



SOUTHEAST SIERRAN

News of the
Southeast Gateway Group
of the Sierra Club

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Greening Efforts

From the Chair
by Tom Rutkowski

Recently, 380 reporters, members of the International Consortium of Investigative Journalists, examined over thirteen million documents related to offshore tax havens for large corporations and ultra high net worth individuals. Their findings confirmed what we already suspect, that the rich and powerful find ways to not pay taxes. The real victims of this legal scam are the rest of us who end up paying for the things we've come to expect from civilized society - roads and bridges, schools, libraries and other government services. Such findings only add to the impression that large corporations are amoral behemoths that stride the globe resting from their single-minded effort to maximize profits only in places that allow them to avoid paying their share. It seems like a good time to give credit to the many businesses that include social benefits in their bottom line.

Owners of the Wild Root Market are currently raising funds that would open a full service food co-op in Racine. Though co-ops exist in smaller communities, these are often found in towns with a more affluent and educated population where they already know the benefits of owning their own grocery store even if prices aren't the lowest that can be found. In our area there are many who don't really understand what makes a co-op an alternative model of doing business that fosters the local economy and the local community by offering products from local farms and businesses. A co-op like Wild Root, and companies known as B corporations, make decisions that benefit not just shareholders but also address social and environmental concerns. More than ever we need to recognize and promote such pro social behavior in companies.

As you've read here, the Southeast Sierra Gateway Group is now part of a growing coalition that is addressing the way that our energy is produced and that urges WE Energies to promote, rather than obstruct, renewable energy throughout its service territory. A closer look at how WE Energies serves or fails to serve its stockholders has made me wonder what a socially responsible energy company would look like.

One good example can be found in Vermont's Green Mountain Power (GMP), a company that is leading the transition to a clean energy economy. GMP is the first utility to become such a B corporation. Already 42% of GMP's energy portfolio is generated by renewables. It's an especially impressive figure compared to the 2.7% renewable portion of WE Energies' current portfolio. According to a recent article in the New York Times, GMP doesn't see this necessary transition as a profit threatening requirement, but as an opportunity "to lead the transformation of an electric system that depends on power sent along big transmission lines 'to a community, home- and business-based energy system.'" In other words, GMP is helping individuals and businesses to create and share their own self-generated power on an interactive grid.



In a bold new experiment, GMP has installed Tesla Powerwalls in low income homes. This new home energy storage unit can be remotely controlled by the utility. When prices and demand fluctuate, this unit can save money for the homeowner as well as the utility. In times of peak demand the many homes that have stored energy available can contribute power to the grid. When a surplus of energy is available and the price of energy decreases these batteries can be charged for later use. The savings that result benefit homeowners.

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CALENDAR OF EVENTS

SEGG PROGRAMS

Join like-minded people and learn from experts as SEGG offers informative public programming on environmental issues every **third Thursday** of the month at various locations. Membership in the Sierra Club is *not* required to attend.

Thursday, January 18:

Program TBD

6:30-8:30 PM, Festival Foods-Kenosha, Second Floor Conference Room, corner of 31st Ave. and 80th St.

Please visit our website for further announcements.

Saturday, January 20:

PLANNING DAY

9:00 AM-Noon, Pringle Nature Center, 9800 County Hwy MB in Bristol

Join us as we plan for another year of Southeast Gateway Group activities, group concerns and outings.

Thursday, February 15:

Clean Power Coalition

6:30-8:30 PM

Gateway Technical College-Racine Campus, 1001 S Main Street

Miranda Ehrlich from the Clean Power Coalition will speak on efforts to pressure WE Energies to phase out coal and adopt renewable energy.

See page 5 for more info.

Thursday, March 15:

Program TBD

Please visit our website at:

www.sierraclub.org/wisconsin/southeast-gateway for more information and other announcements.

