



Waukesha County Environmental Action League e-newsletter June 2015

“Earth provides enough to satisfy every man's needs, but not every man's greed.”

— Mahatma Gandhi

Action Needed: Waukesha Water Diversion

By: Laurie Longtine

BACKGROUND: In May 2015, WisDNR put this on its website: “*The DNR plans to release drafts of the Technical Review and EIS in June 2015 and expects to hold public hearings this summer.*”

A public comment period of 60 days will begin when the draft Technical Review and draft EIS are released. A full description of the public participation process is available on the ‘Public Participation’ tab.”

At this time, Wis DNR also released a series of documents from late 2014 to May 2015. “The ‘Proposal’ tab includes the City of Waukesha’s application submitted to the DNR on October 14, 2013 and subsequent documents submitted to the DNR by the City of Waukesha in response to agency questions.” You can download these documents via the DNR website.

WEAL and its partners in the Wisconsin Compact Implementation Coalition

(CIC) have had a singular mission since the legal adoption of the Great Lakes Compact in 2008: to ensure a thorough legal, economic, environmental and **public** review of the first application for an out-of-basin diversion of Great Lakes waters under the Compact, in full recognition of the precedent-setting impacts of this first application. To that end, we will continue to insist on a complete and exact adherence to the high standards set forth in the Great Lakes Compact.

UPDATE: On June 24, 2015, as this newsletter was being readied for publication, the Wis DNR released its Environmental Impact Statement (EIS) and Technical Review of the City of Waukesha’s application for a diversion of Great Lakes waters outside of the Great Lakes basin. The document’s release kicks off a final round (60 days) of public hearings and a public comment period, the final Wisconsin step before the application is approved by DNR to forward to the other 7 Great Lakes states for their review and approval or denial.

The CIC has come out emphatically for denial of the application for the reason that Waukesha fails to meet even basic requirements of the Great Lakes Compact and would therefore set a bad precedent for the first application under the 2008 Compact—because you *know* that no applications that follow will *exceed* the standards set in this one.

Please plan to attend any of the three public hearings—or all three--and make comments if you’re able.



1. August 17 in Waukesha--

Presentation at 5:30 p.m., public hearing at 6:30 p.m. at Carroll University Center for Graduate Studies, Auditorium (LL14), 2140 Davidson Rd. (this is not the main campus location)

2. August 18 in Milwaukee--

Presentation 1 p.m., public hearing 2 p.m. at the Zilber School of Public Health, UW-Milwaukee (Triplex Rooms 109, 119, and 124) 1240 N 10th St

3. August 18 in Racine --

Presentation 5:30 p.m., public hearing 6:30 p.m. at the Racine Masonic Center, 1012 Main St.

Attached are the CIC's press release and the DNR's press release.

Links to the CIC's new website (Launched today), Facebook page and Twitter feed are below.

'Like' us on Facebook and share widely with your friends and networks. We'll continue to update these media as new information becomes available and as we work our way through the review and analysis of the DNR documents.

Website is live! Visit: protectourgreatlakes.org for additional information and ongoing updates

Facebook page is linked and twitter(Protect Great Lakes @protectGLwater) feed is live. Please Follow, Like, Retweet, Repost.

If you have information to share or other ways you'd like to support this work, please contact:

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Wisconsin's Public Service Commission is Sending the Wrong Message

By: Dave Gennrich

When the PSC voted to increase the fixed charge on all residential bills it was sending the wrong message. The rate increase from \$9.00 to \$16.00 makes it among the highest in the country. In an era where all should be concerned with global warming, the PSC is setting rates that do not promote the conservation of energy and reduces the rates users for those who consume more electricity. Now the PSC appears to be sending the message that it will be open to additional fixed rate charges for other utilities and possible into the future.

In the past, there have been several programs including "Focus on Energy" and "Energy Star" labeling for appliances that were intended to reduce the consumption of electrical energy. There were also programs that promoted renewable power sources and required the utility to purchase the excess power generated from these sources.

The rationale for these programs was that if consumers could save enough energy then the utility would not have to build additional power plants and would save money in the longer run while still serving the customers in its area. If they did not have to generate as much power, there would be fewer emissions from their

smoke stacks and the health of the planet might be improved.

The rationale that the utilities gave in their rate request was that the increase in fixed charges was necessitated by their loss of revenue to solar users and become more energy efficient, thus buying less power from the utility. Wasn't this the outcome that the energy saving programs intended to accomplish?

