

Advanced Waste Services/ChemWorks Moving from Milwaukee to Menomonee Falls?

On April 9th, the Menomonee Falls Planning Commission voted 3-2 NOT to allow Advanced Waste Services to move into an industrial area on Lilly Rd. in Menomonee Falls. Advanced Waste Services has filed a claim against the village, which could set the stage for a possible lawsuit as the company will be “homeless” come September when they must vacate their existing facility in the Martin Drive neighborhood in Milwaukee.

Advanced Waste Services was ordered to leave their current site following years of odor and heavy truck traffic complaints to the Milwaukee Department of Neighborhood Services and the Milwaukee Health Department. The plant also had significant pretreatment violations of their permit with MMSD. Milwaukee Riverkeeper and Midwest Environmental Advocates filed a Notice of Intent to Sue in 2011, prompting MMSD to take enforcement action.

Menomonee Falls issued a zoning occupancy permit to Advanced Waste Services last September authorizing them to remove building materials in preparation for a new facility but not to build new structures or install new equipment. The company needed Plan Commission and State Department of Commerce approval before the village could issue a building occupancy permit.

In late February, Menomonee Falls government staff found

out that Advanced Waste Services was installing pipes for industrial waste processing equipment inside their proposed building without proper state and local permits, and before the Plan Commission had made a decision on the facility. Village officials issued a stop-work order against the company when the pipes and other structural improvements were discovered.

As part of Plan Commission approval, Menomonee Falls had to determine if village ordinances authorized a hazardous waste business on the property or if the village would allow for the facility to operate at the site with a conditional use permit. Conditional use permits must not be “objectionable” according to City ordinances, so the Plan Commission needed to decide if the business was objectionable.

There has been strong opposition by local residents and community members of Menomonee Falls at a series of meetings to facilitate community discussions on the project. The most recent public meetings were held on March 20th and March 24th.

Advanced Waste Services Inc. has also recently filed a notice of claim with Menomonee Falls seeking \$2 million in damages from the village for requiring the Plan Commission to grant approval of the industrial waste

Continued page 3

A Road Salt Winter

Keeping roads ice free has a very detrimental effect on our local streams. Road salt pours into our streams after every application, turning our local waterways into salt water environments. High concentrations are toxic to fish and other aquatic plants and animals, who suffer either acutely (large influxes can actually kill organisms immediately) or chronically (slow lingering impairment that can also lead to death).

Milwaukee Riverkeeper and our volunteers have been measuring the levels of road salt (measured as chloride),



and in conjunction, the conductivity of the river since 2011. State volunteer coordinator Kris Stepenuck of WDNR/UW-Extension has shown a very strong

Continued page 3

Events

Visit milwaukeekeeper.org/events.htm
for more events, updates, and registration!

19th Annual Spring River Cleanup

Saturday, April 26th, 2014 - 9:00 am to Noon

Trash Bash Party to follow at Hoyt Pool Grand Hall - 12:30 pm - 3:30 pm

Over 50 locations around the Milwaukee River Basin. More information on page 4!

Level 1 Water Monitor Training

Saturday, May 3rd, 2014 - 9:00 am to 3:00 pm

Training will be held at Riveredge Nature Center. RSVP is required! Contact Joe Rath, Water Quality Specialist at joe_rath@milwaukeekeeper.org or 414-287-0207x4.

Rain Barrels at Lakefront Brewery

Sunday, July 22nd, 2013 - 12:00 pm to 4:00 pm

Enjoy a Sunday afternoon along the Milwaukee River with Milwaukee Riverkeeper and Lakefront Brewery. Make your own rainbarrel, pick up supplies, or watch others turn their rainbarrel into a work of art while drinking beer!

Milky Moonlight Paddle

Monday, August 11th, 2014 - 6:15 pm to 9:00 pm

Join Milwaukee Riverkeeper and our friends from River Alliance of Wisconsin for a moonlit paddle on Milwaukee's urban rivers.



Thank You Members!

February 2014 - March 2014

We are thankful to have wonderful supporters who believe in our mission and take action towards clean drinking water and fishable, swimmable rivers!