And be sure to join our Meetup group or follow us on Facebook to stay in the loop!

www.meetup.com/Southeast-Gateway-Group-Sierra-Club-Hikes-and-Activities/

www.facebook.com/sierraclubsoutheastgatewaygroup



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Greening Efforts

From the Chair

I don't understand why, but our own power utility doesn't seem to be preparing for the wave of electric cars that will surely increase demand for electricity. Green Mountain Power offers a free car charger for any of its customers who purchase an electric car. Such an incentive might make such cars more appealing in a state where owners of electric vehicles must pay a higher tax. GMP is also experimenting with other innovative measures in energy efficiency, but the most important result of their efforts is in leadership. According to that same New York Times article, GMP has "figured out a way to do well and do good in the utility business and keep its regulators, investors and customers all happy at the same time,"

There are critics of GMP who are skeptical of the company's former ties to BP and to its current owner, NRG Energies, a company that produces most of its energy from fossil fuels. Still, given a shortage of corporate responsibility, it seems especially important to reward a company for acting in everyone's interest, not just their shareholders. -TR

SEGG Outings: A Look Back *by, Allan Sommer*

Lake Geneva Recap

Six walkers started out on a pretty fall day last October with the sun highlighting autumn's colors gloriously. After the completion of the car transfer, we started the hike at Bigfoot Beach State Park, on the eastern edge of the Lake Geneva.

As expected, we were frequently awed by the spectacular mansions set on grandly landscaped lawns. More unexpectedly, we were struck by the clarity of the water in the lake and impressed by the amount of relief in the topography, even immediately adjacent to the lake.

The hike was projected to be about 6-7 miles, but after three hours we realized it was going to be much farther. We reached the parking lot at Edgewater Park in Williams Bay at around 6:00 PM. Later we determined that we had hiked about 9 ¼ total miles. Boy were we glad to have a seat in the cars for the ride home!

There is interest in completing the circumnavigation of the lake in two more sessions, most likely during the warmer weather months. Stay tuned! We'd love for you to join us.

Lapham Peak Recap

On November 19, eleven hikers started out from Cushing Park on a chilly but beautiful day. We hiked over a relatively modest amount of relief, considering this is part of the Ice Age Trail.

The hike crested Lapham Peak, but since darkness was rapidly approaching, we elected not to climb the lookout tower which would give us an even higher view of the surrounding area.

Much of the landscape was bathed in fall colors turning to winter. We saw hillsides of grass and prairie that gave the appearance of a painter's palette in both texture and color.

Nighttime fell before we completed the eight-mile hike, but thankfully we had obstacle-free paved pathways to walk on for the dark portion of our tour.



Winter is the time for Hygge

Pronounced "hoo-ga", hygge is a Danish term to describe a feeling of cosiness, comfort and inner-peace. While there is no English equivalent for this word, hygge is said to be a derivative of the word hug. Hygge is most easily achieved in wintertime when one can cuddle up on the couch, preferably wearing pajamas, snuggled underneath a blanket, holding a hot beverage, and starrng into the warm glow of a blazing fireplace or your favorite scented candle. No electronics, please.

The Great Walker Fox Con

Midwest Environmental Advocates, a Madison-based environmental law firm, is leading the opposition to environmental regulation exemptions in FoxConn's proposed enterprise zone. The following, written by MEA's founder, Melissa Scanlan, appeared in the Milwaukee Journal Sentinel on August 9 and is available from Midwestenvironmentaladvocates.org.

Apple supplier Foxconn says it will build a Wisconsin factory to manufacture flat screen TVs. The proposal is for a 20 million-square-foot plant in 2020 at a 1,000-acre site that has access to Lake Michigan's abundant, fresh water. They claim they will initially employ 3,000 people and aspire to eventually employ up to 13,000 at the site.

