

December 9, 2002

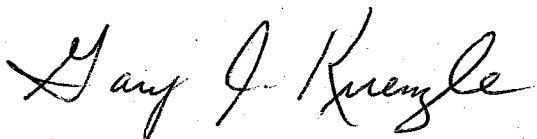
Grant F. Langley
Steven M. Carini
Office of City Attorney
800 City Hall
200 E. Wells Street
Milwaukee, WI 53202-2601

CITY OF MILWAUKEE
2002 DEC 10 AM 7:53
RONALD D. LEONHARDT
CITY CLERK

Dear Mr. Langley and Carini:

This letter is to inform you that I wish to appeal your decision denying my claim, re C.I. File No. 02-S-316, and I hereby request a hearing.

Sincerely,



Gary J. Kuenzle
3470 S, 39th Street
Milwaukee, WI 53215
414-642-0143.

CITY OF MILWAUKEE
CITY OF MILWAUKEE
RECEIVED
2002 DEC 13 PM 4:07
RONALD D. LEONHARDT
CITY CLERK
OFFICE OF
CITY ATTORNEY
2002 DEC 10 PM 4:03

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
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BEVERLY A. TEMPLE
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SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 13, 2002

Gary & Jill Kuenzle
3470 South 39th Street
Milwaukee, WI 53215

RE: C.I. File No: 02-S-316

Dear Mr. & Mrs. Kuenzle:

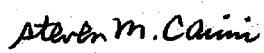
This office is in receipt of your claim in the amount of \$1,836.00, relating to damage sustained to your property on August 13, 2002 when water backed-up in your basement at 3470 South 39th Street.

Our investigation reveals that the Infrastructure Services Division records indicate that this matter was reported to and investigated by them on August 12-13, 2002. At that time the City main sewer was operating properly, indicating that your lateral was not functioning properly. Laterals are the property owner's responsibility by Charter Ordinance. You were advised to have your lateral cleaned, the deep tunnel has no bearing on this matter. Since the problem was with your lateral, the City cannot accept liability. Accordingly, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,


GRANT F. LANGLEY
City Attorney


STEVEN M. CARINI
Investigator Adjuster

SMC:beg
1029-2002-2940:60156

Claim Against the City of Milwaukee

Gary and Jill Kuenzle
3470 S. 39th Street
Milwaukee, WI 53215
414-643-0143 (home)
414-297-6531 (business)

CITY OF MILWAUKEE
2002 SEP 20 PM 12: 58
RONALD D. LEONHARDT
CITY CLERK

September 17, 2002

Dear City Clerk:

On Tuesday, August 13, 2002, at our single-family residence at 3470 S. 39th Street, my wife heard noises coming from the basement during heavy rains at approximately 2:00 p.m. Upon looking down the basement stairs, she observed that the basement was flooded. The noises she had heard were from items floating and falling over or banging into one another. She immediately called me at work and I returned home at approximately 4:00 p.m. The water had mostly receded by that time but water marks on table legs indicated the water had risen to a depth of about three inches. The cause of the flooding was a sewer backup: the floor was covered with brown sewage residue. This was the fourth sewer backup in the last five years, all occurring after heavy rains.

It is our contention that this flooding is due to the inability of the "Deep Tunnel" project to adequately handle storm water run-off during heavy rains. We have attached news articles from *The Milwaukee Journal Sentinel* to substantiate our claim.

We are seeking money damages in the amount of \$1,836.00 as compensation for the loss of personal items, keepsakes and mementos. The above sum also covers compensation for lost wages for my wife, for cleaning supplies and for the time we spent in the actual clean up.

Itemized List of Loss:

Estimated Cost:

Electric exercise treadmill	\$250.00
Floor lamp	30.00
Bowling ball, bag and shoes	100.00
Card table	45.00
Television, 20", color	150.00
Boombox with CD player	75.00
Kitchen utensils, towels and dish cloths	35.00
Teaching materials/supplies	100.00
Art prints and frames	200.00
Childhood mementos (priceless)	100.00
Souvenirs (priceless)	100.00
Personal photographs (priceless)	100.00
Lost wages (Jill: four hours @ \$9.00/hour)	36.00
Cleaning supplies: bleach, mops, gloves	35.00
Time spent cleaning: 40 hours @ \$12.00/hour	480.00
TOTAL:	\$1,836.00

CITY OF MILWAUKEE
RECEIVED
OFFICE OF
CITY ATTORNEY
'02 SEP 20 PM 3:20

Gary J. Kuenzle 9/17/02

Jill M. Kuenzle 9/17/02



AMERICAN FAMILY INSURANCE GROUP

440 S EXECUTIVE DR • BROOKFIELD WI 53005-4280 • PHONE: (262) 784-9100, 784-2933 • FAX: (262) 784-3828

Mailing Address: PO BOX 2927 • MILWAUKEE WI 53201-2927

August 22, 2002

GARY J KUENZLE
3470 S 39TH STREET
MILWAUKEE WI 53215

RE: Claim Number: 00-601-325582-5119
Insured: Gary J Kuenzle
Date of Loss: August 13, 2002

Dear Mr. Kuenzle:

This letter is in regards to the claim recently filed under your homeowner's policy for sewer back-up damages. Our adjuster inspected your property on August 20, 2002 and found minimal damage to your basement. It is our understanding that you spent a number of hours cleaning the basement. The adjuster did complete an estimate for the cleaning time, however, this cost did not exceed the \$1000 deductible. A copy of his estimate is enclosed.

Regarding your personal property, the coverage provided under your policy for your contents limits the type of property that is covered. A copy of this endorsement is attached for your reference. It is our understanding that the property you had damaged does not fall within the items listed on this endorsement.

If you have any questions, please feel free to contact our office at 1-800-374-1111.

Respectfully,

Paula Crain
Property Claim Specialist
Milwaukee South Branch
pcrain@amfam.com

This copy indicates my insurance did not cover this type of flooding damage. I only had coverage for major appliance items.
G. Kuenzle

BACK-UP OF SEWER AND SUMP PUMP OVERFLOW COVERAGE ENDORSEMENT

COVERAGE B LISTED ITEMS

(This is not Flood Insurance)

This endorsement modifies such insurance as is afforded by this policy and replaces any Back-up of Sewer Coverage Endorsement or Back-up of Sewer and Sump Pump Overflow Coverage Endorsement previously a part of this policy.

