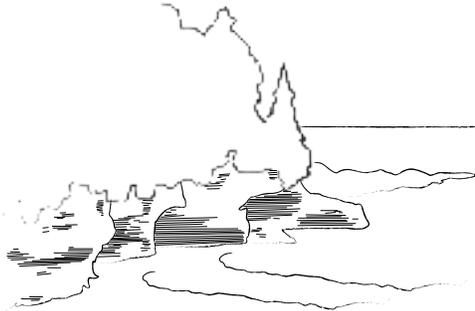


The Door County Environmental Council News



December 2022



“Fostering the preservation of Door County’s rich heritage of natural resources for the health, welfare, and spiritual uplift not only of its inhabitants, but of generations to come.”

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The Cape Cod Commission with Erin Perry

On Tuesday, October 11, 2022, your Door County Environmental Council sponsored the program “Cape Cod Commission” featuring Erin Perry, the Deputy Director of the Cape Cod Commission. Hosted at the Kress Pavilion in Egg Harbor, Perry shared the Commission’s goals, struggles, and accomplishments to both in-person and virtual audiences. The program was free, open to the public, with about 65 people attending in person and between 30 and 35 people attending virtually.



Erin Perry

In the 1980s, Cape Cod experienced an unprecedented boom in growth that threatened the natural and coastal environments, as well as cultural and historical characteristics that make the peninsula unique. Uncoordinated and inappropriate use of the land jeopardized the fifteen towns of Barnstable County and the surrounding wetlands, sand dunes,

woodlands, and grasslands that make up Cape Cod, the peninsula that projects into the Atlantic Ocean on Massachusetts’ east coast like a flexed arm. How could they balance environmental preservation with increased building, traffic, waste, and unsustainable resource use, and promote economic growth at the same time?

Does this situation sound familiar?

Door County is sometimes referred to as the Cape Cod of the Midwest. Geographically, both are peninsulas that jut out into large bodies of water with

hundreds of miles of coastline. Both have small coastal towns that swell with tourists who come by car and boat during the summer seasons and who demand a multitude of resources, leaving behind an enduring impact. Both have experienced substantial growth that disregards the environment, resource use, and housing affordability.

In 1990, the Cape Cod Commission was formed and signed into law by the governor of Massachusetts. It established strong partnerships between local, state, and federal agencies to design a comprehensive and coordinated approach to planning, environmental protection, and economic development. Today, Cape Cod and Barnstable County can boast a year-round economy with thriving economic centers, well-preserved natural habitats, and open spaces. It is now a sustainable region with strong inter-municipal coordination and regional infrastructure.

Can Door County perhaps adopt some guidelines in becoming sustainable, both economically and environmentally, to the benefit of its inhabitants and its visitors? Stay tuned!

By Michael Bahrke and Kaethe Gutierrez

For more information, see capecodcommission.org.

We Need Your Help!

Your Door County Environmental Council is dedicated to preserving our environment: the air we breathe, the water we drink, and the ground we walk upon. And for over 50 years we have been an integral part of Door County's environmental advocacy fabric. Our mission is to protect Door County's natural areas.

We're reaching out to you now because we believe the Bay of Green Bay is being contaminated by phosphorous that is causing significantly increased "dead zones" and increased algae growth in the Bay. Some of the algae blooms are toxic species of blue-green algae that potentially cause skin, gastric, and breathing problems for humans,

and can be deadly for dogs. Blue-green algae thrives in warm water with nutrients like phosphorus. Global warming is making Door County's shallow beaches, such as Ephraim's, prime targets for these toxic algae blooms. We can't imagine the Bay, and more specifically, our favorite beaches, with toxic blue-green algae floating in the water!

As Door County's oldest 501c3 environmental organization, your DCEC is focused on keeping the water of the Bay safe. But we need your help to protect the waters we all love. Together we can:

- Continue to educate the public with educational programs and scientific facts concerning the real threats to the Bay. The media currently is not covering this important story that will undoubtedly impact us all. Public outcry is the force that could save the Bay.
- Provide the latest science-based, factual information to village, town, county, and state elected governmental representatives – both in person and in written communications. We need to emphasize the facts and the need for action.
- Put continued pressure on the Door County Soil and Water Department, the Wisconsin Department of Natural Resources, and the Environmental Protection Agency. They know the facts, but currently are not taking action.
- Support scientific research and communicate anything we can to prevent further degradation of the Bay and the Lake.

We appreciate whatever you can contribute to help this cause—by becoming a member and/or contributing financially (Mail-in Donation Membership Form at dcec-wi.org). Your contribution will go directly to education and research. Thank you!

