without the MMSD overflows, the Lake would be fishable/swimable, but this is actually not correct. A question regarding the impact MMSD overflows actually have on the water quality was posed.

From here, the discussion turned to system maintenance. Mr. Davis questioned the impact the maintenance on the gates used to control the flows had on the overflows – is the maintenance adequate? There should be empirical data to support the preventative maintenance actions – i.e. if the gates are or are not checked prior to storms.

Ms. Pritchard added that it would be helpful to compare the data on the old and the new sewers regarding I/I levels to see if there is enough of a difference to warrant more construction/rehabilitation. Pre-flow versus post-flow data should be analyzed to show the impact of construction, if the data are available.

Regarding the initial sizing of the tunnel, Mr. Wysocki suspected that the Engineer of Record used peak flow numbers and that the peak flow numbers were low compared to reality.

Mr. Ryan commented that MMSD has generally done a good job educating the public and local officials and is working hard to keep the good relationship going. The appointed commissioners have been responsive to the communities involved. The main issue, stated by one of the Local Issues Panelists, is clean water and viable communities. This is an economic development issue and should consider I/I issues and impacts in all communities. The media has done a disservice to the MMSD by providing unbalanced reporting – only provided negative aspects and not positive aspects of MMSD. Mr. Ryan said he was curious at the downspout disconnection status in the City of Milwaukee. What is the impact of disconnection? How much clean water can be diverted by doing so?

Mr. Earl feels that the group needs to come to the table with the idea that the deep tunnel isn't working and a review based upon the design approach and data used should be done. What were the water quality goals versus the actual water quality measurements?

Mr. Ryan concurred with Mr. Earl and feels that all communities outside the county should get representation at the table.

Mr. Wysocki is frustrated that contract communities are participating in the decision making. For example, question #4 – how are communities supposed to pay? A cost benefit approach is in conflict with the property value-based approach to charging. It would be unfair for MMSD to pay for I/I removal in these other communities that haven't done anything. Ms. Nuereberg added that it is more difficult for local municipalities because of increasing costs and decreasing budgets, and that contract communities are obliged to pay for projects that don't benefit their community.

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Audit Committee Meeting Minutes
Local Issues Panel
June 28, 2004

Mr. Earl stated that all sides of solving the problem need to be looked at during the Audit. Mr. Theiler added that the technical issues are easier than the political issues.

Senator Darling inquired about what the target of the Audit Committee was. She stated that it should focus in on the expectations and goals of both the public and regulatory agencies of water quality and treatment. A good place to start an analysis is to locate where permit/regulatory compliance is not being met and how cost effectively the assets are being managed. The goals and expectations should be clearly defined. Solutions should be clear, impartial, and more strategic. The analysis should be completed by an independent party who is credible, and that the public has confidence in. Many of the property tax payers don't feel that they are getting what they are paying for. The deep tunnel has been over-promised and that has reduced general confidence by taxpayers. Perception is a big issue. The Senator notes that the beach closings are from non-point sources. Also, she is wondering who is responsible for what (*meaning, what organization is responsible for what outcome*) - DNR? MMSD?

Mr. Davis stated that he feels this should not be a political issue, but rather an environmental issue. Political leaders need to be made aware of the importance of the problems. The long term strategic plan should include all communities, (not just communities in the combined sewer area).

Ms. Pritchard would like to see a more scientific and strategic approach, and would like to see the federal politicians lobbying for this issue. She notes that there is a dilemma of those communities that have invested already in I/I reduction and those that have not. During the May events, Ms. Pritchard stated that the MMSD Metropolitan Interceptor System (MIS) sewer serving Whitefish Bay was closed and Whitefish Bay chose to overflow their system rather than flow back up into 300 to 400 basements. It was a tough decision, but she feels they made the correct one.

Mr. Theiler posed a follow up question back on how to pay for the solution - how can this be done without going back to sewer wars? What is the best way to address the issues that is cost effective?

Ms. Nuerenberg was not involved in the sewer wars but does feel that there has to be a credible solution that people can get behind. She feels that past projects were justified by who paid for it, instead of what would work.

Mr. Ryan added that the tax policy is way beyond water quality issues and has a broader scope than this Audit Committee has - it is more for local elected officials to address.

Mr. Earl posed the question of what is going to change the attitudes formed from the past actions and how is the community going to come to grips with this?