Jessie & Chris Banaszak

Dorothy Habecost

Tom & Doreen Hickey

Joan Janus

Carolyn Keith

Roy R. Korte & Kathleen J. Osvat-Korte

Suzanne Krasno

Katherine & John Lynch

Renee Kubuesh & Thomas Morley

Steffan Morrison

Elizabeth & Gerald Price

Robert & Alice Schilleman

Scott Silet

Mario Valentinelli

Dr. Robert & Louise VerWert

David & Diane Wolfson

Board of Directors

Mustafa Emir

President
Clark Dietz, Inc.

Eric Vogel

Vice President
Vogel Design Group, Inc.

Lilith Fowler

Treasurer
Community Activist

Brian Adams

Mariner

Jennifer Bolger

von Briesen & Roper S.C.

Howard Caplan

Nurses & Medical Staffing, Inc.

Chris Daood

Marquette University

Susan LeVine

UWM, Retired

Francisco Martorell

MPS, Retired

Anne Vogel

Art Historian

David Wolfson

Foundation for Anesthesia
Education & Research

Staff

Demaris Kenwood

Interim Administrator

Cheryl Nenn, M.S.

Riverkeeper

Zac Driscoll, M.S.

Cleanup Coordinator

Joe Rath, M.A.

Water Quality Specialist

Christina Taddy

Membership &
Communications Coordinator

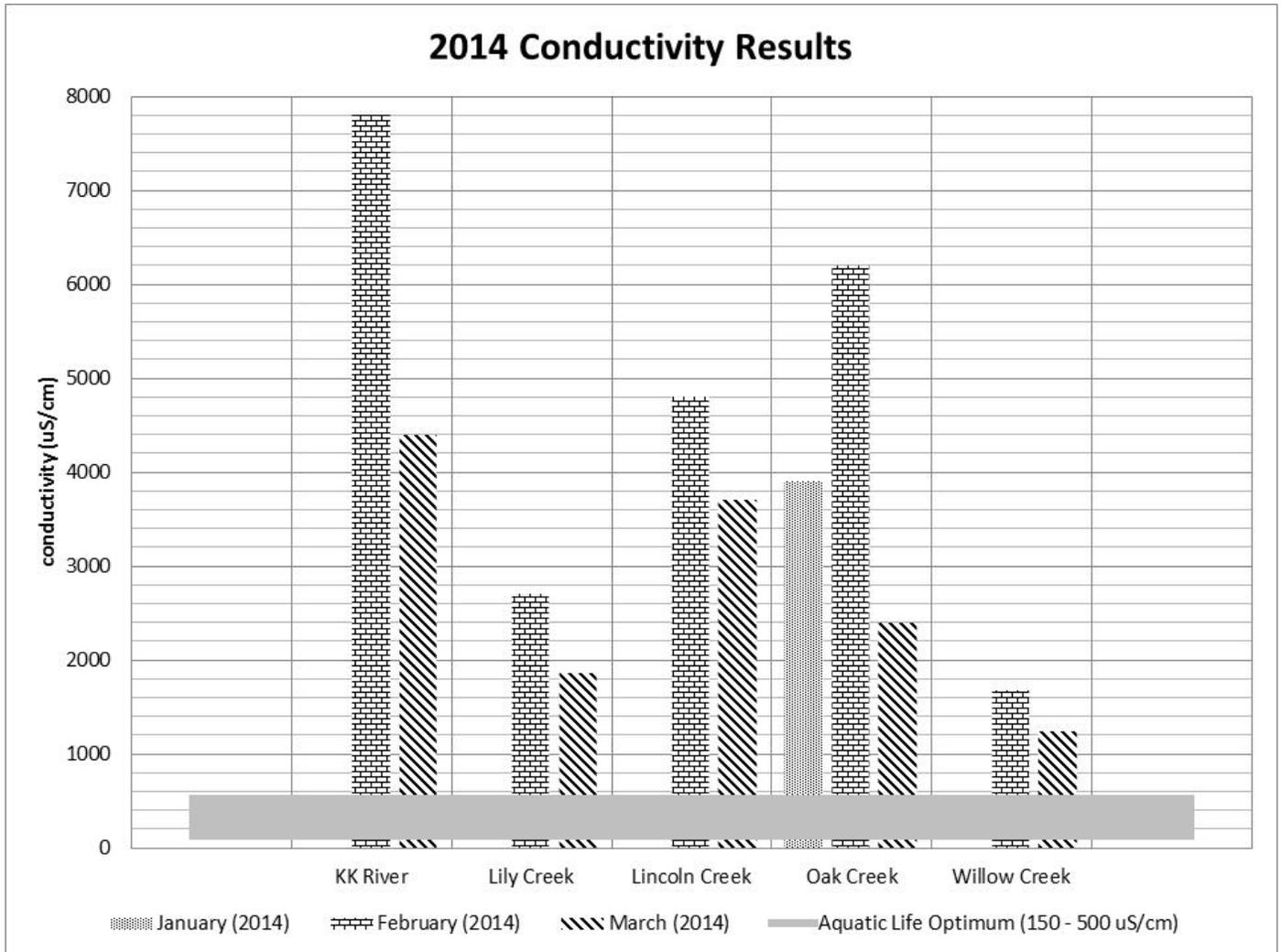
Milwaukee Riverkeeper

1845 N. Farwell Avenue
Suite 100
Milwaukee, WI 53202
414-287-0207
milwaukeekeeper.org

A Road Salt Winter, Continued from page 1

correlation between conductivity and road salt in the rivers during winter months in past years, so when funds are not available for chloride testing, conductivity is measured with conductivity meters.

The winter of 2013 - 2014 showed both acute and chronic issues with conductivity in our local streams. Initial results are shown in the chart below for a selection of sites. For more info, please check out our river report card online.



Advanced Waste Services/ChemWorks, continued from page 1

operation after granting an occupancy permit to the company last September. Advanced Waste purchased the property for \$1.7 million in late September after getting the occupancy permit, and has spent approximately \$300,000 in building improvements, according to their legal action.

While there are new technologies for dealing with air and wastewater violations, there is inherent risk associated with chemical pretreatment facilities, which pretreat a wide variety of chemicals and wastewater from industry before sending the waste stream to a sewage treatment plant like MMSD. There is also inherent conflict of citing these facilities near residential areas due to odor concerns, heavy trucking, and the constant variability of the wastewater stream that the facility accepts from its customers.