Is the EPA Enabling Water Pollution?

The residents of Door and Kewaunee Counties are certainly not alone in our concern for clean water. Recently a broad coalition of public interest and environmental justice organizations have filed a lawsuit against the Environmental Protection Agency, alleging that the EPA has failed to respond to a legal petition urging the agency to strengthen clean water rules governing factory farms. Six national public advocacy organizations and 27 state and community-based organizations representing 15 states joined in the lawsuit filed with the Ninth Circuit Court of Appeals on October 7, 2022. The suit aims to force the EPA to finally issue a formal response to a rulemaking petition that had been filed more than five years ago by the organizations. The groups allege that the agency's complete failure to respond violates the Administrative Procedure Act which requires agencies like the EPA to respond to petitions "within a reasonable time."

The groups argue in their lawsuit that the delay is unreasonable on its face, and that the EPA's inaction is unlawfully prolonging dangerous pollution and public health threats from factory farms. Most livestock in the U.S., and locally in Door and Kewaunee Counties, are raised in concentrated animal feeding operations (CAFOs), which can confine tens of thousands of animals and their waste. The suit claims that "the vast quantities of manure generated from CAFOs are typically disposed of, untreated, on cropland where it can seep or run off to pollute waterways and drinking water sources." This is certainly a concern in both Door and Kewaunee Counties where we have very thin soil over underlying karst rock strata. The Clean Water Act

defines "point sources" of pollution, which should require polluting CAFOs to follow discharge permits that restrict their pollution discharges into rivers and streams. Locally of course, these rivers and streams ultimately deposit their contaminants into the Bay of Green Bay and Lake Michigan. But due to the EPA's weak regulation, only a small fraction of CAFOs have the required permits.

According to the lawsuit, the EPA's failed approach has led to widespread factory farm pollution in waterways and communities across the county. The petition that was filed in May 2017, provided a road map for the EPA to close loopholes that have enabled CAFOs to avoid regulation and to make permits more effective.

"The EPA's refusal to even answer simply confirms that it will not hold this industry accountable without legal and public pressure," said Tarah Heinzen, legal director for the Food and Water Watch. "We will not let the EPA continue to delay while factory farms pollute with impunity, endanger public health, and foul our rivers and streams across the country."

Two local organizations that are petitioners in the lawsuit are Kewaunee CARES and Midwest Environmental Advocates. The Door County Environmental Council also strongly supports this effort. After all, what is Door County without clean usable water in our bay and lake? Why is the EPA not fulfilling its mission?

By Steve Eatough

This article was taken and adapted from an article written by Rick Bussler and published in the Steele County Times newspaper.

The Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. “Clean Water Act” became the Act’s common name with amendments in 1972.

Under the CWA, the EPA has implemented pollution control programs such as setting wastewater standards for industry. The EPA has also developed national water quality criteria recommendations for pollutants in surface waters.

The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained.

The EPA’s National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge, do not need a NPDES permit. However, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters.

The EPA works with its federal, state and tribal regulatory partners through a comprehensive Clean Water Act compliance monitoring program. This program protects human health and the environment by ensuring that the regulated community obeys environmental laws/regulations through on-site visits by qualified inspectors. A review of the information the EPA or a state/tribe requires must be submitted.

The EPA’s Envirofacts webpage is a single point of access to select EPA environmental data. This website provides access to several EPA databases to provide you with information about environmental activities that may affect air, water, and land anywhere in the United States. Using this access lets you drill down to your local environmental factors and see how your local government is working with the EPA agency to comply with set standards.

By Emeil Marks

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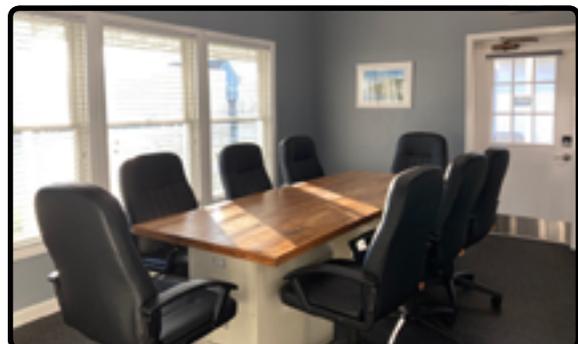
We’ve Moved!

We’ve moved, and after more than 50 years, we now have a DCEC office! Our new office space is located in the Country Walk Shops (next to Pasta Vino Restaurant). Please stop by when you’re in the area!

