

## 2012 Milwaukee River Basin Grade: C-

Milwaukee Riverkeeper released its third annual Milwaukee River Report Card highlighting water monitoring results from the 2012 water monitoring season. The Milwaukee River Basin overall earned a C-, which was a slight improvement from a D+ in 2011. The report card shows that while we may have come a long way in improving certain aspects of water quality, we still have a long way to go before we have clean, fishable and swimmable streams throughout the Milwaukee River Basin.

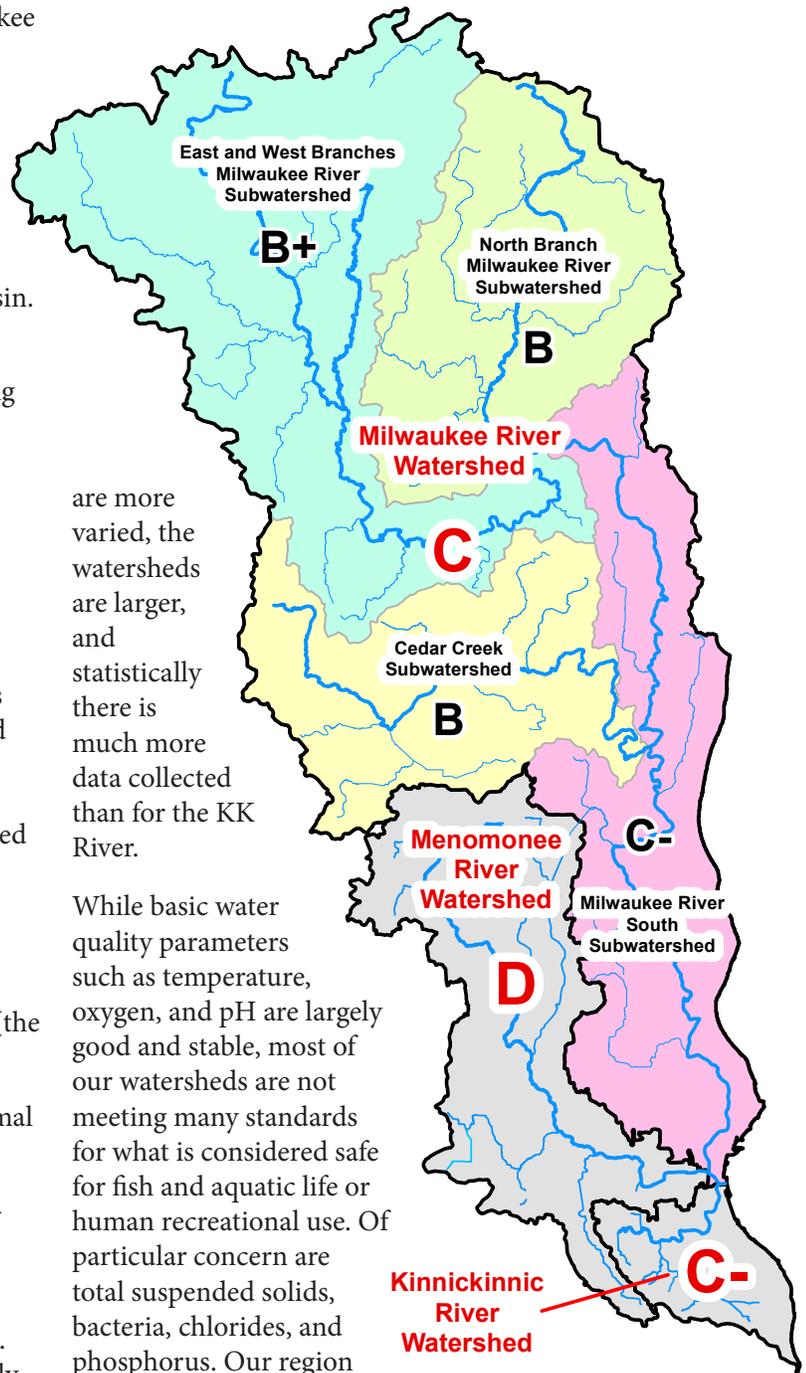
The report analyzes data from Milwaukee Riverkeeper's 88 dedicated citizen stream monitoring volunteers, testing water at 100 sites, as well as data from the Milwaukee Metropolitan Sewerage District (MMSD) and the Wisconsin Department of Natural Resources (WDNR). Since the data goes through numerous quality control checks, it takes nearly a year to compile the data and produce the report card.