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Senator Darling stated in regards to Mr. Earl's question, that the community should go to legislature with proposal for grants and loans to cities and homeowners who participate. Homeowners should feel part of the solution process and feel like their actions and efforts are going to make a difference before they jump to action. There is currently incredible distrust among homeowners to the MMSD.

Ms. Oliveira added that there needs to be more public education to illustrate people's role in the issues and to change the negative public perception of the MMSD. Previously, the DNR had a great education program but their funding was cut by the state.

Mr. Wysocki continued with stating his feeling that MMSD numbers on roof drain disconnection and how big of an impact they have on the system was a bigger target than fixing a cracked lateral. Mr. Theiler added that the sewer separation is very expensive, but has been suggested as something for the Audit Committee to look into, even though it has not been discussed yet today.

Mr. Ryan noted that the general public feels that the combined sewer area is so large, that they don't understand the trade offs with street runoff and sewer separation, such as treating the metals, grease and other pollutants from the runoff. He feels this is a credibility issue. Ms. Oliveira stated that MMSD can not treat toxic metals. Mr. Theiler clarified Ms. Oliveira's statement by saying that there is a 95% - 60% chance that toxins are removed with the solids, if they bind to the solids during the primary treatment. The secondary treatment also removes toxins. The sludge is then recycled into Milorganite.

Mr. Davis inquired about sewer separation - that there is an automatic expense to homeowners which needs to be considered. There is a cost for separating the flows on private property. Also, is the demand for Milorganite impacting the effectiveness of the treatment process - i.e. putting revenue before the environment?

Mr. Messinger asked if there was anything concrete on the funding proposal mentioned by Senator Darling - is there a concept paper? In response, Senator Darling stated that it was a concept paper that will be brought forward in January. The paper needs technical support, should be research based, and state definitive goals and strategies. For this, she is requesting the assistance of the Audit Committee.

Regarding Mr. Davis's earlier question, Mr. Theiler clarifies his understanding of solids operations and that he doesn't think the Milorganite production is a priority over the environment.

Mr. Theiler then asked the panel to move on to a specific question posed to the panel: Based on awareness of MMSD's ongoing effects, is MMSD missing anything that would further reduce overflows but aren't doing?

Ms. Nuereburg stated that she is impressed with the structural and non-structural activities and feels that the education is good, but based on public perception, it does not

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have the needed effect. Mr. Ryan added that if MMSD spends more on education it makes them look bad. This is one of the only places he knows of that when it rains, it is a political event. Senator Darling stated that this is a pocket book issue and that property taxes are a huge issue when performance doesn't stand up to the amount homeowners are paying.

Mr. Davis stated that the perception has changed recently in his neighborhood after a project was completed in the neighborhood (Lincoln Creek). He noted that MMSD Executive Director Kevin Shafer attended the meetings.

Mr. Earl noted that perception is what it is because the system does not perform up to expectations as defined prior to construction. He does not think that the deep tunnel was over-promised – it was built to work. It is important to move past the finger pointing in this situation and move on to a solution as a group.

Mr. Theiler stated that there are currently no incentives for reducing I/I into the system – is this something the Audit Committee can get behind? Ms. Nuernberg responded that she would, but it is not as simple as it seems. All community systems are different and it would be a challenge to have an equitable system. Ms. Pritchard added that she doesn't think it will solve the problem by itself. Mr. Ryan added that this is a very complex situation and that proof of equal enforcement of I/I source removal is a must.

Mr. Lukas addressed the downspout disconnection status in the City of Milwaukee and explained the difference between the combined sewer area and the separated sewer area. Mr. Ryan asked what the purpose of the connected downspouts was. Mr. Lukas responded that it gave a definitive place to put the runoff.

Mr. Davis stated that a cracked lateral can allow flow from disconnected downspouts back into the system when ground is saturated taking away capacity.

Senator Darling added that she is glad the media is making an issue of this situation – it affects the future and needs the attention.

Mr. Theiler then asked the panel to address a question posed to the panel regarding the performance of the MMSD.

Mr. Wysocki stated that Kevin Shafer has been extremely good with communicating MMSD changes and involvement.. Ms. Pritchard absolutely agrees with that.

Mr. Theiler asked about the contract with United Water Services – is there any advice for the Audit Committee regarding that?

Ms. Nuernberg posed the question about why MMSD actually contracted out the work, wondering if MMSD could have saved that same amount without going to contracting.

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Mr. Theiler responded by explaining that UWS, as a private company, is willing to take more financial and operational risks than MMSD.

