



Waukesha County Environmental Action League
Protecting Waukesha County's Natural Resources since 1978
E-newsletter April 2021

**"You will not solve global climate change
by hitting the delete button".**

-Tom Brokaw

Reflections on Earth Day at 51

Rose Reinders

Earth Day 51 is upon us but with differences from Earth Day 50 which emphasized many programs on education, faith, cleanup, art, clean cities, etc. Through the 50 years, much progress was seen with new laws to regulate, manage and identify the problems that citizens face in becoming more united with Nature, rather than using and destroying Nature for human use.

Earth Day 51 is now focused on past knowledge with the theme to RESTORE the damage that has been done to the Earth over the years.

To restore something is to bring it back to its former or normal use or condition. It involves a RESET for humans to engage with the earth/nature in an overwhelming goal/action to bring back and somehow restore the harm done in the past. Earth Day 51 brings together humans globally to one accord for the preservation

and harmony in nature.

The RESTORE main actions and goals involve:

- reset the economy,
- restore degraded lands,
- stop producing/consumption,
- address the agriculture/food problems such as consumption of red meat and food waste,
- reduction of toxic chemicals in air/food/water,
- stop killing of animals for human profit,
- and finding new cleaner energy sources in all our lives.

The following are 51 action items that we can try and take into our lives to RESTORE the Earth.

<https://www.earthday.org/earth->



WEAL takes proactive approach to conserve county's rare aquatic species

Nancy Gloe

Partially excerpted from U.S. Fish and Wildlife Service website: [USFWS: America's Mussels](#)

"America's Mussels, or clams, are a group of animals so inconspicuous they are often mistaken for rocks. Lying on the bottom of lakes, rivers, and creeks, they rarely move and eat by filtering water for microscopic food particles. They can even reproduce without moving.

North America has the highest diversity of freshwater mussels in the world. And within North America, historically, the Midwest had some of the highest numbers of mussel species. Currently, however, in the Midwest more than half of the 78 known species are classified as Federally endangered, threatened or State species of special concern. No other group of animals in the Midwest is so gravely imperiled. To put this in perspective, The Nature Conservancy reports that about 70 percent of mussels in North America are extinct or imperiled, compared to 16.5 percent of mammalian species and 14.6 percent of bird species.

Although mostly sedentary, they can move. Many species have adapted to the constantly changing situations in streams and rivers. They can also close their shells to avoid short term exposure to toxins or other unfavorable environmental conditions. Thus, mussels are tough creatures that can withstand harsh conditions if those conditions are temporary. The fact that so many mussels are imperiled in the Midwest shows that there have been significant, long-term changes to our lakes and waterways. And those changes have been so dramatic that these aquatic animals have trouble surviving.



This collection of Missouri river mussels shows their beauty and diversity.

Photo by USFWS

Mussels play an important role in the aquatic ecosystem. Many different kinds of wildlife eat mussels, including raccoon, otters, herons, and egrets. Mussels filter water for food and thus are a purification system. They are usually present in groups called beds, which can be large or small. Mussel beds can be a hard "cobble" on the lake, river, or stream bottom which supports other species of fish, aquatic insects and worms.

Although their lives appear boring, their reproductive strategies are quite fascinating. After the male has dispersed sperm that is carried by currents to the female where fertilization occurs, the fertilized eggs are transformed into a larval state inside the female. She then "lures" a fish by flapping her mantle which may look like a minnow, crayfish, or other tasty bit of food.



This Plain Pocketbook's mantle resembles a minnow which she uses to lure any one of a number of fish including white crappie, sauger, bluegill, yellow perch and bass.



This Rainbow's mantle resembles a crayfish which she uses to lure a Smallmouth Bass.

When the target fish approaches, she will expel her larvae at the fish. The larvae attach to the fish's gills or fins and hitch a ride for a few weeks while they use the fish's blood serum to continue their transformation into a juvenile mussel. When the transformation is complete, they drop off of the unharmed fish, and begin their life

as a young adult mussel. Not only is this method of reproduction interesting to biologists and students of nature, the fact that mussels require specific species of fish to reproduce means that mussels are also good indicators of the health of their host fish populations."