In theory, this could be great for Wisconsin workers seeking jobs in technology manufacturing. Although I doubt Wisconsin's workers would like the style of employment Foxconn uses in China (housing employees on site), perhaps they would use a different business model in the U.S. Why don't we look at how well the employees in Pennsylvania like working at the Foxconn plant the company promised in 2013? Oh right, that promise never came to fruition. OK, how about the plants announced to much fanfare in Indonesia, India, and Brazil? The reality fell far short of the hype.

What does it take to get Foxconn to actually follow through on its promises to open a U.S. manufacturing plant? Governor Walker is trying to convince the legislature to approve an incentive package that includes Wisconsin tax payers footing the bill for \$3B in tax incentives (which will mainly be paid in cash since the effective tax rate on Wisconsin manufacturers is only 0.4%), \$252M for I-94 highway work, and provision of sewer, water, and garbage facilities without following public bidding requirements, among other financial goodies. Can the state afford this? What does it indicate about supporters' view of the proper role of government with the private sector? These are policy questions for elected officials. Hopefully the debate will be informed by a thorough non-partisan cost-benefit analysis.

The legislative package also includes broad exemptions from the state's environmental protection laws, including laws designed to protect the public's rights to clean and reliable freshwater. Although a variety of sites are being considered, the 1,000 acre site is likely to be near Lake Michigan. The extent of the impact is unknown, but the project could destroy state wetlands, replace public lake beds with fill to create more land, reroute streams, and allow topsoil to runoff into lakes, rivers, and streams – all without ever getting a state permit during the construction and operation of the project! Further, the exemptions are not just for Foxconn, but any businesses that may one day locate within the "zone." Contrary to some public statements about the legislative proposal, there are not federal laws that apply to the activities that are proposed for state exemptions.

Unlike the subsidy issues, these are not policy matters on which the legislature has wide latitude. These exemptions run afoul of Wisconsin's Constitutionally-required "public trust doctrine." The legislature and the Governor have a legal duty to act as trustees for the benefit of the public (both present and future generations) to ensure that Wisconsin's waters are clean and abundant. Our personal health and the many existing cities and businesses that work hard every day to maintain water quality depend on an even-handed application and enforcement of these laws. The Chapter 30 and state wetland requirements have been interpreted by Wisconsin's courts as the legislature carrying out its mandatory trustee duties. To exempt this massive project from those protections is an abdication of the legislators' and Governor's promises when they took office to uphold the Wisconsin constitution.

A surefire way to bungle this deal is to add environmental exemptions that will tie the project up in court for years and then be thrown out as unconstitutional. Wisconsin does not need to be in a race to the bottom to attract business at any cost. The green clean economy is creating more jobs – many in manufacturing – than the deregulation approach on display here. Foxconn should meet Wisconsin's standards for labor and the environment just like other businesses and not demand oversized taxpayer subsidies to foot their bills.

Anything less is a con. ##

Melissa K. Scanlan is a Professor of Law at Vermont Law School and Director of the New Economy Law Center. She is the editor of "Law and Policy for a New Economy: Sustainable, Just, and Democratic," (Edward Elgar 2017). She founded Midwest Environmental Advocates in 1999 and is a licensed Wisconsin attorney.

Clean Power Coalition Draws Parallels Between Disturbing Film and Local Impacts of Coal

By Miranda Ehrlich, Sierra Club Beyond Coal Associate Organizer



“Everything you see in this film is happening here, too.”
– Bill Pringle, former resident of Caledonia

A smokestack looming ominously behind a squat brick house. Toxic dust wafting off mountains of coal ash. A girl with an inhaler and bags under her eyes, struggling to breathe. A family visiting their home one last time before it's bulldozed. A vast empty field where the village once stood.

These are just a few of the unsettling images in the newly released documentary *Cheshire, Ohio: An American Coal Story in Three Acts*, which was screened in Racine earlier this fall by the Clean Power Coalition-Southeast Wisconsin. For most of the audience, the film, which documented how “Big Coal” bought and bulldozed an entire small town in Ohio, was shocking. But for a few members of the audience living near the Oak Creek and Elm Road Power Plants owned by We Energies, Madison Gas & Electric, and WPPI, the story was all too familiar.