Our new address is:

**Door County Environmental Council
10579 Country Walk Drive, Unit #24
Sister Bay, WI 54234**

920-743-6003 and 920-633-4084



Industrial Dairy Production Threatens Door County Tourism

Each year, the Wisconsin Department of Natural Resources (WDNR) tests the water at beaches throughout Wisconsin for levels of Escherichia coli (E. Coli) as a biological marker for fecal contamination and other potentially harmful bacteria. In a series of reports released by the WDNR, multiple beaches throughout Door County showed significant levels of E. Coli contamination this past summer, far beyond the levels deemed safe for recreation. At beaches in Ephraim, Fish Creek, Baileys Harbor and Sturgeon Bay (as well as multiple beaches in nearby Kewaunee County), E. Coli counts reached nearly the maximum measurable amount, a level at which there would be significant health impacts if ingested. These findings led to immediate closure of these beaches.

Found in the intestines of all warm-blooded mammals, E. Coli is one of the most diverse bacterial species. It is excreted through feces and transmitted through ingesting contaminated food or water. Although most forms of E. coli are harmless, some strains exist that can cause serious illness, including severe stomach cramps, diarrhea, colitis, and vomiting. In young, old, or immunocompromised individuals, dangerous strains of E. Coli could result in hospitalization.

There are several ways E. Coli get into the water at our beaches. The largest contributor is agricultural runoff, or rainwater washing the feces of farm animals into nearby bodies of water. Overflow of sewage plants and aging sanitary systems may also contribute to contamination.

Concentrated animal feeding operations, or CAFOs for short, are the most significant contributors of agricultural runoff in Wisconsin and therefore pose one of the greatest risks to the safety of our beaches and other surface and ground waters. Unlike the small, family farms we envision when thinking of Wisconsin's dairy industry, CAFOs are large-scale industrial operations, often referred to as "mega farms" or "animal factories." CAFOs focus on maximizing milk production while minimizing costs, confining thousands of dairy cows in feedlots for the entirety of their short lives (~four years). Although CAFOs represent only roughly 3.5% of Wisconsin's dairy farms, they house nearly 25% of its dairy cows.

CAFOs also tend to be highly profitable. Not only does the CAFO model of reducing costs by raising more animals in less space result in a competitive advantage over other dairy producers, they also receive significant state subsidies and tax abatements, driving smaller, sustainable dairy farms out of business. There are currently over 333 CAFOs in Wisconsin, and the numbers increase every year.

With so many animals housed in one location, one of the biggest issues CAFOs face is waste disposal. To understand the significance of the issue, the amount of waste in one year, from even a small CAFO, is equivalent to the urine and feces produced by 16,000 humans, or 1.26 million tons. CAFOs hold waste in outdoor storage basins, typically referred to as lagoons, where the waste decomposes slowly, producing toxic fumes harmful to human health (methane, hydrogen sulfide, ammonia & volatile organic compounds). To prevent lagoons from overflowing, CAFOs pump out the liquefied waste and spread it on crop

fields as fertilizer.

Field spreading of liquefied animal waste is a common and safe method of waste disposal in smaller, diversified farms. However, due to the large quantities of waste produced, this practice at CAFOs creates a far more intense application, overwhelming the lands' natural ability to fully absorb the waste, resulting in escaping run-off or leakage into the water table through the bedrock. CAFOs' continued practice of field spreading contaminates

surrounding rivers, streams and lakes, and also drinking water in wells. In Kewaunee County, an area of similar geographic makeup to Door County but with nearly seventeen times the number of CAFOs and nearly five times the number of cows to residents, one-third of all wells sampled were unsafe for drinking. Equally concerning, overproduction of manure in Kewaunee County is often transported to Door County for disposal.

Door and Kewaunee Counties' unique geological makeup further complicates factors and creates more opportunities for contamination. Door County's bedrock is comprised of a soluble rock referred to as dolostone. Similar to limestone, dolostone is a porous, sedimentary rock that is highly fractured. When rain water, which tends to be highly acidic due to large amounts of



*Crescent Beach, Algoma, WI—August 2022
Photo by Robert Sijgers*

carbon dioxide, reaches dolostone, the acidity widens the fractures in rock, creating channels. These channels allow water and contaminants direct access to the underlying water table. Top soil traditionally serves as a natural filter, trapping contaminants. However, with Door and Kewaunee Counties' minimal top soil (less than five feet), there is little filtering of the water.

Because of the high degree of risk posed by CAFO waste disposal practices to water safety, CAFOs are regulated under the U.S.