The River Report Card provides a snapshot of the health of our rivers at subwatershed, watershed, and basin levels and highlights water quality parameters such as dissolved oxygen, temperature, turbidity, pH, macroinvertebrates (aquatic organisms), bacteria, phosphorus, chloride, and conductivity. It also explains how parameters were assessed to determine grades.

In 2012:

- The Milwaukee River Watershed showed no overall improvement from 2011, receiving another C grade (the watershed received a B- in 2010).
- The Menomonee River Watershed remained at a dismal D, the same as 2011.
- The Kinnickinnic (KK) River grade improved to a C- from a D- grade in 2011.

Significant improvements for the KK were documented in both Milwaukee Riverkeeper and MMSD data in 2012. Possible explanations could be that the KK River is heavily urbanized, and there was a reduction in urban runoff in 2012 due to a significant drought, which led to water quality improvements such as reduced turbidity and improved oxygen levels. It's also important to note that pollutant sources to the Menomonee and Milwaukee Rivers



are more varied, the watersheds are larger, and statistically there is much more data collected than for the KK River.

While basic water quality parameters such as temperature, oxygen, and pH are largely good and stable, most of our watersheds are not meeting many standards for what is considered safe for fish and aquatic life or human recreational use. Of particular concern are total suspended solids, bacteria, chlorides, and phosphorus. Our region is currently working on pollution reduction plans for reducing the levels of total suspended solids, bacteria, and phosphorus to our rivers, and these are expected to be released in the spring of 2014.

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# Thank You Members!

November 2013 - January 2014

The generosity and commitment from our donors to our rivers is inspiring. We are thankful to have wonderful supporters who believe in our mission and take action towards clean drinking water and fishable, swimmable rivers! Thanks to the support of the following individuals we were able to surpass our annual appeal goal.

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# Wisconsinites Take to the Capitol

On Tuesday, February 11th over 300 citizens from across Wisconsin descended on the State Capitol in Madison for the Wisconsin League of Conservation Voters' Conservation Lobby Day. This year our advocacy efforts focused on two bills that we oppose and one bill that we support:

We oppose *SB302/AB679--the "Sucking Wisconsin Dry" bill*-- that allows frac sand mining companies, factory farms, and other large water users to pull from the same groundwater source without consideration of cumulative effects of those withdrawals on waters of the State. Groundwater provides drinking water for 70% of Wisconsinites. Instead of trying to solve the very real problems surfacing in different parts of the state of streams and wells drying up, this bill would legislate that DNR NOT consider the impacts of high capacity wells to benefit industry at the expense of our rivers, lakes, and streams.

*SB349/AB476--the "Kneecapping Local Communities" bill* would hamper local governments' ability to do their jobs and protect their communities from pollution. The bill would prohibit local communities from passing ordinances, zoning, or other rules to regulate practices such as frac sand mining and manure spraying, and prohibit them from passing protections for air and water quality. The bill also prohibits local authorities from MONITORING their own air and water quality. Even worse, the bill would retroactively strip away community ordinances that address public health and safety concerns from the books. Over 350 municipalities have passed resolutions opposing this bill.

*SB411/AB306-- "Stop the Frac Sand Free-For-All" bill* would provide eight additional staff for the DNR to ensure that frac sand mining facilities are strictly monitored and that existing

water and air quality laws would be enforced. This bill is necessary due to the boom of frac sand mining in Wisconsin, which has caused havoc on natural resources, public health, and quality of life. Wisconsin currently holds 75% of the frac sand market in the US due to our "perfect" sand for hydraulic fracking for natural gas; facilities to mine this sand have increased from a handful to over 100 mines in the last five years and have been largely unregulated.



## Volunteer Monitoring Symposium a Big Success

This year's Wisconsin Volunteer Stream Monitoring Symposium was held in conjunction with the Wisconsin River Water Quality Improvement Symposium in Stevens Point on February 14 and 15. The event featured a mix of volunteer, volunteer coordinator, and DNR staff presentations.