Senator Darling stated that she is glad the Audit Committee is getting a lot of independent technical information and suggested contacting UW-Madison and UW-Milwaukee for more information.

Ms. Pritchard added that following the Journal Crossroads section the other Sunday (*June 20, 2004*), it is important to get more information out on how UWS's contract performance is monitored, what issues there are, any incentives, and what standards they are to follow.

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No 'silver bullet' to end dumping, official says

MMSD plan to fix problems instead will likely include several projects

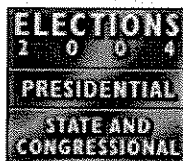
By STEVE SCHULTZE
sschultze@journalsentinel.com

Posted: June 24, 2004

Dump the idea that there's a single "silver bullet" solution to the problem of raw sewage discharges into Lake Michigan, a sewerage district official said Wednesday.

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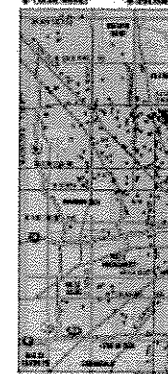
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Expect instead a little of this and a little of that to help curtail sewage dumping, Kevin Shafer, executive director of the Milwaukee Metropolitan Sewerage District, told about 50 people attending an MMSD "open house" on sewer issues.

"It's not a Plan A, Plan B, it's a group of projects, a group of efforts that are going to fit together," Shafer said. The MMSD set up Wednesday's session to give a forum for residents to air their concerns about the record 4.6 billion-gallon sewage dumpings that occurred along with May's sustained rainstorms.

Unlike 20 years ago when Milwaukee built the deep tunnel system with about half the \$3 billion cost coming from federal and state grants, Shafer warned that no such funding now exists for expensive potential fixes such as separating the combined sewers that serve older portions of Milwaukee and Shorewood.

Sewer Controversy



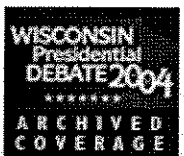
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Shafer defended his bosses, in response to a questioner about whether the 11 commissioners who oversee MMSD should be fired. Some critics have called for overhauling MMSD's governance, saying it's too beholden to Milwaukee's mayor, who appoints seven members of the panel.

"What would it change if you changed the board?" Shafer said. "I believe the commission has acted responsibly to all the concerns that have been raised."

State Rep. Jeff Stone (R-Greendale), who moderated Wednesday's session, said the Legislature was reviewing the MMSD governance issue "to make sure we have a board that is responsive."

The solutions will likely include efforts to limit rainwater from getting into sewers, additional sewage storage projects and treatment plant improvements, Shafer said during a 90-minute question-and-answer session.

He didn't rule out sewer separation but emphasized an advantage of the combined sewer system - that the polluted runoff from streets and parking lots now gets filtered at MMSD's treatment plants. Combined sewers mix storm water and sanitary waste in one pipe.

From a water-quality standpoint, combined sewers are a very good thing, Shafer said.

However, a 2002 state audit found that water quality worsened since the deep tunnel was finished in 2003 in those parts of the metropolitan area with separate storm and sanitary sewers and improved only slightly in parts of Milwaukee and Shorewood with combined sewers.

Pollution from bacteria, nitrogen and ammonia lessened in the combined sewer area, but pollution from chloride, phosphorous and suspended solids in that area worsened, the audit found.

Shafer gave no cost estimate for a new anti-dumping plan. He noted the district already is required to do \$900 million in sewer projects, including a new link to the deep tunnel under construction under the Menomonee River near

there has been cit negligence, such as botched sewer rep according to Assis Attorney Rudy Ko

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Shafer also said that if MMSD is fined for its May dumping, the money should go to a special fund for environmental projects rather than the state school fund. By state law, environmental fines go to the school fund, which is used for libraries.

However, a settlement of dumping charges could be crafted in which MMSD fines go toward the cost of sewer improvements, said state Rep. Jon Richards (D-Milwaukee).

If imposed, a fine would be paid by MMSD customers as part of the district's user charge, Shafer said.

State environmental regulators have told MMSD that its May dumping violated state law but formal charges haven't been issued yet.

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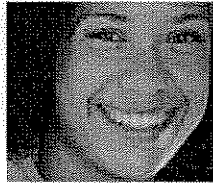
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From the Journal Sentinel

Posted: June 21, 2004

It's good to see the major players on the sewer issue sit down together and start talking ways to prevent the kind of dumping of storm water and sewage that the area experien spring. It would be better to see them sit down with the public.

