

Minutes of the Fifteenth Meeting of the
ENVIRONMENTAL JUSTICE TASK FORCE

DATE: July 8, 2010
TIME: 4:00 p.m.
PLACE: IndependenceFirst
540 South 1st Street
Milwaukee, Wisconsin

Members Present

Nancy Holmlund President, WISDOM Interfaith Coalition
Vice Chair
Ella Dunbar Program Services Manager, Social Development Commission, Milwaukee
Lynnette McNeely Attorney, Law Offices of Thomas J. Awen; NAACP
Brian Peters Housing Policy Advocate, IndependenceFirst
Yolanda Santos Adams Director, League of United Latin American Citizens
Jackie Schellinger Indian Community School
Willie Wade Alderman, City of Milwaukee

Guests and Staff Present

Stephen P. Adams Public Involvement and Outreach Manager, SEWRPC
Robert P. Biebel Special Projects Engineer, SEWRPC
Dennis Grzezinski Midwest Environmental Advocates
Ryan Holifield UWM Geography Department
Gary K. Korb Regional Planning Educator, UW-Extension/SEWRPC
Catherine Madison Policy Analyst, UWM Center for Economic Development
Benjamin R. McKay Principal Planner, SEWRPC
Joel Rast Director, UWM Center for Economic Development
Karyn Rotker Attorney, ACLU of Wisconsin
James Rowen Citizen
Lisa Williams Policy Analyst, UWM Center for Economic Development
Kenneth R. Yunker Executive Director, SEWRPC

CALL TO ORDER

Ms. Holmlund called the meeting of the Environmental Justice Task Force to order at 4:05 p.m., welcoming those in attendance.

APPROVAL OF MEETING MINUTES OF MARCH 4, 2010

Ms. Holmlund noted that not enough Task Force members were present to constitute a quorum. Therefore, the minutes of the March 4, 2010, meeting could not be approved or changed; however, she asked if there were any questions or comments. Ms. Holmlund requested that the minutes be reviewed and approved by e-mail. She also requested that future minutes be approved by e-mail and not be included on the meeting agenda. There were no objections from Task Force members.

PUBLIC COMMENTS

Ms. Holmlund asked if there are any public comments on the agenda or other Task Force business. There were none.

REVIEW OF CONCLUSIONS AND RECOMMENDATIONS OF THE SOCIO-ECONOMIC IMPACT ANALYSIS OF THE PRELIMINARY RECOMMENDED REGIONAL WATER SUPPLY PLAN – UWM CENTER FOR ECONOMIC DEVELOPMENT

Ms. Holmlund introduced Catherine Madison and Joel Rast of the UWM Center for Economic Development (CED) and Robert Biebel of the Commission staff. Mr. Rast thanked the Task Force members for their input regarding the socio-economic impact analysis (SEI) and stated that the CED has received a lot of feedback from the SEI focus groups, open houses, and on-line comment form. He stated that all of the comments will be addressed by the SEI; however, the CED was contracted to develop objective findings, and such findings may not be consistent with every comment received or the array of existing perspectives.

Mr. Rast stated that the Regional Water Supply Plan (RWSP) recommendations related to source of water supply received a lot of attention during the development of the SEI. Suburban groundwater supply is perceived by some to be inadequate to meet water demands and there were concerns among some of those who provided public comment that a switch from groundwater to Lake Michigan water supply would remove deterrents to suburban growth and encourage urban sprawl. He then stated that the CED took the findings of the RWSP into consideration and concluded that groundwater supply in suburban areas of the Region is adequate to meet future demands based on the regional land use plan through 2035. However, local government comprehensive plans (which set forth land use plans) can be amended, which could affect this conclusion. Based on this conclusion the CED found that providing Lake Michigan water to suburban areas of the Region would not be likely to have socio-economic impacts on low-income and minority populations in the Region through 2035. After that timeframe, and depending upon actual water usage, the adequacy of groundwater supply may need to be re-evaluated. He also stated that the Lake Michigan water supply agreements between providing communities and purchasing communities could include specific provisions for service area, amount of water supplied, and socio-economic related issues such as transit and affordable housing. The following discussion points and comments were made regarding Mr. Rast's comments:

