

Waukesha application shows Great Lakes Compact works



Waukesha Mayor Shawn Reilly speaks in favor of tapping Lake Michigan water for the City of Waukesha during a public hearing in February at Carroll College. Credit: Rick Wood

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By Shawn Reilly

Waukesha's proposal to borrow and return Lake Michigan water has undergone an intensive review, demonstrating a regional commitment to uphold the legal requirements of the Great Lakes Compact.

Waukesha is grateful for the commitment and the many hours of detailed technical review that the Great Lakes states and provinces provided as they scrutinized our application. We are hopeful that the states will provide the required votes to approve our proposal for a safe and sustainable drinking supply in a meeting June 21.

The compact, a 2008 federal law, prohibits water from being pumped beyond the Great Lakes Basin surface divide, but allows an exemption for communities in counties that straddle the divide, such as Waukesha.

To qualify for the exception, a community must show it has no reasonable alternative to Great Lakes water and, most important, must recycle the water back to the Great Lakes after use and treatment. In the case of

Waukesha, we would use less than 1/1,000,000th of 1% of Great Lakes water, but return the same volume back to Lake Michigan.

We are applying for Lake Michigan water because our current water supply is unsustainable, due to a geological feature that restricts recharge from rain and snow. It also is contaminated by radium, a naturally occurring carcinogen.

Under the compact, findings of fact about our application were developed by the Great Lakes Regional Body, which is made up of the Great Lakes states, along with Ontario and Quebec. Although a final vote by the states still must be taken, the group's findings, which can be found at waukeshadiversion.org concluded that Waukesha meets the compact's strict requirements:

■"(N)one of the evaluated alternatives were found to be reliable sources for a long-term, dependable, and sustainable public water supply and, therefore, the Applicant is without a reasonable water supply alternative" to Lake Michigan water.

■"(A)pproximately 100% of the volume withdrawn from the Basin will be returned via flow through the Root River, a tributary of the (Great Lakes) Basin."

■Waukesha's high quality "return flow will benefit a Basin tributary, the Root River ...Increased flow will result in an improvement of the fishery and benefits to the Basin salmonid egg collection facility located downstream on the Root River."

Approval of Waukesha's application, based upon compact requirements, would in no way provide a precedent for water to go to faraway places such as California or Arizona. They cannot legally apply. Unlike in Waukesha's case, the compact contains no provisions to consider such a proposal.

The Regional Body also found that the uniqueness of Waukesha's circumstances limits any precedent, even for other communities in straddling counties. One of the unique features is that our groundwater supply is actually interconnected with the Lake Michigan watershed. (We are only 1.5 miles outside the surface divide.) Our current wells pull groundwater away from the Great Lakes Basin and into the Mississippi River Basin. It is not returned to the Great Lakes Basin. The Compact provides that substantive consideration must be given to this connection, as it results in an unintended diversion of Great Lakes water.

The Regional Body concluded that approving our application to use and return surface water "will result in a net increase of water in the Lake Michigan watershed." Few other places could ever meet that precedent.

The Regional Body also recommended conditions to an approval of Waukesha's application, including substantially limiting the area that can receive water and the amount of water we can withdraw. Annual reporting, monitoring of the Root River, enforcement provisions and other conditions were also recommended.

Approval of Waukesha's application would be no threat to the Great Lakes. In fact, the commitment by states and provinces to a review based on science and the law — not politics, emotions or social media campaigns — shows that the critical protections provided by the compact are working as intended.

Shawn Reilly is the mayor of Waukesha.