The threats to mussels are many. Impacts from instream construction projects, for example, may degrade habitat or kill mussels directly. With this in mind WEAL decided to take a proactive approach to conserve our county's mussels. We got a list of the 2021/2022 Dept. of Transportation bridge construction projects and hired a local biologist who is familiar with our streams to help us choose the sites of concern. Four survey sites were chosen (two nearby bridge projects were combined into one survey point). All of the surveys found at least some mussels and a couple even found healthy, robust populations which included state-threatened species. To our surprise, perhaps the highest quality site was on the Fox River below the Prairie Ave. bridge right in downtown Waukesha! We believe that years ago this part of the river was degraded but it is clearly rebounding.

We submitted the survey data to DNR Bureau of Natural Heritage Conservation. DNR staff were happy to have the data as their data base of rare species is not comprehensive, to say the least. Based on our data, DNR more closely scrutinized the bridge projects so that construction "best management practices" would take place. They further committed to move mussels "out of harm's way" at one of the sites and more closely survey another to make a determination whether relocation was necessary. So, we'll be watching how this project plays out during this construction season. .

Finally, the educators at E.B.Shurts Environmental Education Center have expressed interest in incorporating our data from the Prairie Ave. survey with other mussel educational materials into their curriculum so that the Waukesha School District students can learn more about “the stream in their backyard.” Suffice it to say, this mussel project has caused our streams and rare aquatic life to be given an extra layer of protection that they wouldn’t otherwise have had. Further, it will give lots of local kids a chance to learn about, and maybe even take some ownership for, the interesting creatures around them.

WEAL mussel survey sites and anticipated construction start dates:

- Hwy I bridge over
Fox River.....3/9/21
- Prairie Ave. bridge over
Fox River.....3/9/21
(survey point combined with Madison
St. below)
- Madison St. bridge over
Fox River.....11/9/21
- CTH XX bridge over
Pebble Brook.....11/9/21
- Duplainville Rd. bridge over
Spring Creek.....2/8/22

A natural gem in the middle of the city

Nancy Gloe

Those of you who are bicyclists or City of Waukesha residents may be familiar with the EB Shurts Environmental Education Center and the Fox River Sanctuary (FRS), gateway to the Glacial Drumlin Trail. Even if you’re not, please read on.

Natural history of the area

Up until the arrival of the white settlers, the larger area was an “oak savanna.” Oak savanna is an ecosystem distinguished by widely spaced, spreading trees with a unique group of prairie plants growing below. The oak savanna was once one of the most

common vegetation types in the Midwest but is today highly endangered. Intact oak savannas are now one of the rarest plant communities on earth. However, many degraded oak savannas still exist and can be restored.

For many thousands of years, the woody species in oak savannas were kept at bay by controlled burns by the local Native Americans. Of course, burning benefits prairies and kills brush, but unlike most woody species, Bur Oak is fire resistant.

When the Native Americans were forced out of the area ☹ to make way for the new settlers, burning was discontinued. The open areas gradually became woodier. Then came the advent of the super invasive European buckthorn, which quickly turned the few remaining oak savannas into dense thickets. This is what happened to the oak savanna remnant at the FRS.

Buckthorn is a relentless competitor and will ultimately kill everything around it. The prairie plants were easily shaded out and extirpated, but the big old oaks were not so easily pushed aside. Eventually, however, the buckthorn would win unless someone intervened.

Enter the tree hugger...

A few years ago, while peddling by, I noticed the big oaks under siege. I thought to myself: “Dang! Those trees need help!” So... I got in touch with Emma Koeppel from the adjacent Environmental Ed. Center and the folks at City of Waukesha Parks Dept. I also enlisted the services of an expert restoration ecologist and, *voilà*, we had a restoration plan that had the City’s blessings.

Suffice it to say the project has progressed, albeit slowly, for the past few years. The City doesn’t allow the use of chainsaws or herbicides by volunteers, but they do regularly remove our big brush and weed plies. A portion of the site has been cleared. The work has largely been done by yours truly and a few EB Shurts staff members. A number of work parties have contributed too: GE medical, Waukesha School District students (gotta love ‘em) and several WEAL board members have been helpful. Besides buckthorn, there are other invasive and weedy natives that require our attention.

Over the past year we have started to plant prairie plants in the cleared areas, and, after a long hiatus, acorns are beginning to sprout again. [note: For many years no new oaks could grow due to buckthorn allelopathy (the ability to create and spread toxins to other plants to negatively affect germination)].