1. Ms. Rotker asked from the audience if the SEI findings would change if it was found that groundwater supply was not adequate for planned growth in suburban areas through 2035. Mr. Rast responded that the findings could change under such a scenario; however, there is no present data that would support the assertion that groundwater supplies will not be adequate through 2035. Ms. Rotker noted that the City of Waukesha Lake Michigan diversion application finds that the groundwater supply will become unsustainable in the future. She then asked if the RWSP assumptions take the City's comprehensive plan into consideration, which includes a planned doubling of industrial land (see Attachment 1). Mr. Biebel responded that the projections used in the RWSP are consistent with the City of Waukesha comprehensive plan.
2. Mr. Peters asked Mr. Biebel if he could discuss the term "no reasonable alternative" as it applies to the Waukesha diversion application. Mr. Biebel stated that "a reasonable alternative" is defined under the standards of Act 227, Wisconsin's implementing legislation for the Great Lakes Compact. Under those standards, a reasonable alternative is one that is similar in cost and does not have greater adverse impacts. The diversion application concludes there would be

significantly more negative impact to the environment if groundwater is used to supply the Waukesha water utility service area instead of a Lake Michigan diversion. The environmental impacts include continued chloride discharge from water softeners, and impacts of reduced base flow to surface waters. Mr. Rowen asked from the audience if the CED used this definition of “no reasonable alternative” in the SEI. Mr. Rast responded that the SEI uses the assumptions in the RWSP in its analyses.

3. Mr. Peters asked about the projected water demand in the Waukesha water service area for 2035 and the current demand. Mr. Biebel responded that the projected demand is about 9 million gallons per day and the current demand is about 7 million gallons per day. Mr. Peters asked if the groundwater supply could sustain the projected demand. Mr. Biebel responded that the groundwater supply can support a demand of 10 million gallons per day, albeit with more significant negative environmental impacts.
4. Ms. Rotker stated that the RWSP and SEI are using a different definition of “no reasonable alternative” than the City’s diversion application and that business may choose to locate in Milwaukee instead of Waukesha if it is more expensive to use groundwater. Mr. Biebel stated the the basis for the City’s diversion application is the State standard for no reasonable alternative. Also, the RWSP recommends Lake Michigan water supply largely for environmental reasons as well. Mr. Rast stated that the adequate groundwater supply may make it difficult for the City’s application to be approved.
5. Ms. Holmlund asked Ms. Madison to begin her presentation and noted that further questions on the matter of Waukesha’s diversion application could occur at the end of the meeting.

CHAPTER 5: HOUSING AND LAND USE IMPACTS

Ms. Madison distributed maps showing lands projected to be served through 2035 in potential Lake Michigan water providing communities and those communities recommended by the RWSP to switch from groundwater to Lake Michigan as a water supply source (see Attachment 2). She stated that Chapter 5 of the SEI was reviewed at the last Task Force meeting and asked if there were any questions. There were none.

CHAPTER 6: PUBLIC PARTICIPATION

Ms. Madison directed the Task Force to a PowerPoint presentation entitled *Summary: Socio-Economic Impact Analysis of the Preliminary Draft of the Regional Water Supply Plan by the Southeastern Wisconsin Regional Planning Commission* (see Attachment 3). She explained that Chapter 6 was an addition to the original project outline focusing on the public participation strategy undertaken by the CED related to the SEI and its public participation results. The Chapter also includes an evaluation of SEWRPC public outreach for the RWSP. The following discussion points and comments were made regarding Chapter 6 of the SEI:

1. Mr. Wade, referring to the first round of focus groups, asked whether the cost of public water supply infrastructure, or its availability in an area, was the more important issue to developers. Ms. Madison replied that both issues are important. Ms. Holmlund asked if developers prefer groundwater or water from Lake Michigan. Ms. Madison responded that they reported no preference.

