



Waukesha County Environmental Action League

Protecting Waukesha County's
Natural Resources since 1978

E-Newsletter April 2019

"I don't want to protect the environment, I want to create a world where the environment doesn't need protecting." Gandhi

Look for a survey at the end of this newsletter which WEAL would like you to respond to. We value your input, which gives us direction and focus on issues. In advance, we thank you for your response.

DNR Issues a Plan of Operation for the Orchard Ridge Landfill's East Expansion

Charlene Lemoine

In February 2019, the DNR issued a Plan of Operation conditional approval for the East Expansion of Waste Management's Orchard Ridge Landfill in Menomonee Falls. The expansion will be developed in four phases and will consist of 44.8 acres within a 730-acre parcel that extends from Waukesha County into Washington County.

Along with the Orchard Ridge Landfill, the entire 730 acres also includes the Boundary Road Landfill Superfund Site, the closed Parkview Landfill and the closed Omega Hills Landfill. Omega Hills was also a Superfund Site until 1996 when the DNR took over

monitoring under the Resource Conservation and Recovery Act (RCRA). The East Expansion will be receiving approximately 80% nonhazardous municipal, commercial and industrial waste along with approximately 20% nonhazardous special waste, which is consistent with what Orchard Ridge presently accepts.

The DNR also approved a Research Demonstration and Development Plan (RD&D) for a term of three years. The RD&D removes a requirement to solidify liquid waste prior to landfilling and grants Waste Management an exemption to accept liquid waste, which will be allowed in areas having less than 20 feet of waste within Phase I and Phase II of the expansion. Data collected from the RD&D will be used to evaluate the feasibility of adding additional liquids



to same-site recirculated leachate. The impacts on waste degradation and landfill gas production will also be assessed.

WEAL raised issues regarding landfill slope stability associated with leachate recirculation in our comments on the Orchard Ridge East Expansion Feasibility Report.

WEAL will be requesting DNR evaluations on this exemption since greater quantities of liquids increase concerns for slope stability.

A number of potential problems related to leachate recirculation are addressed in the Project Summary under a section entitled “**Failure Thresholds**” and states the following: “Leachate recirculation will be suspended whenever any of the failure thresholds are exceeded. Leachate recirculation may not resume until the department has reviewed and approved changes to the system that will result in meeting the thresholds. The department will be notified within three days of the discovery of exceeding any failure threshold. In accordance with s. NR 514.07(7)(f), Wis. Adm. Code, failure thresholds may include the following:

- ✓ Flowing leachate seeps with constant liquid output and observable flow for many feet down a side slope
- ✓ Cracks, open or closed, across the waste surface, or other signs of block movement of waste
- ✓ Abnormal vibration or shaking while standing on the waste surface from traffic several feet away
- ✓ Trucks or other vehicles sinking into soft waste, particularly if waste is wet or saturated, but only if this problem is persistent and not weather-related



- ✓ Visible changes in outline of the waste mass (i.e., bulging or obvious changes in slope)
- ✓ Collapse of access roads or other soil structures such as bio-piles or stockpiles
- ✓ Significant odor and gas release that cannot be readily controlled by operation of gas extraction system Monitoring.

Although the Plan of Operation addresses a number of requirements, it does not contain any reference to the Local Siting Committee’s approval to exhume the Boundary Road Superfund Site and place the contaminated contents within the footprint of the East Expansion. The Superfund exhumation plan was not included because the plan was not addressed within the Feasibility Report for the Orchard Ridge East Expansion.

WEAL has requested the Initial Site Report for the Boundary Road Superfund Site exhumation plan from the DNR, and, when available, will receive a copy. WEAL plans to closely monitor the project as it develops and submit comments when there are opportunities to do so.

For more Information on the Boundary Road Superfund Site see WEAL’s April 2018 Newsletter’s article entitled “**Orchard Ridge landfill agreement differs from DNR feasibility report.**”

Keep current and link to Issues of concern in Wisconsin

Mary Hiebl

If you're looking for a site that delves into issues which keep you up to date and knowledgeable of important Wisconsin concerns, check out **Wiscontext.com**

This site covers Wisconsin dairy farming crisis, milk pricing, deluge in the Driftless area, passenger pigeon and lyme disease, Polar Vortex and its impact on insects and pests, etc.