PERILS INSURED AGAINST - SECTION I

For an additional premium, we cover risks of accidental direct physical loss to property described in Coverage A - Dwelling and to the following listed items for Coverage B - Personal Property:

1. Window air conditioners;
2. Clothes washers and dryers;
3. Freezers and refrigerators;
4. Ranges;
5. Portable dishwashers;
6. Portable microwave ovens; and
7. Dehumidifiers

when caused by a peril listed below, unless the loss is excluded in this policy.

1. **Sewer Back-up**, meaning only direct loss to covered property in the dwelling caused by effluent which backs up through sewers or drains which are a part of the described Coverage A - Dwelling.
2. **Sump Pump Overflow**, meaning only direct loss to covered property in the dwelling caused by water which overflows or accidentally discharges from within a sump pump, sump pump well, sump pump well discharge system or other type system designed to remove subsurface water from the foundation area of the described Coverage A - Dwelling.

This coverage does not apply to **Sewer Back-up** or **Sump Pump Overflow** caused concurrently or in any sequence to the loss by water damage which is excluded in part a or c of the **Water Damage** exclusion.

SUPPLEMENTARY COVERAGES - SECTION I

The following **SUPPLEMENTARY COVERAGES - SECTION I** do not apply to coverage provided by this endorsement:

Increased Building Replacement Coverage
Pollutant Cleanup and Removal

EXCLUSIONS - SECTION I

With respect to the coverages provided by this endorsement only, the following exclusions are deleted:

Acts or Decisions
Earth Movement
Planning, Construction or Maintenance

Power Failure
Weather Conditions

With respect to the coverages provided by this endorsement only, the following item b of the **Water Damage** exclusion is deleted:

- b. Water from any source which backs up through sewers or drains, or water which enters into and overflows or accidentally discharges from within a sump pump, sump pump well, sump pump well discharge system or other type system designed to remove subsurface water which is drained from the foundation area;

The following exclusions are added:

We will not pay for loss under this endorsement when caused by:

1. **Sewer back-up** or **sump pump overflow** which occurs or is in progress within 5 days of the effective date of this endorsement;
2. Earthquake; or
3. Your negligence.

CONDITIONS - SECTION I

The **Loss Deductible** condition is deleted and replaced by:

Loss Deductible. Each claim for loss to covered property will be adjusted separately and the amount of \$ _____ will be deducted from each covered loss. The deductible amount for each loss is shown in the Declarations.

The **Loss Value Determination** condition is amended with respect to our limit for coverage under this endorsement to include the following:

Coverage Limit.

1. The limit for this coverage is shown in the Declarations.

With respect to the coverages provided by this endorsement, the following condition is added:

Other Insurance - Back-up of Sewer or Sump Pump Overflow. The insurance under this endorsement is excess over any insurance available to you from a valid claim under a Flood Policy or Flood Endorsement. The **Other Insurance** condition under **Conditions - Section I** of the policy does not apply to loss under this endorsement.

All other terms remain unchanged.



American Family Insurance Group

Insured: Kuenzle, Gary J

Home: (414) 643-0143

Home: 3470 S 39th Street
Milwaukee, WI 53215

Property: 3470 S 39th Street
Milwaukee, WI 53215

Claim Rep.: Greg Bennett

Business: (800) 374-1111

Business: P.O. Box 2927
Milwaukee, WI 53261-2927

Estimator: Greg Bennett

Business: (800) 374-1111

Business: P.O. Box 2927
Milwaukee, WI 53261-2927

Claim Number	Policy Number	Type of Loss	Deductible
00601325582	48PB335301	Sewage	\$ 1,000.00

Dates:

Date Contacted: 08/13/02

Date of Loss: 08/13/02

Date Received: 08/16/02

Date Inspected: 08/20/02

Date Entered: 08/20/02

Price List: WIRA2S2CPCS11

Restoration/Service/Remodel with Service Charges
Factored In

Estimate: 081602-00010

If replacement cost coverage applies: If you wish to make a claim for the amounts deferred, you must do three things: 1. You must tell us within 180 days from the date of out loss of your intent to repair/replace the items(s)/part. 2. You must have the items(s)/part replaced or repaired within one year from the date of loss. 3. You must submit a final repair bill or purchase receipt showing the item(s)/part that has been repaired/replaced. If you wish, you may repair/replace with higher quality items, but we will only pay the amount deferred to you. If the repair/replacement cost to you is less than the estimated REPLACEMENT COST VALUE in the estimate, we will pay the difference between your cost, less the ACTUAL COST VALUE previously paid to you. Please refer to your policy for the exact wording of your BUILDING REPLACEMENT COST COVERAGES or LOSS SETTLEMENT. This is found in the CONDITIONS/Section 1. For Farm/Ranch policies, please refer to the specific Dwelling Form and /or Farm Outbuilding Replacement Cost Coverage Endorsement if applicable.

This is the report from the insurance adjuster, who rendered his opinion that our damaged/lost items were not covered. He did include an estimate for the labor my wife and I did in cleaning up the basement but the insurance did NOT pay this amount. I saw K...

081602-00010

Dwelling

Room: Basement

DESCRIPTION	QNTY	UNIT COST	RCV	DEPREC.	ACV
Replace CLEANING - Clean Basement	40.00 HR	12.00	480.00	0.00	480.00
Above Allowance Is For 2 People 20 Hrs Labor Per Person At \$12 Per Hr					
Room Totals: Basement			480.00	0.00	480.00
Area Items Total: Dwelling			480.00	0.00	480.00
Line Item Totals: 081602-00010			480.00	0.00	480.00

Grand Total Areas:

0.00 SF Walls	0.00 SF Ceiling	0.00 SF Walls & Ceiling
0.00 SF Floor	0.00 SY Flooring	0.00 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	0.00 LF Ceil. Perimeter
0.00 Floor Area	0.00 Total Area	0.00 Interior Wall Area
0.00 Exterior Wall Area	0.00 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	0.00 Area of Face 1

Summary for Sewage

Line Item Total		480.00
Replacement Cost Value		480.00
Less Deductible	[Full Deductible = 1,000.00]	(480.00)
Net Claim		0.00

Greg Bennett

Metro

City, state
and suburban news
www.jsonline.com/news

FRIDAY, AUGUST 16, 2002

MILWAUKEE JOURNAL SENTINEL

Sewage dumping put at 412 million gallons

Discharge after rain may
be 17th time deep tunnel
failed to meet expectations

By STEVE SCHULTZE and TOM HELD
of the Journal Sentinel staff

This week's official sewage dumping tally hit 412 million gallons, the largest overflow in nearly two years, according to figures the Milwaukee sewerage district released Thursday.