DNR biologists thanked volunteers for their participation in monitoring phosphorus, which has led to the proposed listing of many streams in the State to the federal impaired waters list. This means these rivers are not meeting water quality standards, and any new or increased phosphorus discharges cannot be legally authorized in these streams. Phosphorus sampling by Milwaukee Riverkeeper volunteers helped to identify over 20 reaches of streams and rivers in the Milwaukee River Basin in need of phosphorus reductions.

Volunteer road salt monitoring was also a featured session. Milwaukee Riverkeeper has had a handful of volunteers participate in this project since 2010, and our results have led to listing chloride as an impairment to such local streams as the Kinnickinnic River, Lincoln Creek, and Oak Creek; the latter not technically in our Basin but it is a local stream we care about and have been monitoring for the last few years.

Joe Rath, our Water Quality Specialist, presented information regarding the generation of Milwaukee Riverkeeper's Annual River Report Card. Several local volunteer coordinators were interested in hearing about our work to convey our volunteer-collected water quality data, and also shared their own struggles and successes.

## Volunteers Paid in Pizza & Beer

After having to cancel the first gathering due to inclement weather, we managed to pull off a nice little pizza and beverage appreciation party at Milwaukee Riverkeeper Headquarters on January 21st. We were a little short on the pizza, but that will be rectified for next year's event for sure! A dozen or so volunteers were also treated with water quality reports for their monitoring stations (find site reports by clicking the "volunteer monitoring portal" link on Milwaukee Riverkeeper's website home page) and commendations for their immense efforts; Once again our volunteers collected the lion's share of baseline water quality data for our Milwaukee River Basin in 2013.

# Army Corps Study Finds Physical Barrier Most Effective Way to Keep Out Asian Carp



On January 6th, the Army Corps of Engineers released their congressionally mandated “Great Lakes and Mississippi River Interbasin Study” (or GLMRIS). This study outlines eight ways to prevent the transfer of invasive organisms between the Mississippi River and Great Lakes Basins, via Chicago-area rivers and canals that were originally engineered more than 100 years ago to connect the two systems.

While the study does not make any specific recommendations, it concludes that physical separation of the Mississippi River and Great Lakes watersheds is the most effective way to prevent aquatic invasive species like Asian carp from moving between the two iconic waters, but this comes at a high cost. Conservation groups, including Milwaukee Riverkeeper, attended public hearings in January to support the physical separation option, which was the only one shown to stop

(and not just minimize) the transfer of various invasive fish, parasites, grasses, algae, and other organisms. The report comes soon after the Army Corps admitted in a different report that a series of electrical barriers designed to repel the advancing Asian carp can be breached in a variety of ways, leaving Lake Michigan and the other Great Lakes vulnerable to the destructive non-native fish.

The Army Corps findings mesh with overwhelming public support for physically separating the two systems. Hundreds of residents attended January and February GLMRIS hearings in Milwaukee and throughout the Great Lakes urging quick action to deal with the Asian Carp. Citizens have supported action since 2009 when environmental DNA of the fish was discovered past the electric barriers in the Chicago canal system, and more recently, when environmental DNA was found in the Green Bay area in 2013.

The Army Corps study pegs the cost of separating the Great Lakes and Mississippi River systems in the billions—a cost that includes expensive sewage treatment system upgrades, remediation of contaminated sediment, and flood management upgrades, in Chicago among the actual separation costs. The Chicago Waterways System

has received the most attention to date, as it is the most likely route for carp to enter the Great Lakes; however, this is not just a Chicago problem, but a national issue that will require significant resources to address.

The Army Corps also identified 18 other potential pathways for aquatic invasive species to find their way between the Great Lakes and Mississippi River systems outside of the Chicago Waterways System, including the headwaters of the Menomonee River, which is closely intertwined with Fox River wetlands. While there is some disagreement over the best interim and long-term solutions to address this issue, everyone agrees that the entry of the bighead and silver carp into the Great Lakes could upend the already fragile ecology of the Lakes and devastate the region’s \$7 billion fishing industry.