Chemical pretreatment companies, such as Advanced Waste Services, are regularly featured on lists of facilities in Significant Non Compliance with their permits. Our efforts to sue a similar facility called Fontarome Chemical in 2007 were thwarted after the company terminated its discharge to MMSD, and started instead sending their wastestream to Advanced Waste (as part of the citizen suit provision of the Clean Water Act, we need to prove that there are continuing violations). Bad companies often shut down to be replaced by “new” companies with the same issues and often the same employees. Past efforts to deal with chemical pretreater issues at both the State and Federal level have been difficult due to huge loopholes in the law pertaining to these centralized chemical pretreatment facilities.



Come be a part of the action and participate in our 19th Annual Spring River Cleanup!



Logo designed by contest winner Callie Coleman!

When?

Saturday, April 26th, 2014 from 9:00am-Noon

Where?

Come out to one of our 50 sites throughout the Milwaukee River Basin. See our list of sites or a map on our website. (www.milwaukeekeeper.org/rivercleanup)

How?

We provide the bags, gloves, and FREE T-SHIRTS and YOU provide the hands and energy to pick up the interesting and sometimes bizarre pieces of garbage that find their way into our beautiful river system. Grab a bag and let's clean some river! Bring a water bottle!

Register!

Visit www.milwaukeekeeper.org/rivercleanup. Registration is encouraged. It helps us plan for how many supplies to distribute.

Become a River Rock Star!

Turn your one day of cleaning up into many days! We are asking you to collect pledges for every bag of trash you collect during the cleanup! Every dollar you raise for Milwaukee Riverkeeper goes directly to our work of restoring streambanks, identifying pollution, and fighting for strong policies and enforcement of laws to keep our water clean. Together we are working to ensure a future where all people in the Milwaukee River Basin can enjoy clean drinking water and fishable, swimmable rivers.