2. Ms. Santos Adams asked if the attendance at SEI public meetings and focus groups was lower than the CED expected. Ms. Madison responded that the CED had hoped each focus group would have about five to ten participants. Mr. Rast added that focus groups were kept small so all participants would be able to give input. Ms. Santos Adams asked about the background of the focus group participants. Ms. Madison responded that the participants of the first round of focus groups were community planners, utility managers, and private developers. Ms. Madison stated that attendance at the open houses was less than the CED expected and explained the findings of the strengths, weaknesses, opportunities, and threats (SWOT) analyses held at the open houses.
3. Mr. Wade asked if the groundwater infiltration comment listed under “Opportunities” referred to water infiltration into storm sewers. Mr. Biebel responded that in this instance the comment was referring to the opportunity to implement programs that may increase groundwater infiltration into the aquifer.
4. Mr. Rast stated that lack of a representative from a group directly representing environmental justice concerns should be addressed in future regional water supply planning efforts. Ms. Madison noted that this SEI recommendation was made while recognizing that the RWSP Technical Advisory Committee did include utility managers from communities with low-income and minority populations such as the Cities of Milwaukee, Racine, and Kenosha. Mr. Yunker stated that the Task Force had discussed this issue in 2008 and proposed that all future Commission advisory committees have a member or liaison representing environmental justice interests. He stated that the Commission has implemented the recommendation. He noted that, from the Task Force membership, Ms. Greene is a member of the Regional Planning Commission, Mr. Peters is a member of the Regional Housing Plan Advisory Committee, and Mr. Wade is a liaison to the Advisory Committee on Regional Transportation System Planning. Ms. Madison stated that another public outreach recommendation in the SEI is for the Commission to prepare a public participation plan (PPP) at the beginning of all future regional planning efforts, such as the one prepared for the regional transportation system plan. The PPP can be used to document the anticipated number of public outreach meetings and the anticipated attendance of those meetings.
5. Ms. Schellinger asked if the RWSP public meeting locations were intended to attract a diverse audience or if they were based on geography. Mr. Biebel stated that three public meetings were held in Milwaukee County, two of these in minority community centers. One meeting was held in each of the other Counties in the Region. About 180 people attended the nine meetings.

Mr. Yunker stated that SEWRPC maintains a list of central city, minority, and low-income groups and organizations, which was previously reviewed by the Task Force. It is used to conduct additional outreach and meetings regarding various SEWRPC planning efforts. Meetings are often scheduled based on the particular organization’s issue priorities and meeting format preference. Ms. Schellinger stated Chapter 6 noted that Potawatomi Bingo Casino and 9 To 5 National Association of Working Women were groups that requested, and received presentations on the RWSP. Mr. Yunker responded that Chapter 6 included a list of all groups that had a meeting on the RWSP, and not just low-income and minority groups and organizations. Ms. Santos Adams suggested that the Task Force also discuss how to generate greater involvement of these organizations. Ms. Dunbar stated that the Social Development Commission should be added to the list if it is not already on the list. She stressed the need for public outreach materials to avoid the use of jargon. Mr. Wade noted that the Task Force has made these suggestions

previously and should continue this work; however, some issues, such as the RWSP, are very complex and may not draw a lot of interest. Mr. Korb noted that water supply issues have not been of great interest to some groups compared to issues such as housing and public transit.

6. Ms. Rotker noted that the Federal Highway Administration has developed a handbook that outlines how to conduct public outreach and prepare materials. She also suggested that SEWRPC expand its outreach to public places with high foot traffic such as staffing a table at Lena's supermarkets or El Rey supermarkets. Ms. Holmlund asked that copies of the handbook be distributed to Task Force members. Mr. Korb stated that an e-mail link will be provided (www.fhwa.dot.gov/hep/lowlim/webbook.pdf).

CHAPTER 7: SUMMARY

Ms. Madison continued her presentation and explained that Chapter 7 includes a socio-economic evaluation of the impact of RWSP recommendations on low-income and minority populations and persons with disabilities (see Attachment 3). The following discussion points and comments were made regarding Chapter 7 of the SEI:

1. Ms. Madison noted that water purchasing agreements could contain specific language regarding socio-economic issues, such as a non-compete term where the purchasing community would not actively recruit employers to relocate from the supplying community. Ms. Schellinger asked how such terms could apply to private companies. Mr. Yunker stated that such a term could probably only apply to economic development activities of the communities.
2. Ms. Madison stated that a copy of the City of Milwaukee – City of New Berlin water supply agreement will be included in the SEI as an example. She noted that future agreements could include more specific terms regarding socio-economic issues such as employment, housing, and transit. Mr. Wade noted future Milwaukee water supply agreements are likely to differ from the New Berlin agreement because New Berlin was an existing customer. He stated that the City of Milwaukee has undertaken a study to determine the true value of water and future agreements will reflect the findings of this study. He also stated that Milwaukee should not sell water to those communities that intend to recruit employers from the City. Ms. McNeely stated that there are legal issues involved. Ms. Madison noted that the Public Service Commission (PSC) requires a community to continue to provide water to communities with which there is an existing agreement.
3. Mr. Yunker noted it seems that one of the key recommendations from the SEI is that water supply agreements should include specific terms regarding the service area, amount of water to be supplied, cost, and services that impact socio-economic issues, such as employment, housing, and transit. Mr. Wade agreed, but noted that communities other than the City of Milwaukee have the capacity to sell water and the City may need to capitalize on its capacity to sell water. Ms. Schellinger noted Milwaukee may need to sell its commodity if other potential sellers exist to get at least some benefit; the key would be determining the relative benefits to each party.
4. Mr. Peters asked if communities through which water supply infrastructure passes have any influence in water supply decisions. Mr. Biebel responded that public utility infrastructure can be constructed in public highway right-of-ways. Ms. Schellinger noted that residents can have influence through their government elected officials, which is the formal way they achieve representation to ensure that interests are met.

5. Mr. Rowen asked Mr. Wade if Milwaukee's water value study compares the cost of Milwaukee supplying water to the City of Waukesha compared to the cost of the Cities of Oak Creek and Racine supplying water to Waukesha. Mr. Wade responded that he believed such an analysis was being completed. Mr. Rowen asked if the study could be shared with Task Force members. Mr. Wade stated that the study is not yet complete.
6. Ms. McNeely asked if the RWSP recommendations will be required to be implemented. Mr. Yunker stated that the RWSP is advisory, noting that the Village of Germantown recently decided against a RWSP preliminary recommendation to obtain Lake Michigan water and instead has proceeded with implementation of new wells.
7. Mr. Grzezinski noted that the Waukesha diversion application concludes that the Lake Michigan water supply alternative is less expensive than the groundwater supply alternative. He then asked Ms. Madison if cost difference may have an impact on development and, therefore, socio-economic impacts. Ms. Madison stated that there is a \$20 million dollar difference in cost between the Lake Michigan water supply alternative and the next cheapest alternative -- \$165 million compared to \$185 million.
8. Ms. Schellinger noted that there are agenda items at the beginning of and end of each Task Force meeting for public comment. She then summarized the findings of the SEI as simply that RWSP recommendations are neutral towards low-income and minority populations in the Region and that future planning efforts should include a formalized plan for public input. Ms. Schellinger stated a preference for a motion at this time accepting the SEI. Ms. Holmlund suggested that there may still be an unanswered question. After discussion by the Task Force, Ms. Holmlund stated that one remaining question was whether the potential lower cost to the Waukesha Water Utility from water supplied from Lake Michigan compared to water supplied from groundwater sources would have positive or negative socio-economic impacts. Mr. Grzezinski stated that the SEI needed to address this issue. Ms. Schellinger suggested that discussion among Task Force members needed to occur and comments from the public should be made under the appropriate agenda items.
9. Mr. Rast stated that the CED will develop a response to the question. Mr. Biebel noted that the \$20 million cost difference between the two alternatives represents a difference of about 11 percent, and would be relatively minor when apportioned per user.
10. Mr. Yunker noted that the next regularly scheduled Task Force meeting was set for September 2, 2010, and suggested that another meeting of the Task Force be scheduled for the first week of August to allow the CED to finish their report and to complete Task Force review of the SEI. He noted the Task Force had determined that there was only one remaining question to be answered concerning the potential impacts of the differential in the costs of water supply alternatives to the City of Waukesha. Mr. Rast noted the need for the CED to complete the study by the end of July and suggested that the Task Force review of the response to this last unanswered question and the SEI be completed by e-mail by the end of July. The Task Force unanimously agreed to complete their review of the study by e-mail, rather than holding an additional meeting in August or waiting until their September meeting.

ADJOURNMENT

Ms. Holmlund reminded Task Force members that the next meeting is scheduled for September 2, 2010, at the same time and location and declared the meeting adjourned at 6:10 p.m.

Respectfully submitted,

Benjamin R. McKay

Recording Secretary

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KRY/RPB/GKK/BRM

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