The Village of Cheshire, Ohio was founded in the late 1800s, nestled along the banks of the Ohio River. Early photos show a vibrant town with a flour mill, hotel, railroad depot, churches, and other small businesses. For over one hundred years people lived, worked, played, and worshiped in this town. This peaceful rhythm of life was disrupted forever after the Gavin Power Plant moved in next door.

At first, the coal plant seemed like a benevolent or even beneficial neighbor. Its smokestacks stretched high into the sky, spewing its worst pollution into the clouds, which later came down as acid rain hundreds of miles away. More importantly, it provided new jobs. But in 2000, a botched attempt to add pollution controls to the plant resulted in a recurring “blue plume” of poisonous sulfuric acid mist rolling over the town. The plant was also found by the EPA to be in violation of the Clean Air Act.

Rather than deal with years of litigation over health problems caused by their pollution, American Electric Power (AEP), the owner of the Gavin Plant, offered to buyout Cheshire for \$20 million dollars to create a “buffer zone” around the plant in exchange for residents signing away their rights to sue for health problems. The vast majority of residents took the buyout and moved elsewhere. Over a decade later, little remains of this once lively town. Those outside the village limits are left to fend for themselves against ongoing pollution from the plant. Workers, once proud of their well-paying coal plant jobs, are now suing AEP for exposing them to carcinogenic coal ash dust without protection. Many of them have now developed cancer.

In Caledonia and Oak Creek, the two towns bordering the massive Oak Creek Power Plant complex, the details differ, but the similarities are clear. Residents have raised concerns for years about toxic coal dust in their yards and homes, contaminated water from coal ash, chronic respiratory illnesses, and even cancer. While We Energies officially denies that these claims have merit, they have been quietly buying up property around the plant for three times the value to create a “buffer zone,” offering residents additional money at closing in exchange for signing an agreement to never sue for health problems. Those outside the “buffer zone” have no recourse as the pollution continues. Sound familiar?

It doesn't have to be this way. But in order to challenge this corporate stranglehold on our communities, we have to start speaking out. We need to demand that utilities like We Energies, Madison Gas & Electric, and WPPI transition coal out of their portfolios in favor of clean, renewable forms of energy like wind and solar. Just this week, We Energies announced the retirement of the Pleasant Prairie Coal Plant near Kenosha and committed to building a new solar farm. This is a major step forward, but it isn't enough. The concerns at the Oak Creek Power Plant must also be addressed. All families in Southeast Wisconsin deserve to remain in their homes and live in communities free of harmful coal plant pollution.

Interested in getting involved with the Clean Power Coalition of Southeast Wisconsin?
Email Miranda Ehrlich at miranda.ehrlich@sierraclub.org

Foxconn's Environmental Regulation Deal - A Legal Perspective

The following transcript is taken from a November 15, 2017, video chat with Tressie Kamp, staff attorney for Midwest Environmental Advocates

Ms. Kamp's video recording can be found at: https://youtu.be/uCLvSH_BsrE

1. How do we prepare for the watchdog tasks now so we can create baseline data knowing that this will be refuted in the future as pollution occurs? Set up monitoring stations? Local colleges?

Do not feel like you have to reinvent the wheel. Become a volunteer with an existing area group that already does monitoring, such as Milwaukee Riverkeeper or other local groups.

See <http://www.rootpikewin.org/#intro> or <https://milwaukeekeeper.org/>

2. As someone who has a well and lives one block from KR (26th Ave), need I be concerned with the quality of the well water once Foxconn is up and running?

Groundwater-sourced private wells near Foxconn may be impacted if Foxconn pollutants enter a groundwater plume that eventually makes its way to nearby wells. This depends on groundwater flow, recharge, and a number of scientific factors that are best answered and investigated by a hydrogeologist. Local citizens and groups could play a crucial role in educating homeowners near the Foxconn site about how and when to test their wells.