Send your collected pledges (pledge form available on website) or self donation and personal contact information to Milwaukee Riverkeeper by May 10th, 2014. If you raise or give over \$100 you will be entered in a drawing for a Milwaukee Riverkeeper Prize Package. This includes a \$50 Screaming Tuna Gift Card and a ride on the Milwaukee Riverkeeper vessel for you and five of your friends with your own tour guide, Riverkeeper Cheryl Nenn!

Trash Bash

Celebrate the success of the cleanup with drinks, raffle prizes, and music by Lollycoogan!

Hoyt Pool Grand Hall
1800 N. Swan Blvd. Wauwatosa

12:30pm - 3:30pm

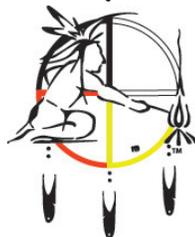
Thank you to our sponsors!



Susan Winecki &
Richard Bergholz



Share it. Wear it.
inktothepople.com



Forest County Potawatomi
FOUNDATION

Robert W. Baird & Co.

Natural Resource Technology

Erehwon
Kapco Inc.
Mandel Group

Kuhl Family Charitable Fund
Mercury Marine



Reinhart Boerner Van Deuren
David & Diane Wolfson

Guadalupe/St. Patrick Lazos
de Esperanza



KEEP
GREATER
MILWAUKEE
BEAUTIFUL

2014 Cleanup Sites

Kinnickinnic River

Baran Park – South of Lincoln Ave. and East of 1st street on the KK River Trail.

Holler Park – Meet in the Holler Park parking lot.

Jackson Park (Milwaukee) – Meet at the boathouse between 35th and 43rd Street near the pond.

Kinnickinnic River Trail (Rosedale Ave.) - Cleanup along the Kinnickinnic River Trail west of S. Chase Ave. along W. Rosedale Ave.

Modrzejewski Park – Meet in front of the clubhouse building right in the middle of the park.

St. Luke's Medical Center – Meet at picnic tables.

Menomonee River

Hart Park – Meet at the Park Administrative Building.

Honey Creek – Meet at the CH2M Hill parking lot off of I-94/84th St. exit in the Honey Creek Corporate Center.

Hoyt Park/Hansen Park Golf Course – Meet at picnic area #1 in the TOSA Pool parking lot.

Jacobus Park – Meet behind the pavilion near the flag pole, just off of 68th St.

Krueger Park – Meet in the parking lot.

Little Menomonee River Parkway – Meet at the intersection of 91st St. and Good Hope Rd, across the street from Walgreens. Parking is available at Vincent High School on Granville Rd and Calumet Rd.

Menomonee River Pkwy/Burleigh St – Meet at the intersection of Menomonee River Pkwy & Burleigh St.

Menomonee River Parkway (Capitol to Hampton) - Meet at W Congress St. near the Oak Leaf Trail.

Menomonee River Pkwy/North Ave. – Meet at the intersection of Menomonee River Pkwy and North Ave.

Rotary Park, Menomonee Falls – Meet by the pavilion building near the parking lot.

Urban Ecology Center Menomonee Valley Branch - Meet at the Urban Ecology Center Menomonee Valley branch.

Menomonee Valley & Hank Aaron State Trail

Hank Aaron State Trail 68th St. – Meet at the intersection of 68th St. and Dickinson St., just south of Main St. and between 70th St. and Hawley Rd.

Lakeshore State Park – Meet at the west side of Discovery World by the flagpoles.

Miller Park – Meet just south of the Klements Sausage Haus, east of the stadium.

Mitchell Park – Meet at the Domes parking lot.

Menomonee Valley Stormwater Park – Meet just east of Charter Wire and just west of the 35th St. Viaduct in the Community Park.

Milwaukee River

Brown Deer Road – Meet at the intersection of Upper River Rd. and Brown Deer Rd. Paddle from Brown Deer Rd. to Kletzsch Park while picking up trash. NOTE: Canoe needed, must preregister for this site.

Estabrook Park – Meet at the parking lot by picnic area #6.

Gordon Park - Meet at the parking lot by the pavilion building.

Havenwoods State Forest - Meet at the Havenwoods State Forest Nature Center.