Work is ongoing and, if the fates are willing, someday the site will look a little like it did 150 years ago. Kinda cool, don't you think? Add to this the high-quality assemblage of aquatic life in the adjacent stream (see previous article) and there you have it: a high-quality aquatic and upland gem right in the middle of heavily urbanized Waukesha.

The incredibly awesome Waukesha School Board kids and a hefty pile of garlic mustard they slayed.



WEAL Board members doing the same.

Book Review:

Red Herrings – A Cautionary Journey for Citizen Opposition Groups

Charlene Lemoine

A new book entitled *Red Herrings – A Cautionary Journey for Citizen Opposition Groups* by John Filcher of Incinerator Free Brown County (IFBC)

describes how a group of citizens faced with an incinerator proposal in their Ashwaubenon neighborhood became educated on incineration and networked with groups in Wisconsin and across the USA.

WEAL is one of the groups that frequently networked with IFBC and our involvement is mentioned throughout the book.



The incinerator was proposed by the Oneida Seven Generations Corporation (OSGC) in several different locations in Northeast Wisconsin. When the incinerator faced well-informed opposition in Ashwaubenon, the proposal moved to Green Bay. IFBC continued their opposition and shared their knowledge with residents in Green Bay neighborhoods and the Green Bay City Council.

Red Herrings takes you on a on a journey from proposals to local permitting and keeps going all the way to the Wisconsin Supreme Court.

The book offers an in-depth account of how a local government can be persuaded to believe blatantly false information and what happened when the local government learned that the plan submitted to the Wisconsin DNR was entirely different from what they were told.

There are many twists and turns in this journey, but the opposition remained committed and continued to grow. The book is inspirational and can serve as a resource on how to put together an informed opposition and what you might encounter along the way. WEAL plans to invite author Filcher to Waukesha County for a book signing event in late spring or during the summer.

Red Herrings is available now on Amazon at:
*Red Herrings: A Cautionary Journey for
Citizen Opposition Groups*: Filcher, John:
9781604147834: Amazon.com: Books

Eastern expansion, Southern Unit

(Boundary Road Superfund Site plan)

Charlene Lemoine

The proposed expansion for the Boundary Road Superfund site (a.k.a. Lauer 1 Landfill) continues to move through the regulatory process. The plan involves exhuming 1.3 million cubic yards of toxic waste buried 30 feet deep from the 58-acre Boundary Road Superfund site. Once excavated, the contaminated and potentially hazardous waste will be buried in various areas of the adjacent Orchard Ridge Landfill in Menomonee Falls.

Environmental Impact Statement (EIS) request to DNR

Requests to the DNR for an Environmental Impact Statement (EIS) were submitted from the Great Waters Group of the Sierra Club, Midwest Environmental Advocates, Wisconsin Conservation Voters, Seven Mile Creek Neighborhood Association (Town of Seymour) and WEAL. Nearby residents also sent the DNR requests for an EIS.

On 9/19/2020, WEAL emailed the Menomonee Falls Village Board asking the Village to submit an EIS request to the DNR. This request was discussed and voted on during a 9/21/2020 Village Board meeting. The vote was 4 to 3 against submitting an EIS request.

On 2/19/2021, the DNR issued a Project Summary and Environmental Analysis for the Feasibility Report Completeness Determination Letter for the Proposed Orchard Ridge Eastern Expansion, Southern Unit (Boundary Road Superfund site plan). The Project Summary states: "...the department has made a preliminary determination that an EIS is not required for the proposed facility, and that the information provided in the environmental analysis is sufficient to meet the requirements of WEPA under s. 1.11 (2) (c), Wis. Stats., and s. NR 150.20, Wis. Adm. Code."

Requests for an informational public hearing

Wisconsin's Waste Facility Siting Law, Chapter 289, states "...any county, city, village or town, the applicant or any 6 or more persons may file a written request for an informational hearing on the matter with the department." 289.26(1).

On 3/02/2021, WEAL sent a letter to the Menomonee Falls Village Board asking the Board to submit a request for an "...informational hearing" because there was a great deal of community interest. WEAL has not received a response and this request was not on a recent Village Board meeting agenda.

On 3/03/2021, the DNR issued a Public Notice on the proposed expansion which began a 30 public comment period. Informational and contested case hearing requests could be made during this time.

