

Michigan

Ironic twist favors Wisconsin city's bid for Lake Michigan water



A ferry heads to Mackinac Island, October 2015. (Garret Ellison | MLive)



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Eight votes, one from each state touching a Great Lake, will be cast Tuesday in Chicago to decide whether or not Waukesha, Wis., will be allowed to start drawing its drinking water from Lake Michigan.

Last month, to the dismay of widespread opponents, the Milwaukee suburb of about 70,000 people got **preliminary approval** from seven of 8 representatives on a regional body that reviews requests for Great Lakes water under a 2008 interstate agreement called the **Great Lakes Compact**.

On Tuesday, June 21, at the University of Illinois campus in Chicago, that preliminary approval may be formalized.

GREAT LAKES

Although **40 million people** already drink from the Great Lakes, Waukesha is unique. Only 17 miles from the lake, the city is nonetheless outside the Lake Michigan drainage basin and thus on the wrong side of the legal line which determines whether a municipality is allowed to divert water from the lakes.

To many legislators, policy-makers and environmental groups, that's the end of discussion. But Michigan's representative on the regional body says it's not that simple. You see, Waukesha is already diverting basin water — about 1.6 million gallons per day — sucked across the line through the city's deep groundwater well field, used, and then discharged into the Mississippi River basin.

According to a joint 2005 U.S. Geological Survey and Wisconsin Geological and Natural History Survey study, 30 percent of Waukesha's groundwater supply would flow into Lake Michigan were it not used by the city.

Ironically, by approving the city's diversion request, the compact council says Lake Michigan would actually gain water because Waukesha would stop using the wells and return all Lake Michigan water in the form of treated wastewater discharged to the Root River, which flows back into the lake.

"Anyone who says 'no' to diversions needs to say 'yes' to this application," said **Grant Trigger**, a Detroit attorney representing Michigan Gov. Rick Snyder on the regional body who will cast a vote in Snyder's stead next week.

Trigger, cleanup manager for the environmental trust redeveloping former General Motors properties in Michigan, has been involved in vetting Waukesha's application for more than a year.

Ari Adler, Snyder's spokesperson, wouldn't say whether the governor has made a decision. Wisconsin Gov. Scott Walker supports the request but no other Great Lakes governor has publicly tipped their hand on the Waukesha vote. Any one of them could torpedo the city's bid. Approval must be unanimous.

Snyder is "carefully reviewing the science behind the arguments for and against" the request, said Adler.

"He will be taking everything into account before deciding, but will rely more on scientific analyses than politically-motivated rhetoric."

In the year since Wisconsin **forwarded Waukesha's request** onto the compact council, opposition to the bid has escalated considerably.

Waukesha, once known for its abundant freshwater springs, is under a federal court deadline to provide safe water to its residents by 2018. The city says unfortunate natural geology keeps rain and snow from replenishing the deep aquifer the city drinks from and depletion over time has concentrated levels of radium, a naturally occurring carcinogen, in the groundwater.

The city wouldn't even be allowed to ask for water were it not located in Waukesha County, which straddles the basin line. Exceptions for communities within straddling counties were written into the interstate compact.

But Waukesha's water plant serves adjacent communities and the city's growth plan included service to those communities, presumably using Lake Michigan water. Opponents seized on that as legal argument to deny the application. Waukesha's population is estimated to be about 97,400 by the year 2050.

On the legislative side, two Michigan Congressional delegates, Candice Miller, a Republican and Debbie Dingell, a Democrat, have lobbied Snyder to reject Waukesha's application. On June 14, Michigan Attorney General Bill Schuette joined them in formally opposing the water request.

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Schuette, **who was never warm to the idea**, called the whole deal a "bad precedent" in a letter to the Council of Great Lakes Governors. Because Waukesha has not exhausted all other options, its application is "certain to generate new requests that will thus demand to be held to the same reduced standard of eligibility."

Opponents have repeated that critique for years. **In 2013**, the Alliance for the Great Lakes, a Chicago-based nonprofit group, identified eight other "straddling county" communities in Ohio, Indiana and Wisconsin that could apply for water if Waukesha is approved, with Fort Wayne, Ind., being the largest.

Other opponents say Waukesha has over-projected the amount of water it needs, could instead treat its deep well draw for radium, better conserve the supply it currently has, and will saddle its local customer base with an expensive Lake Michigan pipeline project they will be paying off for decades.

On June 16, the Great Lakes and St. Lawrence Cities Initiative, representing U.S. and Canadian mayors from region-wide cities, issued an opposition statement unanimously voted on by members this week in Niagara Falls, N.Y. Only one Michigan city, Grand Rapids, had a representative at the meeting. Mayor Rosalynn Bliss issued a short statement afterwards affirming her opposition.

In Waukesha's backyard, John Dickert, mayor of Racine, Wis., said, "I do not want to see their effluent contaminate the Root River," which empties into Lake Michigan at Racine.



Why Wisconsin city's bid to tap Great Lakes water is a big deal

Nonetheless, Trigger said that — although it's not the only factor in play — the fact that approving Waukesha's application would end the already unintended diversion of basin groundwater matters greatly to the council.

"If you want to stop the loss of half a billion gallons of Lake Michigan water each year, this needs to get approved," he said.

On May 11, the council formally agreed Waukesha's request would not result in adverse impacts to Lake Michigan water supply or quality. A week later, the council agreed that Waukesha's application could win compact approval if certain conditions are met. **In granting a preliminary nod**, the council limited Waukesha to 8.2 million gallons per day and mandated that customer communities be excluded from using Lake Michigan water.

Trigger said the body has heard all the critiques and, in response to a recent opinion by the Wisconsin attorney general that cast doubt on the state's authority to regulate and enforce Great Lakes Compact, the council will formally codify each state's independent ability to enforce the compact rules.

In other words, any Great Lakes state, not just Wisconsin, will have independent legal means to step in and enforce the letter of the law.

Trigger said that while many people around the Great Lakes are opposed to a diversion of any kind on principle, "what the regional body and each state had to do was evaluate this application under federal law. When we did that, we concluded, based on a very detailed analysis, that this application, with these conditions, meets the criteria under the Great Lakes Compact."

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