Hubbard Park – Meet at the flag pole by the circle turnaround through the tunnel.

Kern Park – Park on the street along Humboldt Blvd or Singer Circle then walk toward the center of the park and down the hill. Meet at the tree line of the bluff on the river.

Kletzsch Park – Meet at the pavilion on the east side of the Parkway.

Lincoln Creek – Meet at the Eastbrook Church west parking lot.

Lincoln Park – Participants meet at the boat launch on the Milwaukee River Parkway in Lincoln Park. NOTE: Canoe needed, must preregister for this site.

North Avenue East – Meet at the intersection of North Ave. & Cambridge Ave. by the Cambridge Commons Residence Hall.

Pleasant Valley Park - Meet at the Friends Meeting House parking lot. Additional parking in Gaenslen School lot.

Riverview Residence Hall – Meet at the intersection of North Ave. & Humboldt Blvd.

Thiensville/Mequon - Meet in the Thiensville Village Park parking lot from 8:30 to 10:00 am to choose from a list of sites.

UWM Park & Ride Lot – Meet in the parking lot on Humboldt Ave., off of Capitol Dr. behind WTMJ building.

Northern Watershed

Jackson Park (Town of Jackson) – Meet at Jackson Park Community Center

Lime Kiln Park, Grafton – Meet at the top parking lot in Lime Kiln Park.

River Hill Park, Kewaskum – Meet at the pavilion building in River Hill Park

West Bend – Meet at the UW-Washington County student parking lot for selection of sites.

Need More Information?

Visit milwaukeekeeper.org or call 414-287-0207.



RIVERKEEPER WATCH

From the log book of the Milwaukee Riverkeeper

Artificial Shoreline Bill Passes

The Riverkeeper wrote an op-ed for the Milwaukee Journal Sentinel in March explaining our concerns with a proposed shoreline bill that has now passed the State Legislature and been signed into law by Governor Walker. The bill would establish an artificial shoreline (basically an arbitrary lakeshore line in 1913) to facilitate development of a parcel that was formerly the bed of Lake Michigan.

The Public Trust Doctrine (PTD) protects navigable waters as well as areas that were formerly part of navigable rivers and lakes. We are concerned about the negative precedent this bill would set for private development on areas the PTD protects for public use in Milwaukee and beyond. The PTD is one of the foundations of water law in WI and the U.S. There are efforts by Preserve Our Parks to contest this bill.

River Club Estates in Mequon Going Forward

If at first you don't succeed (at developing a property), try, try, try, try again? After being voted down multiple times, the owner of the Mequon River Club went back to the Mequon Plan Commission again on March 10th to try to gain approval for this development. On March 10th, after nearly four hours of presentations, claims, counterclaims, impassioned resident testimony, and deliberation, the Planning Commission gridlocked on a 4-4 vote and failed to make a recommendation to the Common Council regarding the proposed 19-home subdivision on a 42 acres of property next to the Milwaukee River.

This property, which was designated as open space for the Deer Trail Estates development across the street, is protected from further development by an open space easement. Furthermore, the property is 75% floodplain or floodway and is located in a high groundwater recharge area and a primary environmental corridor.

On April 8th, the Mequon Common Council unanimously approved a five home subdivision on 10 acres, and are planning on acquiring 148 acres from the current owner along the Milwaukee River. While on paper this is a good compromise, all the land in question was already protected by open space easements (albeit that were not very well written), with 42 acres protected by open space easement that allowed for golf course related uses.

While we are happy that so much riverfront land will be preserved and made publicly accessible, the fact that the owner has pulled a fast one and is making a lot of money from developing 5 homes and selling land (that was ostensibly already protected) seems a bitter pill to swallow.

The State Legislative Update--the Good, the Bad, and the Ugly

The State Legislative session came to a close on April 1st. Two bad bills were passed--including the bill establishing an artificial shoreline for the Milwaukee lakefront (see left) and a bill to weaken our phosphorus rules by providing facilities up to 20 years to comply with our new state regulations (and to "pay to pollute" during that time). Two other bills that we lobbied against during Conservation Lobby Day (and featured in our last newsletter) were defeated, including:

- The "Kneecapping Local Communities" bill that would have prohibited local communities from passing ordinances and zoning to regulate controversial practices such as frac sand mining, manure spraying, etc.; and
- The "Sucking Wisconsin Dry" bill that would have allowed frac sand mining companies, factory farms and other large water users to pull from the same groundwater source without consideration of cumulative effects.