This site also features archived articles as evidenced in the following short list:

- ✓ DNR Approves Pulling 7M Gallons Of Lake Michigan Water For Foxconn Plant
- ✓ Great Lakes States OK Waukesha Water Diversion
- ✓ Climate Change Could Make Great Lakes A 'Sweet Spot' For Dairy
- ✓ Why Waukesha Rebranded Its Bid For Great Lakes Water
- ✓ Waukesha Water Decision Puts Regional Spotlight On Wisconsin's Environmental Enforcement
- ✓ How Foxconn Can Turn On The Faucet In Mount Pleasant
- ✓ What Foxconn Means for the Great Lakes Compact

Lake County Illinois fears Foxconn floods

Summary Mary Hiebl

The residents of Lake County Illinois fear increased flooding in their downstream communities from the Mount Pleasant Foxconn campus. The study, conducted for Lake County Storm Water Management Commission, found shortcomings in the way Wisconsin manages stormwater and questioned the reliance on rainfall data that is more than two decades old.

There were other major findings in the Lake County Study:

- ✓ detention basins and the number of natural depressions are inadequate for large rain events compared to Lake County standards
- ✓ wetlands, which have been destroyed for the project, will need to be recreated elsewhere but will not necessarily be in the same watershed
- ✓ soil erosion measures in the construction area are inadequate, etc.



Check out full article
in your browser:

**Lake County stormwater officials
plan forum on Foxconn
environmental aspects
February 16, 2019**

"Strike out Waste is Brent Suter's Pitch

Summary Rose Reinders

Brent Suter, Milwaukee Brewer's Pitcher who lives in Cincinnati, started a campaign to reduce plastic waste. He shows examples of everyday activities, which can be done to reduce waste: solar panels, composting, using reusable containers, purchasing an electric car, etc.

He got his teammates, managers, and employees, to commit to reduce their plastic by making a commitment to his campaign and gave them glass bottles for joining in.



He is lighthearted in his message to find balance in the best way to help the planet reduce, reuse, and recycle. He doesn't want to be an alarmist with a no-hope message but to show people the urgency of the problem.

Every bit does help. Suter's hope is to ask the Brewers to support this idea and see how they can help with this small change

Check out the full article in your browser:

**Brent Suter will save the Planet.
Or at least get his Brewers teammates to reduce their use of one-use plastic bottles
March 4, 2019**

Several Factors Contribute to Single-Stream Contamination

Charlene Lemoine

A MJS article entitled "**Global changes force recycling programs to police loads, weed out 'dirty' trash** (4/01/2019) suggests Material Recovery Facility (MRF) contamination is due to confusion about what to recycle. While this is a factor, the article doesn't mention the inherent contamination due to co-mingling and compacting recyclables during single-stream collections.

China's recent policy of restricting contamination levels to .50 percent (National Sword) has caused an economic decline for domestic recycling markets and brought the issue of contamination to the forefront.

Single-stream contamination begins in carts and intensifies in compaction trucks. By the time a truck dumps material on the MRF floor, small shards of glass have become embedded in paper and corrugated cardboard. Paper mills don't want glass and will pay more for clean materials.

Additionally, prices for mixed color glass have also declined. Several single-stream programs in the U.S. have stopped collecting glass. Glass is 100% recyclable and sending this material to landfills wastes a valuable resource.

Contamination from crushing food and beverage containers that have not been properly emptied and rinsed also impacts paper quality in single-stream. Dual-stream collections keep paper and



Are the brands you purchase polluting the planet?

Charlene Lemoine

In 2018, [Break Free From Plastic](#) worked with [Greenpeace](#), [Global Alliance for Incinerator Alternatives](#) (GAIA), [The Story of Stuff](#) and other groups in 42 countries across six

continents to perform 239 cleanups and categorize plastics by brand. The brand audits revealed which companies were responsible for the most waste contributing to global plastic pollution.



Top 10 Brands

1. Coca-Cola
2. PepsiCo
3. Nestlé
4. Danone
5. Mondelez International
6. Procter & Gamble
7. Unilever
8. Perfetti van Melle
9. Mars Incorporated
10. Colgate-Palmolive

Top 10 items

1. Food wrappers
2. Plastic bottles
3. Cups
4. Bottle caps
5. Shopping bags
6. Lids
7. Straws
8. Stirrers
9. Cutlery
10. Containers



Since only 9% of plastic is recycled, brand auditing exposes the need for companies producing plastic products to take responsibility, reduce packaging and produce products that are recyclable, reusable or compostable. Although companies produce single-use plastic products, as individuals we often purchase them. To reduce

plastic pollution, we should avoid single-use plastic items whenever possible. For more information on the brand audits, checkout [The Brand Audit Report](#).