The Army Corps is taking public comment on the study through March 31, 2014. More information can be found here: <http://glmr.is.anl.gov/glmris-report/> Also check the “news” section of our website for more information on this issue and talking points! It’s also important to contact your Federal Legislators to let them know that you care about this issue.

## 2012 Milwaukee River Basin Grade: C-, Continued from page 1

The Milwaukee River Report Card is a tool to help determine where in the watershed action is most needed to reduce pollution levels and to improve water quality and aquatic habitat. The Report Card also highlights how individuals can take part in the effort to improve our waters through changing behaviors such as reducing application of fertilizers and road salt, as well as by volunteering to monitor water quality. To view the entire report visit [www.milwaukeekeeper.org](http://www.milwaukeekeeper.org).

### Why are they significant?

- **High levels of suspended solids** may indicate poor and degrading land use, and can lead to poor conditions for both aquatic organisms and the stream itself.
- **High bacteria** concentrations impact not only stream health, but also human health. A large portion of our sanitary and stormwater sewers are aging and in disrepair, hence leaks occur that find their way to our rivers. Bacteria can also come from wildlife, pets, and failing septic systems.
- **High chloride** concentrations in rivers and streams are toxic to aquatic organisms. Road salt runoff constitutes a large source of chloride.
- **Excess phosphorus** entering our waterways causes growth of nuisance algae, which is not only unsightly but can also contribute to low oxygen levels and fish kills.

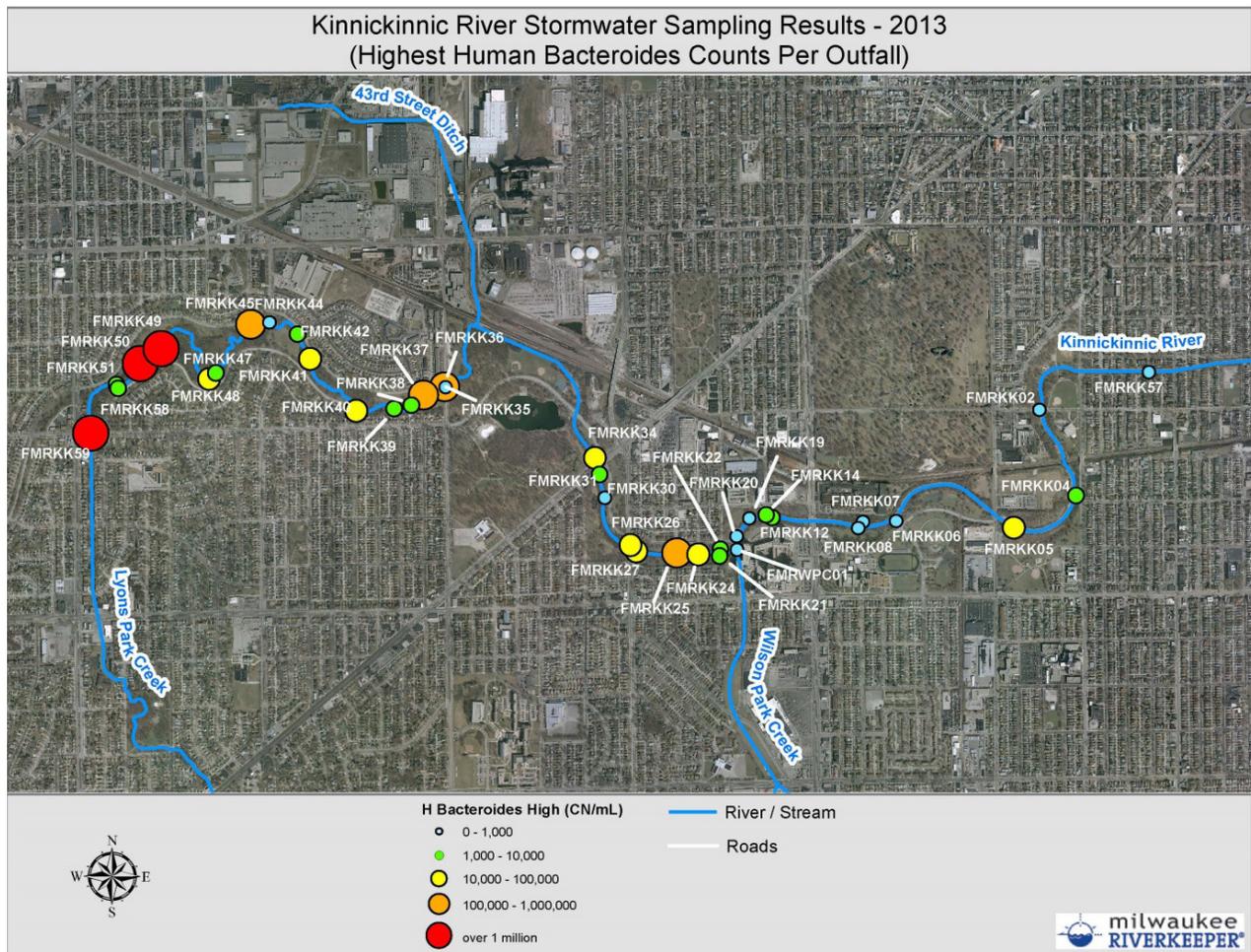
# Finding and Fixing Sanitary Sewage Contamination