Other good news includes successful



Cheryl Nenn, Milwaukee Riverkeeper
Photo taken by John Karl of UW Seagrant

passage of bills to regulate disposal of unused drugs into waterways and to retain County Conservation staff that are integral to efforts to manage and minimize polluted runoff, especially from the agricultural areas of our watershed.

Asian Carp Update

In our last newsletter, we featured an article on the Army Corps of Engineers' release of a new \$25 million dollar plan to keep Asian carp out of the Great Lakes called GLMRIS or the "Great Lakes and Mississippi River Interbasin Study." Milwaukee Riverkeeper attended a December lobby day in Washington D.C. to talk to our Senators and Representatives about the urgency of dealing with this threat to our Great Lakes and its \$7 billion fishing industry.

On March 14, a bipartisan group of 11 U.S. Senators--including both Senator Baldwin and Senator Johnson--told the Army Corps to turn that plan into immediate short-term measures to stop the carp from getting into the Great Lakes and to aggressively move toward a long term solution.

Milwaukee Riverkeeper has also signed onto several letters to Congress and to the Army Corps of Engineers urging a permanent solution to this problem, and will be participating in an upcoming meeting with the Asian Carp Director for the White House Council on Environmental Quality, John Goss. Meanwhile, the carp seem to be advancing well into Wisconsin's "back door" via the Mississippi and Wisconsin Rivers. We will keep you updated on efforts to control these aquatic invasive species.

Milwaukee River Estuary AOC Wants to Delist our BUIs ASAP! What does this mean? Keep reading!

Milwaukee Riverkeeper attended a U.S. EPA conference on March 18-19th in Chicago on the Great Lakes Area of Concern (AOC) program, as part of a State delegation of stakeholders from WDNR, University of Wisconsin-Extension, Ozaukee County, and several other non-profit organizations.

So what is an AOC you may ask? AOCs are geographic areas that are severely degraded in the Great Lakes Basin, often due to legacy contamination from chemicals such as PCBs and heavy metals, or from excessive nutrients or habitat alteration. There have been 43 AOCs identified in the Great Lakes, of which 26 are located entirely in the U.S., 12 are located entirely in Canada, and 5 are shared.

The Milwaukee River Estuary AOC is a relatively small area that essentially contributes disproportionately large amounts of pollutants associated with urban runoff. This is a problem because the Estuary acts as a source of pollution to Lake Michigan as well as a collector or “sink” for pollutants coming down from the entire watershed. In 1980 when the boundaries were drawn, the AOC consisted of the historic “estuary”, but these boundaries were expanded in 2008 by EPA to address new information showing toxic substances upstream from the original estuary. The boundaries of the Milwaukee Estuary AOC are roughly:

- The Milwaukee River from Lake Michigan to the confluence of Cedar Creek, including a portion of Cedar Creek downstream from Bridge Road in Cedarburg. This area includes the Cedar Creek Superfund Site (which looks like it’s going to be cleaned up soon after at least 7 years of delay) as well as contaminated sections of Lincoln Creek (the first phase of that contamination has been cleaned up over the last several years, and the second phase is pending including the portion of the Milwaukee River upstream of Estabrook Dam).
- The Kinnickinnic River downstream of 6th Street.
- The Menomonee River from Lake Michigan to the confluence with the Little Menomonee River, and including the Little Menomonee River upstream to Brown Deer Road (this encompasses the Moss American Superfund Site, which was finally deemed “cleaned up” several years ago after 37 years).