The Public Service Commission should be looking out for the PUBLIC. They should not be trying to



protect the growth and profits of a monopoly.

As such, they

can see that the utility is able to make a reasonable return on its investment. Since 2007, before the current financial recession, the effective rates (the total bill for electricity divided by the kwh used) for electricity in SE Wisconsin have gone up from 11.31 cents per kwh to 15.31 cents per kwh, an increase of 33.6%. At the same time, the Consumer Price Index has gone up 15.5% and the US household income for the bottom 60% of the households has gone up only 4% from 2007 to 2013 (the last year data was available.) During this same period the earnings per share for WEC stock has risen over 82% and the dividend to stockholders has risen 312%.

Ninety-nine percent of scientists agree that global warming is caused by human

activity and that each one of us needs to conserve energy and reduce our consumption of fossil fuels. If we are to achieve the goals that have been set, we need a 50% reduction of all energy fossil fuel generated energy to even come close to the goal.

Wisconsin Supreme Court Rules in Favor of OSGC

By: **Charlene Lemoine**

The Wisconsin Supreme Court has released a ruling siding with the Oneida Seven Generations Corporation (OSGC) on a Conditional Use Permit for a pyrolysis staged--incinerator project the City of Green Bay initially granted, but later revoked. The City of Green Bay's decision to rescind the CUP was initially challenged in the Brown County Circuit Court. At the Circuit Court, Green Bay argued numerous misrepresentations were made when the CUP was approved, including plans submitted to the City that lacked emission stacks and statements there would be no emissions. After approving the CUP, Green Bay learned plans submitted to the WI DNR revealed 10 emission stacks with three having a height of 60 feet. The DNR permit also identified cadmium, arsenic, chromium, Dioxin/Furans, lead, mercury and other contaminants as potential emissions. The Brown Circuit Court agreed with the City's action to revoke the CUP. However,

the Circuit Court's decision was reversed at the WI Court of Appeals, District III and ultimately the case was brought before the WI Supreme Court.

On 5/29/15 the WI Supreme Court's opinion agreed with the Appeals Court stating, "We conclude the City acted arbitrarily and without substantial evidence of misrepresentation when it revoked the CUP.

Accordingly, we reverse. The Supreme Court also agreed "None of the statements on which the City relies can be reasonably interpreted as a promise that the facility would have no stacks or vents. Again, no reasonable person could believe that a gas--burning engine would not produce exhaust, which must be expelled from the facility."

Chief Justice Patience Roggensack offered a Dissenting Opinion which in part states: "I conclude (OSGC) has failed to meet its burden under certiorari review because a reasonable view of the presentations made March 1, 2011, when (OSGC) obtained the conditional use permit, supports the Common Council's finding that it was misled.....Accordingly, I would reverse the court of appeals decision, affirm the circuit court's affirmance of the Common Council decision, and respectfully dissent from the majority opinion."

WEAL will continue networking with Incinerator Free Brown County, the Clean Water Action Council of Northeast WI and tribal members who have opposed the project being constructed on tribal lands, in the City of Green Bay or anywhere.

A Perfect Storm

By: Allen Stasiewski

Why Now?

A Perfect Storm is brewing around highway funding, WisDOT and unnecessary road expansions such as the Waukesha West "Bypass." This makes for an ideal time for WEAL and our partners, the Coalition Opposed to the West Waukesha Bypass, to file a lawsuit to stop this unnecessary road expansion once and for all.



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Events occurring now and recently that have created these Perfect Storm conditions include:

- A legal victory by 1000 Friends of Wisconsin (which relied heavily on the precedent-setting Hwy J & WEAL ruling) that stopped the expansion of Highway 23 between Fond du Lac and Plymouth due to the DOT's use of unsupported, inflated traffic forecasts and population projections of 200% to "sell" the project.
- State highway funding shortfall and the reluctance of Republican legislators

to borrow millions or to raise taxes to pay for continued highway expansions. (This is currently holding up passage of the state budget.)

- Increasing citizen pressure to scale back the billion-dollar I-94 expansion project.
- Citizen opposition to out-of-control highway spending while existing roads and bridges go unmaintained.
- Studies that show Millennials are more interested in public transportation and are less committed to vehicle ownership.
- An aging driving population.
- Driving is down overall and most notably in southeast Wisconsin.
- WisDOT dial-back of other road maintenance such as mowing and removal of animal carcasses.
- People are beginning to see that WisDOT's highway building binge is unsustainable, especially when juxtaposed with extreme funding cuts to public education, the UW System, the state parks system and DNR science.