Milwaukee Riverkeeper has been working with UW-Milwaukee School of Freshwater Sciences' professor Sandra McLellan and her lab since 2008, monitoring and identifying sources of sanitary sewage contamination of the stormwater systems in targeted areas of the Menomonee and Kinnickinnic River Watersheds. A new grant from the EPA Great Lakes Area of Concern Program will allow Milwaukee Riverkeeper staff to continue their work in 2014 and 2015 to collect three wet weather and one dry weather sample from flowing stormwater outfalls in "hot spot areas" of bacteria in both watersheds. Our goal is to find these sources of sewage contamination in our rivers and to work with our partners to eliminate this bacteria (and associated pathogens and viruses) that are polluting our rivers and threatening public health.

Our goal is not to have any sanitary sewage flowing from the storm sewer outfalls. At last count, lab reports indicate that 150 of 308 outfalls in the Menomonee and Kinnickinnic River Watersheds target areas had at least one sample test positive for human bacteroides. Because of the huge extent of the problem, we focus our efforts for "fixes" on those outfalls with higher bacteria results, multiple positive results for human bacteria, and those which flow during dry weather.

In 2013, over 80 samples were collected during rain events and the results are sobering. Of the outfalls tested on the main stem of the Kinnickinnic River, samples from three separate outfalls had human bacteria levels over one million, and another eight samples from various outfalls exceeded the 100,000 mark. Our 2013 results showed that nearly 50 samples from the Kinnickinnic River exceeded the 1,000 mark, which we consider an indicator of significant human bacteria contamination (see map below).

The good news is that we are working with Dr McLellan's Lab, the Milwaukee Metropolitan Sewerage District (MMSD), and local municipalities to further examine the stormwater systems draining to stormwater outfalls with the highest human bacteria levels, with a goal of finding areas of failing pipe and fixing these problems. This "stormwater group" will be releasing a report soon to show the extent of sanitary sewage contamination of our stormwater systems, as well as to outline successful remediation of the worst culprits that are keeping our rivers from being clean and "swimmable".





# RIVERKEEPER WATCH

From the log book of the Milwaukee Riverkeeper

## Good News for the Great Lakes

In January, Congress finally passed an omnibus spending bill that funds the Great Lakes Restoration Initiative at \$300 million for fiscal year 2014 and the Clean Water State Revolving fund—a program that provides critically needed low interest loans to municipalities for wastewater infrastructure upgrades—at \$1.44 billion. This spending bill is a significant victory for the Great Lakes and the millions of people who depend on them. Thanks to those that contacted their legislators on this issue! Thanks also to Senator Baldwin and Representatives Moore, Ryan, Pocan, Kind, and Duffy for voting for this important funding.

## Good News for Farmers

Congress also finally passed a Farm Bill after several years of inaction. While not perfect, the Farm Bill ultimately provides some certainty to farmers to effectively and efficiently manage their land, natural resources, and businesses for the years ahead. Besides helping the 16 million Americans whose jobs directly depend on the agriculture and forestry industries, the Farm Bill also includes provisions for private land conservation that benefits our \$145 billion wildlife recreation economy. Additionally the Farm Bill funds important water quality protection programs that recharge groundwater aquifers, protect our waterways, and create fish and wildlife habitat.