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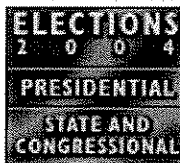
Last week's round-table discussion - arranged by state Rep. Sue Jeskewitz (R-Menomonee Falls) - included Milwaukee County Scott Walker, Milwaukee Mayor Tom Barrett, Natural Resourc Secretary Scott Hassett, top officials from the Milwaukee Metr Sewerage District and four Republican legislators. That's a pret impressive guest list - but it may be equally notable that the mo important player was not there.

When it comes time to fix whatever is wrong with the sewerage odds are that area residents will have to fork over large amount: money in the form of water utility fees or taxes, or that resident have to become involved in some other critical way, such as disconnecting home downspouts that empty into the sanitary se system. Whatever is done, the public will play a large part. Yet week's meeting was closed to that very public.

One can understand - and applaud - the impetus behind the sess indeed time to stop complaining about the dumping and to find solution, as several writers - including some who attended last v discussion - noted in Sunday's Crossroads section. Last week's : appears to have been a good step forward, and Jeskewitz deserv for organizing it, just as invitees deserve credit for attending.

It should be noted that because the session didn't include a quor governmental body, it didn't violate the state's open meetings la

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the desire to keep the meeting quiet is understandable, if counterproductive. Some participants undoubtedly feel more comfortable in off-the-record discussions, where there is less temptation to take political shots or to grandstand.

Nevertheless, holding such sessions out of the public eye will undermine the work of the participants, especially with respect to sewerage district, which the public already regards with suspicion warranted or not. Closed-door sessions will raise concerns among members of the public that deals are being made without their consent and for which they will pay, big time. Such sessions also rob the area of fresh ideas from members of the public who are willing to think outside the box.

What started last week has the potential for finding a winning solution to the area's water problems. But if participants continue to conduct their search for answers outside the public view, that search could quickly become a losing proposition.

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From the Journal Sentinel

Posted: June 29, 2004

Two articles in the Journal Sentinel this week point to the need for a national approach federal aid to solve a problem that is common to many communities around the country: dumping of an unhealthy mix of storm water and sewage into public waters, especially during periods of heavy rain. Unfortunately, the House of Representatives last week had an opportunity, thanks to the work of Rep. David Obey (D-Wis.), to provide some of that aid and unfortunately decided not to.

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As a result, communities will continue to struggle with expenses that will reduce but not end overflows, and the public will remain vulnerable to the potential ill effects of dumping too much sewage into waterways.

Congress needs to reconsider.

On Sunday, an article by Dan Egan pointed out that Milwaukee is the only or even the worst dumper on the Great Lakes. Milwaukee dumped an average of 1.8 billion gallons a year over the past 10 years. Everyone agrees that's unacceptable. But Detroit dumped 21 billion gallons in 2002 and 17.8 billion gallons in 2003. Cleveland dumped 6 billion to 6 billion gallons annually. Toronto spills 2.8 billion gallons average each year.

And Chicago - where officials recently complained about "cheese sewage" fouling Lake Michigan - spilled 23.34 billion gallons from March 1, 2002, to Sept. 30, 2003. Most of its spillage, though, goes to a canal that takes the sewage west to the Mississippi River and then downriver to the Gulf of Mexico. St. Louis and New Orleans will complain about all that flatlander sewage, but they have their own problems. All of those metro areas are bigger than the Milwaukee

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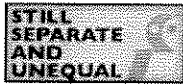
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of course, but the figures do give some perspective to what is h in Milwaukee.

An article on Tuesday by Marie Rohde quoted a state Department Natural Resources lawyer as saying that more than 110 Wisconsin communities are likely to be cited for violating environmental laws regarding dumping. The lawyer argued that it would be unfair to take action against the Milwaukee Metropolitan Sewerage District if it were taken against the other communities.

Dumping is clearly a problem that is not confined to Milwaukee's sewerage district. The solutions are complex and expensive, and need attention from the federal government.

However, instead of trying to find ways to provide more help to communities, the Bush administration last winter cut \$500 million from the Clean Water State Revolving Fund, used to help communities meet water quality standards.

The \$18.7 billion legislative package offered by Obey would have restored that \$500 million, as well as funds for national security education, unemployment assistance, health care, tax benefits and a reduction. Maybe the bill tried to do too much, but some of those are worth restoring, particularly those that help communities provide their citizens with clean water. Congress should try again.

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