EPA Clean Water Act's pollutant discharge permit program. The WDNR is statutorily responsible for enforcing the program in the state. To qualify for operation permits, the WDNR requires CAFOs to comply with a strict set of standards for the parts of their operations that threaten water quality. As part of the permitting process, a WDNR staff member conducts a site visit prior to the application's final approval, and ensures ongoing compliance by conducting two additional site visits during the five-year life of the permit. Further, CAFOs are required to conduct daily, weekly, and quarterly inspections of their operations and submit records of those inspections to the WDNR.

The CAFO permitting framework should allow for sufficient oversight to ensure CAFOs follow safe and sustainable practices, but it's reliant upon appropriate

monitoring and the WDNR does not have the resources to keep up with the growing number of CAFOs. The number of CAFOs in Wisconsin has grown since 2005 by nearly 200%, yet the number of WDNR staff conducting site inspections has not kept pace. The U.S. EPA suggests a ratio of CAFOs to field staff of no more than 20 to 1 to ensure proper oversight. The WDNR operates at a ratio of more than 24 to 1. Of the 333 CAFOs operating in Wisconsin, over 21% are operating with an expired permit, meaning the CAFO is operating without a recent site inspection. Further, this staff shortage has created an administrative backlog, where documentation and results from CAFO's daily, monthly, and quarterly inspections are missing.

A variety of policy changes are required to bring Door and Kewaunee Counties' CAFOs into compliance with the U.S. EPA Clean Water Act's pollutant discharge permit program. A reasonable first step would be to ensure that the WDNR has the resources and staff to properly administer the program. The WDNR's annual cost for administering the CAFO oversight program is over \$2 million, however, only \$95 of CAFO's annual \$395 permitting fee goes towards funding the program. The multi-million dollar shortfall is partially subsidized by state tax revenue, but the current funding does not account for the realities of an increasing number of CAFOs throughout the state.

Prior legislative efforts aimed at increasing CAFO's permitting costs to more adequately fund CAFO oversight stalled in the Wisconsin state legislature due to strong lobbying efforts on the part of the corporate dairy industry. However, as more beaches throughout Door County face closures due to high levels of reported E. Coli threatening

the County's annual \$360 million revenue, there may be a renewed opportunity to bolster WDNR's oversight efforts.

By Elliot Curry and Robert Sijgers

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Back 40 Mine Update

*Michigan Historic Preservation Board
Focuses on Menominee River Lands*

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the list is part of a program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources.

On September 23, 2022, the Michigan Historic Preservation Review Board voted to nominate an area along the Menominee River as a candidate for the National Register of Historic Places. This area is found in Upper Michigan about 50 miles NW from the mouth of the Menominee River. It is known to the Menominee Tribe as *Anaem Omot*, The Dog's Belly, and is part of the ancestral lands of the Menominee Nation. The Wisconsin Review Board of Historical Places also voted to nominate the area to the National Registry in 2021.

Acceptance into the National Register of Historic Places would mean that projects like the Back 40 Mine and other big, future developments would need to consult with the Menominee Nation's tribal officials before proceeding, as one more layer of federal and tribal oversight.

"We are absolutely thrilled," said Chairman Ron Corn Sr., of the Menominee Nation. "The vote recognizes a rare and sacred Menominee heritage site that has lasted through centuries of violent dispossession and where Menominee members continue to visit and hold ceremonies today."

Archaeologist, Dr. David Overstreet, who

works for the Menominee Nation, was tasked to find evidence to support the significance of the historic site. He found that the site contains documented burial grounds, ancient raised agricultural fields, hammered metal artifacts, unmarked graves, ancient medicine lodges and dance rings associated with the Menominee Dream Dance. To the Menominee Nation, the Menominee River is the site of the Creation of the Menominee tribal people, who inhabited the whole river system long before the Europeans arrived.

After nearly 20 years of battle with the Menominee tribe and environmentalists, the Canada-based mining company, Aquila Resources Inc., stopped trying, gave up their mining permits all together, and sold the company to another mining company, Gold Resource Corporation (GRC) of Denver Colorado. Since the acquisition, GRC has made design changes and is now reapplying for all necessary permits on a "new" design plan proposal for the Back 40 Mine. If all goes as they planned, the company will be mining for gold, silver, zinc, and copper in the year 2025. However, if the land is accepted into the National Registry, GRC will also have to run their project review by the Menominee Nation. This additional review will be a positive development for the Menominee Nation, but it is not a guarantee that the mine will be stopped. However, the acceptance of this historical preservation designation is one more step towards preventing the mine from ever becoming a reality.