In addition, about 77 million gallons of partially treated sewage were discharged into Lake Michigan from the Jones Island and South Shore sewage treatment plants, officials said.

Though a formal analysis of the storms that dropped 2.87 to 4.93 inches over two days on the Milwaukee area isn't com-

plete, this week's sewage discharge may mark the 17th time since the deep tunnel was built that its performance fell short of expectations.

The deep tunnel, cornerstone of the \$2.8 billion sewer upgrade completed in late 1993, was supposed to contain storms up to the magnitude of a June 1940 downpour that dropped about 6 inches of rain over two days.

This week's rain amounted to "something that wouldn't be terribly unusual," said J.J. Wood, a National Weather Service meteorologist.

"The rains of the past week were definitely not what I'd call a once in 100- or 50- or 25-year storm," Wood said.

The 1940 storm was categorized as a 40-year storm event, meaning it had a chance of happening once in 40 years.

A July state audit of the Milwaukee

**"It was clear
the storm
outstripped
the capacity
of the
system."**

Frank Munsey,
operations
manager for
United Water
Services, a
private firm that
runs the tunnel
and treatment
plants for MMSD

Please see **SEWAGE, 2B**

412 million gallons dumped

SEWAGE, From 1B

Metropolitan Sewerage District found 16 instances between 1994 and 2001 when sewage was dumped after storms smaller than the 40 storm of record. The Legislative Audit Bureau report concluded the tunnel hadn't performed up to expectations.

Frank Munsey, operations manager for United Water Services — the private firm that runs the tunnel and treatment plants for MMSD — said sewer flow made it "clear the storm outstripped the capacity of the system."

A construction project that reduced the South Shore plant's capacity from 300 million gallons per day to 200 million also hobbled MMSD's ability to handle the rain, Munsey said.

Sewer operators shut off gates leading to the tunnel when it was about two-thirds full late Monday, which led to the start of dumping from combined storm/sanitary sewers in parts of Milwaukee and Shorewood.

Munsey said that was done to preserve tunnel space for more concentrated sanitary wastes expected from outlying suburbs and because more rain was forecast for later that night. That didn't happen, but more rain fell Tuesday afternoon.

Because state regulators view dumping from sanitary sewers as more serious than from combined storm/sanitary sewers, MMSD officials place a higher priority on avoiding the first type of dumping.

This week's dumping total was the highest since 838 million gallons of raw sewage were dumped Sept. 11 to 14, 2000.

Bill Graffin, a MMSD spokesman, said if the combined storm/sanitary sewage hadn't been dumped, sewage could have backed up into homes.

The partially treated sewage discharged into the lake included 43 million gallons from the Jones Island plant that received no treatment other than disinfection, Munsey said. Some solid material also would have been culled through settling in the tunnel, he said.

The other 34 million gallons of partially treated sewage went through the South Shore plant,

The partially treated waste is then "blended" with fully treated effluent and discharged into the lake.

Boaters Thursday said debris including condoms and other trash generally flushed from toilets ended up in Lake Michigan.

Brad Odland of Waukesha said he saw what looked like a half-mile-long "sewage slick" on the lake about one-half mile east of Bradford Beach while he was sailing Wednesday. It included condoms, tampons and dark clumps of foul-smelling material, he said.

"I was almost nauseated," Odland said. "It just really upset me I couldn't believe they would let this stuff go out into the lake."

The rush of water flowing into the lake Thursday from the Kinnickinnic River near the sewage plant on Jones Island carried a wide assortment of debris, including bottles, condoms, bags and tree branches.

The wind and currents had pushed most of the material away from the Milwaukee harbor area, leaving a few bobbing cans, logs and at least one shoe around the breakwater. The water near the shore in several places maintained a yellowish-brown color, particularly a plume extending from the Kinnickinnic River.

"You can notice it after a dump," said Phil Jacobson, who launched his fishing boat Thursday at the South Shore Marina. "It's hard to tell if it's sewage or just the stuff coming out of the river."

Jacobson said the brownish water extended offshore for more than a mile north of the McKinley Marina and was being pushed by the strong wind blowing from the south in the early afternoon.

Jim Feagles and his son, Jason, said they have become accustomed to the debris and changing water color following a large rainfall. Bouncing in the surf on their Yamaha watercraft, the pair noticed the smell and the temperature difference, with the brownish areas about 10 to 20 degrees warmer than the surrounding blue water.

"It's not getting any better," Jim Feagles said. "But I don't want to link everything to the sewer because a lot of it is just

Dumpings to get public airing

Two hearings to give
MMSD chance to defend
tunnel system, policies

By STEVE SCHULTZE
of the Journal Sentinel staff

The unpleasant topic of sewage dumping lands squarely in the public lap this week, with state lawmakers scrutinizing the Milwaukee Metropolitan Sewerage District's dumping record at two public hearings.

It marks a rare opportunity for public officials as well as the general public to weigh in on dumping — why it continues despite the construction of Milwaukee's \$2.8 billion deep tunnel system and related sewer improvements, the most expensive public works project in state history.

It also presents a prime opportunity for the sewerage district to make its best case that the tunnel system works well, if not perfectly, and has greatly reduced dumping from what it had been a decade ago.

The Legislature's Joint Audit Committee will review a July 30 state audit on MMSD at 9 a.m. Wednesday at the Milwaukee County Courthouse. That audit found operational problems with the tunnels, as well as cost-cutting measures and sewer system bottlenecks that have limited the tunnels' effectiveness.

A joint hearing of the Assembly Environment and Assembly Natural Resources committees Thursday in Room 412 East at the state Capitol in Madison will cover some of the same ground and more. The Assembly panels also want to scrutinize last year's settlement deal between MMSD and the state Department of Natural Resources, which called for more than \$900 million in long-range projects to help curb dumping.

In addition, the Thursday hearing will consider a report last year by Midwest Environmental Advocates, which faulted the DNR for not more aggressively enforcing environmental penalties for dumping.