The Farm Bill also included a key “sodsaver” provision that reduces incentives for grassland conversion in several states, and supports re-linking conservation compliance to crop insurance premium assistance so that farmers don’t get incentives to farm sensitive wetland areas or areas with erodible soils that could send erosion to our rivers. Ultimately, the Farm Bill helps us maintain security of our food systems, and gives landowners the resources they need to responsibly farm our lands and protect our natural resources.

## “Pay to Pollute” Phosphorus Bill Passes State Legislature

In 2010, Wisconsin passed phosphorus regulations partly in response to Federal pressure after a Notice of Intent to sue was filed by Milwaukee Riverkeeper and several partner groups in Madison for EPA’s failure to promulgate phosphorus regulations in the State of Wisconsin. These rules were designed to prevent harmful algae blooms that reduce oxygen levels in our waters and threaten fish and aquatic life. The phosphorus limits are just starting to be placed in permits.

For several years, DNR has been working with a great variety of stakeholders including many environmental NGOs and industry to come up with compliance options that would provide some flexibility such as watershed adaptive management. This option would allow point sources such as sewage treatment plants and industries to partner with upstream farmers and landowners to implement more cost-effective land practices to reduce phosphorus, but at the end of the day the point source was accountable for achieving reductions and monitoring was required.

Several weeks ago, a fast moving bill called “The Clean Waters and Healthy Economy Act” (AB 680/SB 547) was introduced (largely by a group representing sewage treatment plants) to grant point sources an ability to get a statewide variance that would delay compliance with these regulations by 20 years with some interim reductions required. The bill allows facilities to “pay to pollute” or give funds to counties or third parties to implement practices to reduce runoff, but with very little accountability of whether phosphorus is actually being reduced. Point sources would pay \$5 per pound of needed phosphorus reductions to the Counties, but a late amendment to the bill would cap their payments at \$640,000 per year (a hat tip to large treatment plants that require so much phosphorus reduction that their payments would have been in the millions of dollars).



Cheryl Nenn, Milwaukee Riverkeeper

While some positive changes were made to the bill during the amendment process, many serious concerns remain. Luckily, EPA will have authority to review these changes, and we hope to address our concerns at the Federal level.

## Valley Power Plant Conversion Going Forward

In early 2014, the Public Service Commission approved conversion of the Valley Power Plant from coal to natural gas. While this conversion will help address major air quality and asthma concerns in the vicinity of the plant, as well as to reduce some heavy metals and harmful pollutants from getting into local rivers, we remain disappointed that We Energies chose to not decouple steam and electric generation at this plant. This decoupling would have led to significantly more water quality improvements as well as reduced natural gas use and greenhouse gas creation. We will keep working to ensure that We Energies complies with their new water permit and follows through on improvements to reduce fish impingement and entrainment at the plant.

## Advanced Waste Services/ Chem Works Leaving Milwaukee

Milwaukee Riverkeeper has worked with many community partners in the Martin Drive neighborhood as well as Midwest Environmental Advocates (MEA) to address both odor concerns and wastewater pre-treatment violations at this chemical treatment facility for the last 5 years. Advanced Waste Services (AWS aka Chem Works) has had many issues associated with fugitive odor emissions

# The Continuing Saga of the Estabrook Dam

In 2009, the WDNR ordered the County to open the Dam and not refill the impoundment until all structural repairs were made to protect life and property downstream. In June 2011, Milwaukee Riverkeeper filed suit against Milwaukee County, asking the court to declare the Estabrook Dam a statutory nuisance that must be abated due to its failure to properly maintain, repair, abandon, or remove the Dam. We asked the court for summary judgment in this case, because there were really no material facts in dispute as to the County's liability and failure to operate and maintain the Dam since inspections began in 1995 showing major problems.

We had oral arguments on the summary judgment motion in May 2012, and the Court declared the Dam a public nuisance and ordered the County to prepare a plan to remedy the nuisance by June 25, 2012. The County did submit a plan to comply with this order shortly thereafter, but the Court agreed with Milwaukee Riverkeeper at an August, 2012 status conference that the County's plans were deficient for a number of reasons, including its clear failure to explain how and when the nuisance would be remedied.