A good place to start is: <http://dnr.wi.gov/topic/wells/privatewelltest.html>

3. There are several non-navigable creeks that drain the Foxconn area into the Pike and Des Plaines Rivers. What protection do they have, especially from the large amount of drainage from non-permeable areas?

Roads, parking lots and buildings are going to change the amount draining vs. permeating. Recall that these non-navigable creeks may still be protected under the Public Trust Doctrine if a hydrogeological connection exists with navigable waters such as the Kilbourn Road Ditch. It sounds like your bigger concern might be with storm water impacts from impervious surfaces and polluted runoff. DNR requires storm water permits for certain projects, and this permit was not listed among exemptions that the State plans to grant to Foxconn.

See <http://dnr.wi.gov/topic/stormwater/>

4. Has anyone investigated why the three Motorola plants have not been sold? What are the leftover problems, contaminants left? What is the 10-20 year after effects when they leave?

MEA doesn't have significant background information on these plants. It seems important to contact local government and/or nonprofit groups to understand background contamination, status of the sites, and whether parties are responsible for clean-up under federal statutes such as Superfund. <https://www.epa.gov/superfund>

5. Has the expansion of megafarms and resulting pollution been challenged by MEA using Public Trust Doctrine?

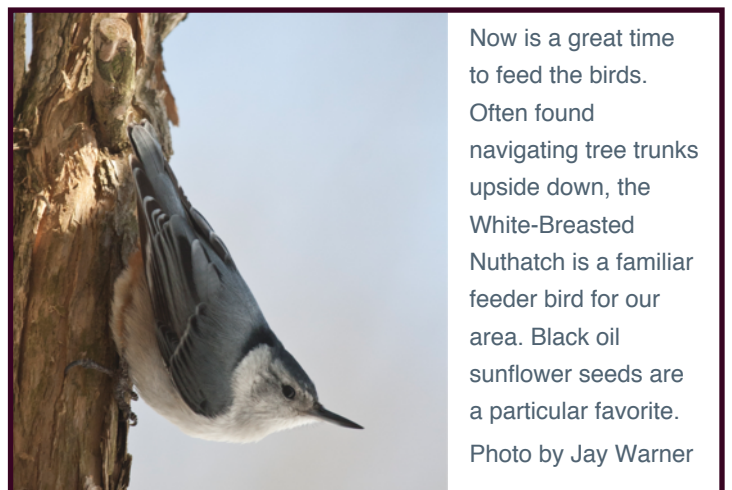
MEA submitted a 'friends of the court' brief in a case that challenged the approval of a number of high capacity wells (for large-scale farms) as a violation of the Public Trust Doctrine. This challenge was based upon state analysis and records showing the well approvals would impair local surface water bodies that are protected under the Public Trust Doctrine.

See <http://midwestadvocates.org/issues-actions/actions/friend-of-the-court-brief-in-clean-wisconsin-v-dnr/>



More information can be found at midwestadvocates.org

Sign up for monthly SEGG E-news!
Email Melissa Warner to stay in the loop:
melissa.warner3@sbcglobal.net



Now is a great time to feed the birds. Often found navigating tree trunks upside down, the White-Breasted Nuthatch is a familiar feeder bird for our area. Black oil sunflower seeds are a particular favorite. Photo by Jay Warner

WISCONSIN STATE LEGISLATURE

SEGG encourages you to *WRITE* to your legislators on the issues you care about.
Find yours at legis.wisconsin.gov



Senator Stephen L. Nass

Senate District 11 (R - Whitewater)
State Capitol Room 10 South
P.O. Box 7882, Madison, WI 53707-7882
(608) 266-2635
Sen.Nass@legis.wisconsin.gov