Here are some key issues surrounding the dumping debate:

A. MMSD has repeatedly cited results of a study it commissioned that found other metropolitan areas had many more dumping incidents than MMSD did in 1999 and 2000. State auditors, however, found that the volume of MMSD's dumping was greater than all but two of the cities in the comparison group. Pittsburgh and Cleveland dumped greater quantities of sewage than the did MMSD, while Boston, Seattle, San Francisco, the Minneapolis-St. Paul area and Portland, Ore.

Q. How serious is MMSD's dumping compared with other cities?

A. How serious is MMSD's dumping compared with other cities? Further action unnecessary, according to MMSD.

Q. How serious is MMSD's dumping compared with other cities? Further action unnecessary, according to MMSD.

A. Two environmental groups sued MMSD in federal court, alleging numerous dumping incidents that violated state and federal law. The groups, Friends of Milwaukee Rivers and the Lake Michigan Federation, want automatic penalties against MMSD if it dumps more sewage.

Q. What's the status of the citizen lawsuit against MMSD?

A. MMSD has \$900 million of projects on the drawing boards and a lot of that money would go toward increasing the overall capacity of the district's system. Some would go for more precise equipment to measure sewage flows. And some toward projects to reduce water leaking into sewers through laterals, the pipes that carry waste from homes and businesses to larger sewer lines under the street.

Q. What else could be done to stop the dumping?

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Q. What else could be done to stop the dumping?

public airing at two hearings

Q. What's wrong with the tunnels?

A. Nothing according to MMSD, a stance that's bolstered by the first-ever inspection of the tunnel system last winter, which found no damage and less ground-water leakage through cracks into the walls of the 405 million-gallon tunnels than had been expected and only a little debris. But the tunnel system lacks the capacity to handle heavy sewage flows that follow major rainstorms, and MMSD says it was never intended to end all dumping.

Q. Then why have we had billions of gallons of raw sewage dumped into local waterways?

A. That's the billion-dollar question. State auditors found a number of culprits: sewer pipes leading to the Jones Island Treatment plant that are too small, thus restricting its capacity; cost-cutting by United Water Services, the private contractor that runs the tunnels and two local treatment plants for MMSD; faulty operational decisions on when to close off gates leading to the tunnels, resulting in dumping raw sewage when lots of space was left in the tunnels; and leaky local sewers, meaning lots of rainwater leaks in and greatly adds to sewage volume.

Q. What's wrong with the way the tunnel system has been operated?

A. Human error has accounted for some poor dumping decisions, auditors say. Rainstorms that failed to materialize may have led to dumping decisions that in retrospect look mistaken. With the blessing of the DNR, MMSD in 1999 established a policy of reserving half the tunnel space for sewage from suburbs. That was aimed at avoiding dumping of more concentrated sanitary sewage, but it's likely led to more dumping of combined storm water and sanitary sewage from older sewers in parts of Milwaukee and Shorewood.

Please see **MMSD, 2B**

TO OUR READERS

Because of the holiday, readers who normally receive the Waukesha and Metro North sections are receiving the Metro section today. The regular sections will resume Wednesday.

Eugene Kane

His column will return.

Sewage dumpings to get public airing at two hearings

MMSD, From 1B

Q. Isn't sewage, well, sewage, no matter where it's from?

A. The DNR and U.S. Environmental Protection Agency say sewage from combined sewers is more diluted, and fewer penalties are attached to that type of dumping. In fact, MMSD's discharge permit allows it up to six instances of dumping from combined sewers a year. Some contend, however, that pollutants found in urban runoff and industrial and hospital wastes from city sewers make Milwaukee's combined sewer wastes just about as bad as sewage from suburban sanitary sewers.

Q. Couldn't MMSD stop dumping, if it really was forced? Is there some piece of the puzzle missing?

A. As counterintuitive as it may seem, preventing all dumping is not the top goal of MMSD. The district's official strategy for operating the tunnels includes an "excess flow decision tree," which sets priorities for sewer operators when a big storm hits. At the top of the list of mandato-

ry goals is avoiding basement backups or flooding treatment plants, both are considered health hazards.

Next worst thing to avoid, according to the MMSD manual, is "overflowing" the tunnels. That can lead to groundwater pollution, by sewage leaking out through cracks in the tunnel walls. The DNR also forbids overflowing the tunnels.

Finally come the merely "desirable goals": Avoiding dumping untreated or partially treated sewage.

Q. Why do we hear about dumping of partially treated sewage? Isn't that just as bad?

A. The EPA discourages it, except as a last resort. The DNR, after considerable criticism over MMSD's raw sewage dumping, recently urged the sewerage district to make greater use of partial treatment, under limited circumstances. State auditors also faulted MMSD for not employing the practice enough. It's never considered desirable, but better than no treatment.

Q. So are we better or worse off with the tunnels?

A. Far better, according to the sewerage district and the DNR, but critics question whether the money was worth it. Before the tunnel system was built, the sewerage district dumped raw sewage about 50 times a year, com-

pared with two or three times a year now. Volume measurements of dumping before the tunnels and other sewer improvements are sketchy, but came to roughly 9 billion gallons a year, according to an MMSD estimate. Since the tunnels were built, about 13.5 billion gallons have been dumped, or about 1.7 billion gallons a year on average.

Q. Weren't we promised an end to dumping when the decision to build the tunnels was made?

A. Sort of. Various documents from the planning for the tunnel project suggest dumping would be "virtually eliminated." However, the tunnels also may have been built too small, something one MMSD official acknowledged in an interview with state auditors. The tunnel project was scaled back somewhat during the planning stages after a strict no-dumping court ruling was overturned.

Q. Why not separate Milwaukee's combined sewers? Then all that storm runoff wouldn't be jamming up the sewers.

A. That was considered and rejected in favor of the tunnels in the early '80s. Separation then was considered too costly, when disruption to downtown businesses was factored in. MMSD has vigorously opposed separation as a fix now, contending that

it would cost more than \$2 billion. That figure, however, was analyzed by state auditors, who found it was likely exaggerated.

Q. What else could be done to stop the dumping?

A. MMSD has \$900 million of projects on the drawing boards and a lot of that money would go toward increasing the overall capacity of the district's system. Some would go for more precise equipment to measure sewage flows. And some toward projects to reduce water leaking into sewers through laterals, the pipes that carry waste from homes and businesses to larger sewer lines under the street.