If this mine were to come to fruition, the potential environmental impact will be tremendous and irreversible. Pro-mining groups will say that this sulfide mine can be mined safely, but history shows that no sulfide mine has ever been shown to be

environmentally safe. Sulfide ore waste, when wet, creates sulfuric acid which will leach out acid and heavy metals into the surrounding environment. The Menominee River flows just 100 steps away from the proposed 750-foot deep mine. After the mine is closed and abandoned, the river, Green Bay, the Great Lakes and beyond could all be environmentally compromised for many generations to come.

By Paul Leline

Join: The Coalition to SAVE the Menominee River, Inc. at <https://jointherivercoalition.org>

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Michigan State Historic Preservation Review Board. <https://miplace.org>

DCEC Board Member Dorothy Anderson Resigns

Following seven years as a DCEC board member, Dorothy Anderson recently resigned her position on the DCEC Board of Directors. We would like to thank Dorothy for her efforts in helping to preserve and protect our fragile Door County environment over the years, and especially for her help in editing our quarterly newsletter and other publications. We wish Dorothy all of the very best. We'll miss you!

Door County Environmental Council Receives Two Grants Totaling \$23,000

The DCEC recently received two grants: a \$10,000 Wisconsin Tomorrow Main Street Bounceback Grant from the Wisconsin Economic Development Corporation and a \$13,000 grant from the Archibald Douglass, Jr. Charitable Trust. The goal of the Bounceback Grant Program is to provide one-time assistance to new and existing businesses opening a new location or expanding operations in a vacant commercial space. The Douglass Charitable Trust provides assistance to several Door County nonprofit organizations, including the DCEC. Support from these grants will enable the DCEC to continue its work in preserving and protecting our Door County environment.



Sunflowers and bee

Photo by Mike Bahrke

DCEC Welcomes Two New Board Members!



Cody Schreck

Cody Schreck currently serves as the Executive Director of the Ephraim Historical Foundation. He was born and raised just outside of Milwaukee in Nashotah, Wisconsin, and often took family trips to Door County during the summers as a child. From an early age, he has been fascinated with local history and the natural world. Much of his childhood was spent exploring the parks, lakes, and rivers near his home. He received his Master of Arts in History, Museum Studies, and Nonprofit Management from the University of Wisconsin-Milwaukee in 2020.

Much of Schreck's academic interests focused on interactions between humans and the environment. The historic interplay between water and humans was of particular interest to Schreck during his time in graduate school. While pursuing his Masters degree, Schreck contributed environmental history articles to encyclopedias and attended symposiums held by Marquette University's Water Law and Policy Initiative. Before coming to the Ephraim

Historical Foundation, Schreck worked with the Milwaukee County Historical Society, the Milwaukee Public Museum, and the Milwaukee Art Museum.

In his free time, Schreck can be found hiking, kayaking, or playing basketball at the YMCA. Schreck is excited to serve on the Door County Environmental Council board. He will contribute by furthering the mission of the organization and helping to preserve the invaluable resources in and around Door County.



Elliot Curry

Elliot is an attorney specializing in healthcare policy with a focus on Medicaid and Medicare rural health programs. He worked for the federal government for more than ten years, and now works for a private practice. As a resident of Door County, Elliot is passionate about protecting the environment and natural resources that make this area so special.

DCEC Leadership

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The Door County Environmental Council
10579 Country Walk Dr. Unit #24
Sister Bay, WI 54234
(920) 743-6003 and 920-633-4084

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Email: contact@dcec-wi.org



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Your Government Representatives

Governor Tony Evers

115 East Capitol
Madison, WI 53702
(608)266-1212
Email: Eversinfo@wisconsin.gov
www.evers.wi.gov

State Senator Andre Jacque

Room 7 South
PO Box 7882, State Capitol
Madison, WI 53707-7882
(608)266-3512
Email: sen.jacque@legis.wisconsin.gov
www.legis.wisconsin.gov/senate/01/jacque

State Representative Joel C. Kitchens

Room 10 West
P.O. Box 8952
Madison, WI 53708-8952
(608)266-5350 or (888)482-0001
Fax: (608)282-3601
Email: rep.kitchens@legis.wisconsin.gov
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U.S. Senator Ron Johnson

328 Hart Senate Office Bldg.
Washington, DC 20510
(202)224-5323
Milwaukee office: 414-276-7282
Fax: (202)228-6965
www.ronjohnson.senate.gov

U.S. Senator Tammy Baldwin

709 Hart Senate Office Bldg.
Washington DC 20510
(202)224-5653
(800)247-5645
Madison office: (608)264-5338
www.baldwin.senate.gov

U.S. Representative Mike Gallagher

1007 Longworth House Office Bldg.
Washington DC 20515
(202)225-5665
Green Bay office: (920)301-4500
<https://gallagher.house.gov>

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