Senator Van H. Wanggaard

Majority Caucus Vice-Chair
Senate District 21 (R - Racine)
State Capitol Room 319 South
P.O. Box 7882, Madison, WI 53707-7882
(608) 266-1832
Sen.Wanggaard@legis.wisconsin.gov

Senator Robert W. Wirsch

Senate District 22 (D - Kenosha)
State Capitol Room 127 South
P.O. Box 7882, Madison, WI 53707-7882
(608) 267-8979
Sen.Wirsch@legis.wisconsin.gov

Representative Amy Loudenberg

Assembly District 31 (R - Clinton)
State Capitol Room 304 East
PO Box 8952, Madison, WI 53708
(608) 266-9967
Rep.Loudenberg@legis.wisconsin.gov

Representative Tyler August

Speaker Pro Tempore
Assembly District 32 (R - Lake Geneva)
State Capitol Room 119 West
PO Box 8952, Madison, WI 53708
(608) 266-1190
Rep.August@legis.wisconsin.gov

Representative Cody Horlacher

Assembly District 33 (R - Mukwonago)
State Capitol Room 214 North
PO Box 8952, Madison, WI 53708
(608) 266-5715
Rep.Horlacher@legis.wisconsin.gov

Representative Samantha Kerkman

Majority Caucus Sergeant At Arms
Assembly District 61 (R - Salem)
State Capitol Room 315 North
PO Box 8952, Madison, WI 53708
(608) 266-2530
Rep.Kerkman@legis.wisconsin.gov

Representative Thomas Weatherston

Assembly District 62 (R - Caledonia)
State Capitol Room 307 North
PO Box 8953, Madison, WI 53708
(608) 266-0731
Rep.Weatherston@legis.wisconsin.gov

Representative Robin Vos

Speaker
Assembly District 63 (R - Rochester)
State Capitol Room 211 West
PO Box 8953, Madison, WI 53708
(608) 266-9171
Rep.Vos@legis.wisconsin.gov

Representative Peter Barca

Minority Leader
Assembly District 64 (D - Kenosha)
State Capitol Room 201 West
PO Box 8952, Madison, WI 53708
(608) 266-5504
Rep.Barca@legis.wisconsin.gov

Representative Tod Ohnstad

Assembly District 65 (D - Kenosha)
State Capitol Room 128 North
PO Box 8953, Madison, WI 53708
(608) 266-0455
Rep.Ohnstad@legis.wisconsin.gov

Representative Cory Mason

Assembly District 66 (D - Racine)
State Capitol Room 6 North
PO Box 8953, Madison, WI 53708
(608) 266-0634
Rep.Mason@legis.wisconsin.gov



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2018 Southeast Gateway Group Leadership

Executive Committee

Tom Rutkowski (Chair).....natom@wi.rr.com
Judy Rockwell (Vice Chair).....jjrockwell@gmail.com
Laura Feider (Secretary).....lmflowerpower@hotmail.com
Joe Dubaniewicz (Program Chair).....joeduban@yahoo.com
Allan Sommer (Outings Chair).....sommerallan4@gmail.com
Laura Schulz.....schulz@uwp.edu

Other Group Leaders

Jeff Sytsma (Treasurer).....jeff12759@aol.com
Mary Schroeder (Hospitality).....ilovedogsandcats2@yahoo.com
Rebecca Eisel (Webmaster).....SeggWebAdmin@gmail.com
Barry Thomas (Conservation, Kenosha Co.).....bthomas6@wi.rr.com
Melissa Warner (Editor, E-News).....melissa.warner3@sbcglobal.net



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Please send any articles, photographs, letters, calendar submissions, corrections and comments to:

Nicole Reid - nreid23@wi.rr.com

Please use subject line: *SEGG Newsletter*

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Southeast Gateway Group
of the Sierra Club
1529 Crabapple Dr.
Racine, WI 53405-1705



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Bird Nest at Sunrise, Photo by Racine artist, Bill Reid

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and more ways

You Can Get Involved!