Millions also would go toward planning efforts pushed by the EPA, which will involve extensive review of local sewer systems and citizen meetings.

Q. Any chance that the DNR will crack down on MMSD's dumping?

A. The agency is reviewing conditions it will include in the district's discharge permit. A draft version of the permit includes no major changes. It does, at the urging of the EPA, lay out a timetable for completion of various steps in the planning process to better control dumping.

The DNR will release its formal recommendations for the MMSD permit around the end of this month and hold a public hearing about a month later.

Q. What's the status of the citizen lawsuit against MMSD?

A. Two environmental groups sued MMSD in federal court, alleging numerous dumping incidents that violated state and federal law. The groups, Friends of Milwaukee Rivers and the Lake Michigan Federation, want automatic penalties against MMSD if it dumps more sewage.

MMSD last week asked federal Judge Charles Clevert to dismiss the lawsuit, calling it a "waste of taxpayers' money" for MMSD to have to defend itself in court. The 2001 settlement with the DNR over dumping makes any further action unnecessary, according to MMSD.

Q. How serious is MMSD's dumping compared with other cities?

A. MMSD has repeatedly cited results of a study it commissioned that found other metropolitan areas had many more dumping incidents than MMSD did in 1999 and 2000. State auditors, however, found that the volume of MMSD's dumping was greater than all but two of the cities in the comparison group. Pittsburgh and Cleveland dumped greater quantities of sewage than did MMSD, while Boston, Seattle, San Francisco, the Minneapolis St. Paul area and Portland, Ore. all dumped less than MMSD.

Snapshots

Crocker Stephenson's column will return.

9/03/02

Dumpings to get public airing

Two hearings to give
MMSD chance to defend
tunnel system, policies

By STEVE SCHULTZE

of the Journal Sentinel staff

The unpleasant topic of sewage dumping lands squarely in the public lap this week, with state lawmakers scrutinizing the Milwaukee Metropolitan Sewerage District's dumping record at two public hearings.

It marks a rare opportunity for public officials as well as the general public to weigh in on dumping — why it continues despite the construction of Milwaukee's \$2.8 billion deep tunnel system and related sewer improvements, the most expensive public works project in state history.

It also presents a prime opportunity for the sewerage district to make its best case that the tunnel system works well, if not perfectly, and has greatly reduced dumping from what it had been a decade ago.

The Legislature's Joint Audit Committee will review a July 30 state audit on MMSD at 9 a.m. Wednesday at the Milwaukee County Courthouse. That audit found operational problems with the tunnels, as well as cost-cutting measures and sewer system bottlenecks that have limited the tunnels' effectiveness.

A joint hearing of the Assembly Environment and Assembly Natural Resources committees Thursday in Room 412 East at the state Capitol in Madison will cover some of the same ground and more. The Assembly panels also want to scrutinize last year's settlement deal between MMSD and the state Department of Natural Resources, which called for more than \$900 million in long-range projects to help curb dumping.

In addition, the Thursday hearing will consider a report last year by Midwest Environmental Advocates, which faulted the DNR for not more aggressively enforce-

to take MMSD to task

The first of this week's dumpings started Monday night at 10:42 p.m. when United Water operators closed off remote-controlled gates to the 405 million gallon deep tunnel when it was about two-thirds full. That caused raw sewage from combined storm/sanitary sewers in Milwaukee and Shorewood to spill into the Milwaukee, Menomonee and Kinnickinnic rivers.

The remaining space in the tunnel at that point — about 125 million gallons — was reserved for more concentrated sanitary waste from outlying suburbs, said Munsey.

The raw sewage dumping continued for about 13 hours, stopping by late Tuesday morning. The dumping started again about 4:30 p.m. Tuesday at Jones Island, Munsey said, following an afternoon storm.

The discharge continued late Tuesday, he said.

Also late Monday and early Tuesday about 11 million gallons of partially treated sewage from the Jones Island treatment plant and 8 million gallons of partly treated waste from the South Shore plant were discharged into Lake Michigan, Munsey said.

The practice, called "blending" by sewer officials, involves skipping the second major step in the treatment process and combining that flow with a larger volume of fully treated wastewater.

It's done as an alternative to dumping even more raw sewage. The state Department of Natural Resources has encouraged the practice, under certain conditions. The audit suggested MMSD has failed in the past to fully utilize the practice.

The tunnel never was intended to capture every drop of wastewater, Munsey said.

MMSD dumped partially treated sewage on two other occasions this year — 95 million gallons in April and 21 million gallons in June.

The environmental lawsuit against MMSD is awaiting a ruling.

lawmakers to set a deadline for challenging adoptions. The law prohibits anyone from opposing an adoption after two years. A judge already has ruled that the law should exempt rape victims.

privacy and say it encourages abortions. "There's no comparable law in any other state, and it's really hard to imagine how a legislature could pass such a law if they thought about it," said Bob Likins, president of the American Academy of Adoption Attorneys. "It treats women like chattel."

final. The goal is to find the father and stave off custody battles that can break up adoptive families. The law makes no exception for rape and incest victims or minors, such as the girl who gave up legal custody of Neena. Adoption advocates have condemned the law as a draconian invasion of

publish sexual history criticized

Aug 19, 2002

Tunnel design, operation errors blamed in MMSD dumping

By STEVE SCHULTZE

of the Journal Sentinel staff

Design and operation mistakes and an emphasis on cost-cutting have hampered the effectiveness of Milwaukee's deep tunnel system, contributing to the dumping of raw sewage, according to state auditors' findings.

Sewage dumping also may be indirectly encouraged through contract terms between the Milwaukee Metropolitan Sewerage District and United Water Services, the private firm that operates the tunnel and two local treatment plants, auditors found.

Those and other key pieces of

the puzzle on why the tunnel hasn't performed to expectations emerge in a review of work papers compiled by auditors in their yearlong investigation of MMSD.

The district's ongoing dumping woes were renewed last week when 412 million more gallons of sewage spewed into local waterways. That adds to MMSD's tally of more than 13 billion gallons of untreated waste dumped into Lake Michigan and its tributaries since late 1993, when the \$2.8 billion tunnel project was completed.

Primary findings of auditors

Please see **MMSD, 9A**

Auditors blame tunnel design, operation errors

D, From 1A

released last month, including the conclusion that local water quality has improved only slightly in Milwaukee and has worsened in the suburbs since after the tunnel project was let.