WEAL sent a letter to the Waukesha County Board of Supervisors on 3/18/2021 asking the County Board to submit a request for an "informational hearing." WEAL has not received a response to their letter.

Requesting an informational hearing does not require having a position in favor or against the proposed landfill expansion plan. An informational hearing is merely an opportunity to hear about the proposed expansion and offers the public an opportunity to participate by presenting oral and/or written comments.

Since the Village and Waukesha County were not likely to request an informational hearing, a joint request was submitted to the Secretary of the DNR on 3/29/2021 by Midwest Environmental Advocates, The Great Waters Group of the Sierra Club, Milwaukee River Keeper, Wisconsin Conservation Voters, The League of Women Voters of Milwaukee County and WEAL. A separate informational hearing request signed by 29 residents was also submitted.

If the requests for an informational hearing are approved, the DNR has up to 60 days after the public comment period ends on 4/02/2021 to conduct the hearing.

Local Siting and Feasibility Reports (detailed landfill plans)

When a landfill applicant informs municipalities within 1500 feet of a proposed new or expanded landfill, a siting committee can be formed to obtain local approvals and negotiate with an applicant for virtually any subject except conditions that would be less stringent than the DNR would impose and need. 289.33(8)(a)

Chapter 289 also requires a landfill applicant to distribute the Feasibility Report (a detailed plan) and addendums to the DNR and affected municipalities at the same time. 289.23 (4)

When the Village and the County included local approvals for the exhumation in the September 2017 Siting Agreement with Waste

Management in the Feasibility Report and addendums that were available were for an East Expansion (44 acres), the East Expansion Feasibility Report and addendums did not include any plan, or reference to exhuming the Boundary Road Superfund site.

The proposed plan to exhume the Boundary Road Superfund site appears in the "Orchard Ridge Eastern Expansion, Southern Unit" Feasibility Report and was received by the Village, Waukesha County and the DNR on 7/23/2020 and an addendum was received on 12/18/2020.

It is not common, and may be precedent setting, for affected municipalities to grant local approvals for a landfill expansion plan that was different than the plan the DNR was reviewing at the time.

The 7/23/2020 proposed Eastern Expansion, Southern Unit proposal is also unusual since it involves exhuming a Superfund site that has been meeting U.S. EPA and DNR containment requirements. The most recent EPA/DNR comprehensive Five-Year Report (9/19/2017) found the site to be protective of human health and the environment.

There are risks associated with exhuming the Boundary Road Superfund site that could impact the environment as well as the health and safety of nearby residents. WEAL plans to submit oral and written comments when an informational hearing takes place.

Stay Informed with WEAL Updates

WEAL has information on the proposed plan to exhume the Boundary Road Superfund site posted on the WEAL website, www.weal.org, and will update information when a public notice is issued by the DNR for an informational hearing. WEAL will also send out an action alert at that time.

WEAL supports Victory Garden Initiative

Angela Reifenberg

With a lot of our big projects behind us, WEAL is selecting other areas on which to focus our efforts. Environmental justice is one area that WEAL is getting involved.

The Victory Garden Initiative (VGI), based in Milwaukee, is an organization that builds communities that grow their own food to create a community based, socially just, and environmentally sustainable nutritious food

system for all. VGI focuses on areas of the City where food diversity is scarce and knowledge about how to grow their own food even more rare. VGI believes that through gardening, we make connections to the cycle of life, and learn to develop good, tasty food... from garden to plate.

VGI has their garden blitz in the spring when they give away these supplies to low-income families so that they can start their own gardens and WEAL can help them be stocked and prepared.

Below is a list specifically of what they need:

- **Vegetable Seed Packets** → HIGH DEMAND ITEM!!! (Seed packets can be dated from 2017–2020 and still be viable!)
- **Hand Tools** (trowels, cultivators, clippers etc)
- **Full Size Shovels**
- (round point preferred)
- **Watering Cans**
- **Seedlings in Spring!** (if you have extra vegetable seedlings in the spring, we will give them away to Harambee gardeners!)



Should you be interested in donating supplies, please send Nancy, the WEAL President, an e-mail at ngloe1@wi.rr.com.

In the subject line of the e-mail include the words Victory Garden and we will coordinate with you a drop off or pick up date and time.