The Great Lakes Water Quality Agreement between Canada and the U.S. identified these Areas of Concern in the 80s, and committed the governments of both countries to develop and implement clean-up plans (called remedial action plans or RAPs) to address impairments to any one of 14 beneficial uses associated with these areas (e.g., restrictions on fish

and wildlife consumption, dredging activities, recreation, drinking water consumption, etc.). The Milwaukee River Estuary AOC has 11 of 14 beneficial use impairments (known as BUIs) that need to be addressed. The main priorities for the Milwaukee Estuary AOC include:

- remediation of contaminated sediments;
- prevention of nutrient related problems;
- urban runoff control;
- beach water quality improvement;
- habitat restoration; and
- enhancement of fish and wildlife populations.

Two U.S. AOCs and 3 Canadian AOCs have been “delisted.” What does that mean? AOCs are delisted as beneficial uses are restored. Essentially, teams of stakeholders in each area develop criteria to help focus remediation and restoration activities to remove the worst contamination facing these areas and to address BUIs. Once the criteria are met for each beneficial use impairment, then AOCs can be “delisted”. In many of these urban areas, our waterways cannot be restored to pristine conditions but are restored to “average” conditions for other similar waterways throughout the Great Lakes.

Given significant funding levels from the Great Lakes Restoration Initiative, U.S. EPA is prioritizing certain AOCs for major dollars to help them get cleaned up. Recently, EPA invested over \$80 million dollars to help dredge contaminated sediments and move the Sheboygan River AOC closer toward delisting. Our Stakeholder Delegation from Milwaukee thinks we are well suited to delist our Area of Concern given that efforts to finish up dredging of areas of contaminated sediment are now soon to be underway. We told EPA that we wanted to be a major “contender” for Federal funding in the next few years to address our existing impairments and move us closer to clean, fishable and swimmable waters.

For more information and to get involved, check out: <https://fyi.uwex.edu/aocs/milwaukee/>



Notes from the Field - 2014 Forecast

Milwaukee Riverkeeper has several great projects underway for 2014!

Volunteer Stream Monitoring

Our volunteer stream monitoring program is entering its ninth year and continues to grow. In 2013, we had 80 volunteers participate and monitor close to 100 locations throughout the Milwaukee River Basin. Most of these folks will be returning for another year and we are projecting 20 - 30 new volunteers will join our team in 2014!

Since 2010, our Level 2 volunteers have contributed more than 90% of the stream monitoring data collected in the Milwaukee River Basin, which is stored in the Wisconsin DNR SWIMS database. The DNR uses this data for management decisions such as listing impaired streams. Phosphorus samples collected by our volunteers led directly to streams in our Basin being listed as impaired for phosphorus, meaning that special protection will be afforded to these streams to help clean them.

Stormwater Sampling

From 2008 to 2012, we completed the vast majority of stormwater sampling for our target areas on the Menomonee River, Honey Creek, and Underwood Creek. In 2013, we concentrated on the Kinnickinnic River Watershed and completed a large portion of the Kinnickinnic River mainstem. In 2014, our focus will be on a few Kinnickinnic River tributaries, including Wilson Park Creek, and the unfortunately named "43rd Street Ditch."

Our sobering results will be posted on our website soon. In short, over 30% of our outfalls tested in the Menomonee River Watershed were positive for human bacteria, meaning our sanitary sewers and/or private sewer laterals from homes and businesses are contaminating our stormwater, which in turn contaminates our rivers with bacteria. Aging sewer infrastructure and illicit sewer connections still appear to be the main culprits.



Fish Passage

Starting in 2012 Milwaukee Riverkeeper began to survey a large portion of the Menomonee and Little Menomonee Rivers, and some of their major tributaries, for evidence of barriers to fish passage. Since then, we've been working with fisheries biologists and stream ecologists to prioritize barriers that are suitable for removal or remediation. In 2014, we hope to address a dozen or so of these barriers, as well as conduct public outreach to riparian landowners to educate them on fish passage barriers. We also hope to fund a design/engineering solution for several of the more complicated barriers and work with partners like MMSD to collaborate on projects to improve fish passage in the lower Menomonee River Watershed.

RETURN SERVICE REQUESTED

Member of Waterkeeper Alliance

www.milwaukeeiverkeeper.org

Milwaukee, WI 53202

1845 N. Farwell Avenue, Suite 100

**MILWAUKEE
RIVERKEEPER®**



Nonprofit
Organization
U.S. Postage
PAID
Milwaukee, WI
Permit # 3679