Among the auditors' additional findings revealed in work papers.

The Jones Island sewage treatment plant can handle only 100 million gallons of sewage a day rather than its supposed capacity of 330 million gallons. A major bottleneck caused by unused key sewer lines — known as "harbor siphons" — is cited.

Auditors said that absent the flaws, it was likely that untreated wastewater would have been released into waterways. The cost of releasing the siphons: more than \$100 million.

Cost-cutting pressure by MMSD officials led to a decision to shut off three massive siphons that suck sewage from the lake during rainstorms, when the plant's capacity has sometimes been overwhelmed and raw sewage dumped. Last winter, during the course of the audit, the department adopted a policy of continuing pumping during storms.

State regulations and MMSD's contract with United Water may provide "a financial incentive to bypass or overflow rather than to treat it," the audit paper said, based on comments by a veteran state Department of Natural Resources official. MMSD doesn't penalize United Water for dumping raw sewage that comes from combined sanitary and storm sewers, Jay Hochmuth, the DNR official, told reporters.

In an interview, Hochmuth said the easiest way for United Water to meet its contract limits is to divert partially treated sewage at Jones Island. That practice generally is considered preferable to dumping raw sewage. The design flaw in the siphons also has required storing sewage more often in the tunnel. Extra pumping costs for that come to about \$300,000 a year, auditors said.

Michael McCabe, MMSD's top lawyer, didn't dispute problems with the siphons. But he disagreed that the original design was flawed. The siphon replacement in 1985 was so crucial that it had to be done without benefit of knowing the final tunnel design, he said.

412 million gallons

Sewage dumped by MMSD into local waterways last week.

13 billion gallons

Sewage dumped by MMSD since 1993.

potential \$200,000 in bonus payments for failing to meet a second effluent limit in its contract for suspended solids.

However, the firm has always met less strict state limits on both measures.

Audit findings disputed

Mike Link, United Water's project manager in Milwaukee, disagreed that the firm has a financial incentive to dump sewage.

"If there is any incentive for us, it's not to bypass (dump sewage), because we run the risk of being terminated by the MMSD," Link said. "That risk is much higher than any small, incremental potential savings for not treating the (waste) water."

In addition, United Water's contract calls for it to maximize the amount of wastewater that's treated, he said. The contract, however, is silent on the subject of minimizing overflows.

The harbor siphons now in place were designed in 1981, before the design of the deep tunnel was finalized, and installed in 1985. Although MMSD had long recognized a problem with transporting sewage to Jones Island, it didn't pinpoint the problem to the siphons until a 2001 consultant study confirmed it.

Link told auditors last April that "the design flaw in the harbor siphons limits the ability" to divert partially treated sewage at Jones Island. That practice generally is considered preferable to dumping raw sewage.

The design flaw in the siphons also has required storing sewage more often in the tunnel. Extra pumping costs for that come to about \$300,000 a year, auditors said.

Link acknowledged that he was under pressure to reduce costs, but only the general pressure of operating at maximum

efficiency. He said sewer officials only realized after the tunnel had been in place for some time that it might make sense to run the tunnel pumps during a rainstorm. It was thought originally that the tunnel pumps wouldn't have to be used until after a storm, he said.

In practice, however, the tunnels have often partly filled in dry weather from groundwater leakage and redirected sewage flow due to construction projects, necessitating pumping even when it hasn't stormed.

Auditors also were told that the 405 million-gallon tunnel may have been designed too small. Nancy Schultz, an MMSD technical services manager, said some factors built into estimates for the tunnel size proved wrong — after the tunnel was built.

She also told auditors that mathematical models used to guide operation of the tunnel — determining when gates controlling tunnel access are triggered — were designed in advance of the tunnel construction and have never been tested, raising questions about their accuracy.

Auditors also dipped into an old controversy over costs of separating combined sewers, once

considered an alternative to building the deep tunnel.


Sewer separation also has been suggested as a possible means of correcting current dumping problems, although MMSD officials have adamantly opposed it and instead have proposed about \$1 billion in other long-term sewer projects, such as building the \$116 million tunnel link on the northwest side.

Auditors said MMSD's estimate that separation would now cost \$2.1 billion may be overstated, based on a review of similar projects elsewhere, where costs were found to be lower.

Auditors also challenged MMSD claims that its dumping record compared favorably with a list of select cities. MMSD frequently cites figures showing it has had fewer dumping incidents than Minneapolis-St. Paul, Boston, Seattle, San Francisco, Portland, Ore., Cleveland and Pittsburgh. Auditors found that checked out.

However, the volume of sewage dumped by MMSD in 1999 and 2000 was greater than all but two of the seven other areas.

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FINAL EDITION

MMSD dumped more raw sewage

Release continued for 19 hours, district says

By STEVE SCHULTZE
of the Journal-Sentinel staff

The Milwaukee metropolitan sewer system dumped raw sewage for 19 hours from Tuesday afternoon until early Wednesday, in addition to the 13 hours of dumping late Monday and early Tuesday, a district spokesman said.

Sewer officials remained mum Wednesday on just how much raw sewage they dumped into Lake Michigan this week.

The Milwaukee Metropolitan Sewerage District did provide an official figure for the volume of partially treated sewage

dumped into the lake: 75 million gallons. That wastewater skipped at least one major stage of treatment, although all of the 75-million gallons was at least disinfected with chlorine and mixed with fully treated effluent before being discharged.

The district may release a figure today for the quantity of completely untreated sewage that was dumped after rain storms Monday and Tuesday, said MMSD spokesman Bill Graffin.

Please see **SEWAGE, 2B**

■ **EPA:** Agency unable to link dumping to Chicago's beach woes, **3B**

■ **Editorial:** 18A

MMSD dumped more raw sewage

SEWAGE, From 1B

"Our people are still working on it," he said.

Total sewage flow during the heaviest rain hit a temporary rate of 3.5 billion gallons per day, Graffin said.

"You get that flow going, you can't stop it," he said. MMSD officials shut off access to the deep tunnels Monday night and again Tuesday, allowing extra sewage to overflow into streams and the lake.

All three giant pumps sucking wastewater from the tunnel and sending it to the Jones Island sewage treatment plant have been operating continuously since heavy rains hit Monday, said Frank Munsey, operations manager for United Water Services, the private contractor that operates the tunnel and treatment plants.