The Court ordered the County to prepare a pleading or memo by November 15, 2012 stating whether it had elected to (1) repair and maintain or (2) tear down the Dam, including a timeline for work, concrete evidence of financial resources to carry out the work, and documented funding for operations and maintenance should the County elect to repair the Dam. On November 15, 2012 the County submitted its second plan indicating its intent to repair the Dam; however, we filed a response to this plan as it failed to comply with the Court's order to demonstrate funding to maintain and operate the Dam in the future.

At about this same time, WDNR and the Bureau of Land Management (BLM)-- who owns some of the land that the Dam rests on--called for Milwaukee County to begin preparation of an Environmental Assessment (EA) as a condition before any work on the Dam. We welcomed this step, because it forces the County to evaluate alternatives to repair of the Dam including removal and possible "hybrid" options that would allow for fish passage, which have never been done. Under Federal and State law, an EA also

requires that there be an analysis of the social, economic, and environmental impacts of all reasonable alternatives before a proposed action is taken. On November 29, 2012, the Court agreed to a continuance of the case to allow for the EA process to move forward. Since then, we have waited over a year for the EA to be completed, and we are hearing it is still 4-5 months away.

At a status conference with the Court on October 30, 2013, Riverkeeper requested that the Court order the County to file a timeline to ensure the nuisance will be abated, with interim milestones, and stipulated penalties for the County missing deadlines. We had a hearing on this motion on January 29, 2014, and are waiting for the Judge's response. Meanwhile, the County is also under an existing DNR order to repair or remove the Dam by the end of 2014. The County has ignored multiple orders in the past going back to 1995, and it seems unlikely they will make this deadline, given funding issues as well as contaminated sediment issues.

Milwaukee Riverkeeper is evaluating our options going forward, but will continue to push for dam removal throughout the EA and permitting process. Removal makes the most environmental and economic sense. We also have the option of going back to Court on the "remedy" to the nuisance, where a Judge would determine whether the County's plans would abate the nuisance given lack of demonstrated funding and a history of poor maintenance of this dam. The worst outcome would be to repair this 75-year old Dam that is near the end of its life span, to only have another crisis several years down the line.



## Riverkeeper Watch, Continued from page 6

from their wastewater that has harmed quality of life in Martin Drive and even led to evacuations at Miller Brewing Company. MEA filed a Notice of Intent to sue this facility on our behalf at one point.

As a result of neighbor concerns and work by the Milwaukee Department of

Neighborhood Services and the Milwaukee Health Department, AWS has decided to relocate their Hazardous Waste operation from Milwaukee, and they must vacate their existing plant by September 2014. Unfortunately, they are planning to move to an industrial park in Menomonee Falls, and nearby neighbors are concerned about

inheriting the problem. We are working with staff in Menomonee Falls to educate them on this facility and hope that the new plant can be properly built to eliminate or minimize air and water concerns.

# Save the Date!

## 2014 Annual Spring River Cleanup

*Saturday, April 26th*

*9:00 am - 12:00 pm Cleanup (with Party to Follow)*

Over 50 locations around the Milwaukee River Basin.

View sites and register on at: [milwaukeekeeper.org](http://milwaukeekeeper.org).

Do you have an idea for a site along the river that really needs some love? Are you interested in leading a cleanup site but are not sure where you are needed? Are you interested in sending a large group of volunteers to a site? We can help you! Please contact Zac Driscoll, Spring Cleanup Coordinator at [zachery@milwaukeekeeper.org](mailto:zachery@milwaukeekeeper.org) or 414-287-0207x1 and he will help you work out the details!

## Level 1 Water Monitor Training

*Saturday, May 3rd, 2014*

*9:00 am - 3:00 pm*

Riveredge Nature Center

4458 Hawthorne Dr

Saukville, WI 53080

RSVP Required!

Contact Joe Rath, Water Quality Specialist at

[joe\\_rath@milwaukeekeeper.org](mailto:joe_rath@milwaukeekeeper.org) or 414-287-0207x4



2013 Spring Cleanup Volunteers

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