Watch this website for upcoming news regarding the filing of the lawsuit.

Funding Needed to Fight

To put a silver stake through the heart of this “Bypass” Zombie, we’ll need

money, plain and simple. The top notch Washington D.C . legal team we’ve hired won’t come cheaply. But they have experience in successfully challenging the Federal Highway Administration in other legal proceedings. And WEAL and our partners have experience in fighting off road expansions.

WEAL has committed \$10,000 in a challenge grant and the Coalition Opposed to the West Waukesha Bypass has committed to raising \$10,000 in matching funds. We're well on our way, but we'll need to continue to raise funds raise to fight. Please join us in fighting this unneeded, poor excuse for a road expansion. All donations are welcome.



[Click Here to Donate at: WEAL.org](http://WEAL.org)

or by mail to:
WEAL
PO Box 1532
Brookfield WI 53008

Accomplishments

Over the past several years WEAL and our partners have done much to fight the “Bypass.”

- Created a Coalition of residents along the “Bypass” route as well as outside of the route.
- Created a Steering Team of active dedicated “Bypass” opponents.
- Testified at county, city and town board meetings.
- Testified at budget meetings and public hearings directly related

to the “Bypass”, and others on general transportation funding and other proposed road projects.

- Read and reviewed hundreds of pages of impact statements.
- Wrote dozens of letters and sound-offs to the newspapers.
- Wrote detailed comments to both the Draft EIS and Final EIS as public input.



- Created a robust Facebook page packed with information.
- Printed and distributed ‘No Bypass’ yard signs and T-shirts with the No Bypass logo.
- Organized several public rallies including a T-Shirt rally at Waukesha's Farmers market and a rally at the Waukesha County Courthouse (in the rain!) to coincide with a County Board meeting.
- Sent several hundreds of e-mails to Waukesha public officials, DOT officials, EPA officials and Federal Highway Administration over these past two years.
- Generated hundreds of signatures on petitions against the “Bypass”. Testified at county, city and town board meetings.

Don’t forget:

- *The “Bypass” was successfully fended off in the 1970s by a committed group of concerned citizens and taxpayers.*

- *WEAL and a committed group of concerned citizens and taxpayers successfully fought it off AGAIN in the 1990s.*
- *It CAN be done because it HAS been done!*

Pope Francis Stands With Science on Climate Change

Editorial!
Papal Encyclical
Milwaukee Journal Sentinel
June 20, 2015

In a message intended to bridge the worlds of faith and reason — and with a keen eye on the politics of an important climate change meeting this fall, Pope Francis last week called for "a new dialogue about how we are shaping the future of our planet."



"Laudato Si'," or "Praise Be to You" — the pope's 184-page encyclical — embraced mainstream science on climate change and called on the world to act, rebuking the world's "throwaway culture



which affects the excluded just as it quickly reduces things to

rubbish."

"The Earth, our home, is beginning to look more and more like an immense pile of filth," he wrote.

By throwing the weight of his office behind this mission, Francis wants to persuade reluctant politicians in America and beyond to take action. The encyclical is a ringing call to arms — and a stinging rebuke to climate change deniers, some of whom were quick to condemn what they saw as meddling in a political issue.

But Francis is right; more world leaders should meddle so positively in this issue.

The climate is changing, and humans are a primary cause. The impoverished, whether here in the United States or abroad, face the biggest burden.

Francis had a worldwide audience in mind. The Vatican hosted a meeting in April on climate change, and he is now hoping to influence world leaders who will gather later this year as part of the United Nations Framework Convention on Climate Change. At that December meeting in

Paris, leaders will try to reach agreement to reduce greenhouse gas emissions.

The pope has spoken with a clear, truthful **voice on an issue fraught with political misdirection and deceit.** He acknowledged that in the encyclical and called out those who would deny reality.

"Obstructionist attitudes, even on the part of believers, can range from denial of the problem to indifference, nonchalant resignation or blind confidence in technical solutions," Francis wrote. "We require a new and universal solidarity." We do. And with the pope's bold leadership, perhaps we can achieve it.

Related Coverage

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