State and federal rules discourage dumping from combined storm and sanitary sewers and virtually ban dumping of more concentrated wastes from sani-

tary sewers. MMSD's permit allows up to six instances of dumping a year from combined sewers.

All of this week's dumping came from combined sewers, Munsey said.

Rainfall in the Milwaukee area ranged from 2.72 inches in Mequon to 4.93 inches in Elm Grove, according to MMSD statistics.

About 100 homeowners on Milwaukee's south side reported basement sewage backups after this week's storms, said Jim Koster, sewer services manager for the city. Those reports came mostly from the 3200 block of S. 39th St., S. 51st St. and Howard Ave., near S. 43rd St. and Howard Ave., and S. 39th St. and Morgan Ave., he said.

Eleventh District Ald. Joe Dudzik said his office received several dozen calls from constituents complaining of flooded basements and catch basins that were not taking in water.

The complaints, which came from residents throughout his southwest side district, were relayed to the Department of Public Works, he said.

"If you're the guy standing ankle deep in brown water, it's a serious matter," Dudzik said.

There were no reports of backups in the Lincoln Creek neighborhood, which experienced ongoing flooding problems in recent years before the completion of a \$115.4 million watercourse improvement project, Graffin said.

Sewage dumping from local sewer lines also was reported by three municipalities this week. Milwaukee, Wauwatosa and West Allis said Jim Erattrick, a Department of Natural Resources watershed expert. West Allis reported dumping 8,145 gallons, totals for Milwaukee and Wauwatosa have not yet been reported, Erattrick said.

All three city beaches still had warnings about high E. coli levels posted Wednesday. Other Milwaukee County beaches, except Shorewood's Atwater Park Beach, also had E. coli warnings Wednesday.

Jesse Garza of the Journal Sentinel staff contributed to this report.

L W A U K E E RNAL SENTINEL

FINAL EDITION SOUTH ★ WEDNESDAY, AUGUST 14, 2002 ★ WWW.ONWISCONSIN.COM

SD dumped sewage hours during rains

lly treated sewage released; beaches shut

dumped, saying those numbers were still being calculated.

The deep tunnel and the rest of the sewer system worked just fine in the face of the heavy rainfall, according to officials from MMSD and United Water Services, the private contractor that runs the deep tunnel and the city's two sewage treatment plants.

"The collection and treatment system worked the way it was designed to work," said Frank

Munsey, operations manager for United Water.

"This storm produced a significant amount of rain in a relatively short period of time," said Mike McCabe, MMSD's top lawyer. "If you stretch two to three inches of rain out over a longer time frame, the system would have been able to handle the load."

More than 2.3 inches fell on

Please see **MMSD, 13A**

SWIM ADVISORIES

Bradford, McKinley and South Shore Park beaches had swimming advisories posted Tuesday because of the storms and likely will remain closed until the weekend, a Milwaukee Health Department official said. With heavy storms, the department assumes sewer overflows and polluted runoff will contribute to high E. coli levels at the beaches.

■ **Round 2:** Second bout of rain arrives as area recovers from first. **1B**

Sewage dumped for 13 hours

MMSD, From 1A

Milwaukee on Monday by midnight, according to National Weather Service readings at Mitchell International Airport. And up to 3.2 inches of rain fell in other parts of the area served by MMSD, which includes Milwaukee and 27 suburbs. More rain fell Tuesday afternoon on the area.

Bradford, McKinley and South Shore Park beaches had swimming advisories posted Tuesday because of the rainstorms and will likely remain closed until the weekend, said Paul Biedrzycki, manager of disease control and prevention for the Milwaukee Health Department. With heavy storms, the department assumes sewer overflows and polluted runoff will contribute to high E. coli levels at the beaches, Biedrzycki said.

The dumping raised anew questions about the capacity and operation of the sewer system.

Last month's audit of MMSD by the state found that about three-fourths of the 13 billion gallons of raw sewage dumped between 1994 and 2001 came after rainstorms the local sewer system should have been able to contain.

The audit questioned operational policies for the system and concluded that the deep tunnel and related sewer improvements — the state's most expensive public works project at \$2.8 billion — hadn't met expectations. Another \$1 billion in sewer improvements is planned.

"The collection and treatment system worked the way it was designed to work."

Frank Munsey, operations manager for United Water Services, the private contractor that runs the deep tunnel and the city's two sewage treatment plants

"Overflows are happening too frequently, with serious consequences for Milwaukee," said Cameron Davis, executive director of the Chicago-based Lake Michigan Federation. MMSD will keep on dumping as long as it remains cheaper than complying with the Clean Water Act, he said. The federation and another environmental group, Friends of Mil-

waukee, are asking federal Judge Charles Clevert on whether a deal MMSD cut with the DNR precluded the need for a citizens suit. Last year, MMSD agreed to do more projects in exchange for the DNR dropping civil sewage dumping charges.

Clevert has asked both sides to

submit briefs on whether the state audit raised issues relevant to the federal case.

Jesse Garza of the Journal Sentinel staff contributed to this report.

On the Web: www.mmsd.com/live/stormupdate.asp

EPA can't link dumping, fouled Chicago beaches

Agency also can't rule out MMSD overflows as culprit

By STEVE SCHULTZE

of the Journal Sentinel staff

No direct evidence pins the blame for Chicago beach pollution on Milwaukee sewage dumping, according to a letter from U.S. Environmental Protection Agency Administrator Christie Whitman released Wednesday.

But raw sewage dumping by the Milwaukee Metropolitan Sewerage District also can't be ruled out as a culprit in Chicago beach pollution, a top regional environmental official said Wednesday.

Recent scientific research suggests E. coli bacteria can live for years in beaches or the sandy

bottom of the lake, making it theoretically plausible that Milwaukee dumping is a factor in Chicago beach problems, said Joe Cisneros, regional chief of enforcement for the EPA.

The best scientific evidence points to multiple potential causes of E. coli beach pollution, including sewage dumping — sometimes called overflows — runoff and bird feces, Cisneros said in an interview. But there's not enough evidence to absolutely apportion blame, he said.

"Hopefully, by not having any more overflows," old E. coli eventually will die off and not be replaced by additional bacteria from human waste, he said.

His remarks followed the release of an Aug. 1 letter from Whitman, in which she said "To date, the EPA has no direct evidence that supports the contention that there is a direct rela-

tionship between Milwaukee (raw sewage) discharges and closures of beaches in the Chicago area."