Don't buy the lie

(excerpted from Waterkeeper Alliance)

Help stop the fossil fuel industry's insidious efforts to increase the production of plastic and the continued use of toxic petrochemicals!

You probably use plastic in your everyday life, just like most Americans. But what you may not know is that plastic is part of a nefarious plot...

Even as clean energy alternatives are on the horizon, BIG OIL isn't ready to let us kick our fossil fuel habit so quickly.

These, greedy, corrupt corporations needed another way to make money from

squeezing every drop of oil out of our planet, so they turned to plastic as the next big source of revenue for their filthy schemes. Studies predict that by 2050, plastics will account for about 20% of total oil consumption, up from around 8% today.

Plastic is destroying our planet. Chemical products derived from petroleum, called petrochemicals, are essential for plastic production. The rapid growth of the petrochemical industry is directly linked to a recent boom in U.S. shale production. Petrochemical plants rely on toxic fracking methods to obtain fossil fuels, and they release massive amounts of greenhouse gases and other chemicals into the atmosphere.

And that's not all.

Plastics contaminate our waterways and oceans and fill up our landfills. Communities near petrochemical plants are exposed to air and water pollution. Noxious plastic particles leach from our water bottles and food containers, polluting our bodies.

Now is the time to take a stand against the fossil fuel industry and tell them we do not buy their lies about plastic. You can help by:

- Supporting plastic bans in your community
- Telling your state legislators to resist preemption legislation and not enact a "ban on a ban" that will prevent regulation of plastic
- Considering plastic-free alternatives wherever possible such as reusable bags, glass food containers, buying in bulk, and more.
- Join the fight to help keep fossil fuels in the ground for good.

**It could have been so different . . .
Half the cost, a fraction of
The construction destruction,
minus the drama**

Laurie Longtine

In 2015, GZA GeoEnvironmental, Inc., a widely respected geotechnical engineering, environmental, ecological, water and construction management firm, conducted an analysis of Waukesha's diversion application. Using data from Waukesha's studies, as well as data from SEWRPC and USGS and other sources, GZA Geo evaluated the following [limited] areas of the application:

- Water demand projections for only the existing Water Service Area, City of Waukesha, without the expanded WSA into neighboring communities (the expanded WSA was part of Waukesha's application at the time);
- Existing radium data and the potential of meeting radium water quality standards with treatment and blending; and,
- Rebound and sustainability of the deep sandstone aquifer.

Based on its evaluation, GZA provided this summary and conclusions:

"The non-diversion alternative represents the most cost-effective and technically feasible alternative to meet the existing and future water supply demands for the City. This alternative is protective of both human health and the environment and represents about one-half of the cost of the diversion alternative [on a 50-year net present worth basis]."

Based on its evaluation, GZA provided this summary and conclusions:

- The City of Waukesha's Application did not incorporate the declining per capita usage trend evident across customer classes;
- The predominant decline in demand appears to be derived primarily by a lower demand by industrial users; and the data shows that usage has been declining in residential and commercial uses as well;
- The declining water use and the City's reliance on shallow aquifer wells to satisfy part of the water demand has resulted in a rebound of water levels in the deep aquifer in the vicinity of Waukesha's deep aquifer well field. This condition, when combined with appropriate water demand forecasting for the City, will result in a sustainable water supply alternative for the City;
- Under this alternative, no additional water wells are proposed with no additional impact to surface waters and wetlands;
- Radium in the deep aquifer appears manageable and can meet the water quality standard by using RO treatment combined with blending; and
- The estimated cost for the proposed water supply alternative is

approximately 50% of the City's Lake Michigan Diversion with Return Flow alternative.

GZA GeoEnvironmental's work was commissioned by the Compact Implementation Coalition, (CIC) to monitor Waukesha's diversion proposal and its impacts on the environment and the Great Lakes. WEAL is a CIC coalition partner.

**Waukesha
water
diversion?
Destruction?**

Sunset Dr. looking east-- Waukesha



Prairie Ave. looking north + east-- Waukesha



Sunset Dr. looking east--Waukesha



I-43 north—New Berlin



Small Rd looking north--New Berlin



I-43 south-- New Berlin



S Westridge Dr.-- New Berlin



Ubiquitous 30" diameter pipes



Coffee Rd west--NB



Coffee Rd. east--NB



Return flow