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WEAL Files Amicus Brief in Contested Case Hearing

Laurie Longtine

The much-touted, mysteriously-purposed and ever-changing Foxconn manufacturing plant and campus received approval from Wisconsin DNR to divert 7 million gallons water per day from Lake Michigan, among other sweetheart taxpayer gifts, tax incentives and environmental protection roll-backs over a year ago. The public still doesn't know what is going to be built, what is going to be manufactured, what manner of chemicals and toxic waste will be in the discharged water back to Lake Michigan or what amount of water the unknown manufacturing process will need.

It was going to be the deal that would catapult Governor Scott Walker into his third term with the promise of "up to" 13,000 jobs. However, Foxconn failed to deliver even modest, interim numbers of jobs in its signed contract and the "up to 13,000 jobs" is fading faster than a mirage in Death Valley. (Why does this guy have such a problem with jobs???) Instead, Walker was catapulted into retirement, and Governor Tony Evers, a kinder, gentler man to

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children and the environment was elected instead.

All of the above has been further complicated by state Republicans' denial of reality, and desperate attempts to cling to power and dilute the powers of the incoming Evers administration.

In a process that echoed the city of Waukesha's Lake Michigan application for diversion, thousands of citizens of Racine, Milwaukee, Kenosha, Wisconsin and the greater Great Lakes region spoke out in opposition to the diversion and the

other environmental harms sure to follow the Foxconn plant.

Thousands testified, wrote letters, made comments to the proposal—overwhelmingly in opposition—and were completely ignored. WisDNR issued its approval regardless, likely under Walker and Republican pressure.

The Great Lakes Compact specifies that diversions be used for a public water supply purposes, defining a public water supply as for primarily residential purposes. There are virtually no residential water consumers in the area proposed to be served. There is one customer only, and it's totally a commercial, industrial user: Foxconn. Environmental and

conservation organizations that had long advocated for strong protections for the Great Lakes didn't take kindly to yet another precedent-setting chunk crudely axed out of those protections.

The month following WisDNR's approval, Midwest Environmental Advocates (MEA) filed an administrative appeal on behalf of four clients: League of Women Voters of Wisconsin, Milwaukee Riverkeeper, Minnesota Center for Environmental Advocacy, and River Alliance of Wisconsin contesting WisDNR's approval of the Racine (Foxconn) diversion. Two additional organizations, League of Women Voters–Lake Michigan Region and Natural Resources Defense Council, later joined as parties to the appeal. A case summary of the appeal is here:

<http://midwestadvocates.org/issues-actions/actions/city-of-racine-diversion-challenge-1/>

and a link to the filing is here:

http://midwestadvocates.org/assets/resources/2018-525_Petition_for_CCH_re_Racine_Diversion_Approval.pdf

WEAL has filed an amicus brief (friend of the court) in support of the MEA challenge. View it here:

Racine's Request for Foxconn Water Diversion

<https://www.weal.org/WEAL%20amicus%20brief%20Foxconn.pdf>

The brief outlines WEAL's concerns over the slapdash process of

WisDNR's decision-making and the blatant flouting of the requirements of the Great Lakes Compact. As with the city of Waukesha's diversion, allowing diversions outside of the Great Lakes basin without meeting the standards of the Compact is setting a dangerous precedent. Read WEAL's comments to WisDNR March 21, 2018 [https://www.weal.org/Lttr%20of%20comment%20%20from%20WEAL%20to%20DNR%20re%20Racine%20LM%20Application%20\(%20Foxconn\)%203-21-18.pdf](https://www.weal.org/Lttr%20of%20comment%20%20from%20WEAL%20to%20DNR%20re%20Racine%20LM%20Application%20(%20Foxconn)%203-21-18.pdf) explaining why a Waukesha County organization has a key interest in a Racine County diversion.

The case is now at a summary judgment stage, to be decided on a question of law. There won't be a trial and likely no oral arguments either. It is expected that an Administrative Law Judge will issue a decision sometime this summer. Please stay tuned to this site for the latest developments.

The writer and blogger James Rowen has been tracking the Foxconn development since it began. His insightful reporting and writing provides a blow-by-blow of the Foxconn con and a running log of information for those who want to remain or become up-to-date. The blog site is:

The Political Environment: <https://thepoliticalenvironment.blogspot.com/2018/11/a-foxconn-fever-primer.html> Bruce Murphy at Urban Milwaukee has also posted some good articles on the issue. <https://urbanmilwaukee.com/2019/03/12/murphys-law-did-business-leaders-fail-on-foxconn/>