The letter was replying to a request from Chicago-area U.S. Rep. Janice Schakowsky, a Democrat, and seven other Chicago congressmen for EPA enforcement action against MMSD. The officials blamed MMSD dumping for Chicago beach pollution.

The MMSD has dumped more than 13 billion gallons of raw sewage into Lake Michigan and local streams that empty into the lake since 1994.

MMSD released the letter, along with its own press release declaring MMSD was "pleased" the EPA has come to the same conclusion on this issue as others in the scientific community.

MMSD has frequently pointed to runoff pollution as a probable culprit in beach pollution, but

district officials have been careful not to claim that sewage dumping plays no role.

Nadeam Elshami, a spokesman for Schakowsky, said Whitman did not directly respond to the U.S. delegation's claim that the EPA was failing to enforce the federal Clean Water Act.

"It's no surprise the Bush administration with its reluctant attitude as the environmental enforcement agency would not be concerned about the millions of gallons of sewage being dumped by Milwaukee into Lake Michigan," Elshami said.

MMSD's major dumping episode this week underscores the need for additional federal action to halt the practice, Elshami said. MMSD dumped raw sewage for 13 hours Monday night and for several hours Tuesday, but has not revealed the total volume spewed into the lake.

The EPA's Cisneros said the agency is working with the state Department of Natural Resources to enforce an agreement the MMSD made with the DNR last year to add capacity to the local sewer system.

The federal agency also is working with the DNR to craft new standards for MMSD's sewer plant discharge permit, he said.

The DNR is proposing a host of new conditions for MMSD's permit, said Jim Frairick, a DNR watershed expert who works on MMSD issues. He declined to name specific permit changes the DNR was seeking.

Frairick also said he could not say when the DNR will unveil its proposed MMSD permit. Until a new permit is approved, MMSD will operate under terms of its old permit, which expired March 31, he said.

Metro

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and suburban news

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TUESDAY, AUGUST 13, 2002

MILWAUKEE JOURNAL SENTINEL

Storm unleashes torrent, causing flash flooding

Bone-dry southern Wisconsin gets a soaking

By **JESSE GARZA**
and **TOM NELD**
of the Journal-Sentinel staff

Parched crops, plants and lawns were ready for a long-awaited drink Monday as rain finally moved into the southern part of Wisconsin.

What they got instead was a drenching.

Up to 7 inches of rain fell in about two hours as a belt of heavy precipitation traversed the southeastern counties, triggering flash flood warnings from the National Weather Service for Milwaukee, Waukesha and Walworth counties.

The weather service in Sullivan reported that 4.25 inches of rain fell on the city of Waukesha between 5:50 and 6:50 p.m., causing some street flooding.

An additional 1.36 inches of rain fell between 7:23 and 7:53 p.m., accompanied by strong winds, with one gust measuring 31 mph, the weather service said.

By 9 p.m. other areas of Waukesha County, including Brookfield and Elm Grove, had received 3 to 5 inches of rain and were also beginning to experience some localized flooding, meteorologist Rusty Kapela said.

"It looks like we've gone from a drought to a flood," he said.

Elsewhere in Waukesha County late Monday, backyards and culverts were reported flooded in the area of state Highway 164 and County Trunk 1, with some areas of the county recording 6.25 inches of rainfall, the weather service said. State Highway 83 just south of county Highway NN

was under a foot of water, a weather service spotter reported.

The weather service issued a river flood warning at 8:30 p.m. for the Menomonee River in the Wauwatosa area.

Also by 9 p.m. the rains were just beginning to reach southern Racine and northern Kenosha counties, but the downpour was not expected to be as heavy as it was to the north, Kapela said.

Megan McCarthy, spokeswoman for We Energies, said about 20,000 customers were without power around 10 p.m., most of them in Waukesha County and northeastern Milwaukee.

She said so many customers were without power that the company was calling in extra

Please see **RAIN, 2B**

ld woman was charged Monday
Incl. Staff

knife attack court complex

2B TUESDAY, AUGUST 13, 2002

Overdue rain leaves behind flash floods

RAIN, From 1B

workers to try to restore service. "Our crews will be out there through the night working to restore power," she said.

McCarthy said most of the failures were a result of strong winds and lightning knocking down power lines throughout the area. She said the utility's first concern was taking care of the downed lines because of the safety hazard they pose.

Police reported power failures in parts of Milwaukee, River Hills, Brown Deer, Bayside and Waukesha.

In Walworth County, 3 to 7 inches of precipitation was reported in an area north of Abells Corners northeast to Troy Center, and 2.5 to 4.4 inches had fallen in the Milton to Whitewater area, the weather service said.

An additional inch of rain was expected late Monday and was likely to cause streams and rivers to rise rapidly and overflow their banks, the weather service said.

Even that much rain could be too little, too late, for some farmers in Racine and Kenosha counties, where dry weather already may have done crucial damage to corn and soybean crops.

August Storck, who has farmed off Highway A in Kansasville for 52 years, said he might be able to harvest 75 bushels of corn per acre, compared with the state-

Bowling devotee's la

One day, right out of the blue, the idea of landscaping his yard with bowling balls hit Glenn Zellmer like a Brooklyn strike.

And why the hell not? There's no law in the village of West Milwaukee (that's where Zellmer lives) that says you can't. Yeah, he decided. That's what I'll do. I'll landscape my yard with bowling balls.

Zellmer, who is 42, loves to bowl. He's been bowling all his life. Bowling is in his blood. When he was 16, he started bowling on a men's team. Until life got more complicated (a wife, a mortgage, a child), Zellmer bowled five times a week. To Zellmer, a bowling ball is a thing of beauty, a joy forever.

At the time, Zellmer faced two obstacles, both of which would prove easily surmountable. First, there was Mrs. Zellmer — Michelle — who thought the idea was nuts. And second, Zellmer owned but two bowling balls, one of which — a 16-pound urethane Red Hammer — was still in use.

Mr. Zellmer figured Mrs. Zellmer would restrict his landscape innovation to the backyard. But no. She realized that the man she married was closer in spirit to Ralph Kramden than to Ralph



Lauren, and so she relented where you want, she told

Zellmer decided he would front-yard gardens with he and Michelle bought room home eight years north and south of the fr ran with prickly bushes, bushes cut down, the roo In place of the prickly bu

