



GREAT LAKES LEGISLATIVE CAUCUS

2015 Annual Meeting of the Great Lakes Legislative Caucus

*Buffalo, New York
September 25-26, 2015*

Resolution on the Waukesha Water Diversion

- WHEREAS,** the Great Lakes Compact was adopted by the eight U.S. states and in agreement with the Canadian provinces of Ontario and Québec that call the Great Lakes home and ratified by the U.S. and Canadian federal governments; and
- WHEREAS,** under the Great Lakes Compact, diversions of Great Lakes Water outside the Great Lakes Basin are prohibited. However, there is a narrow exception to the ban on diversions to communities within straddling counties of the basin if certain strict criteria are met; and
- WHEREAS,** the City of Waukesha, Wisconsin, is the first community to apply for such an exemption since the Great Lakes Compact was adopted in 2008. Currently, the Wisconsin Department of Natural Resources (DNR) is finalizing its Technical Review and environmental impact statement, which recommended that Waukesha be granted an exemption. The State of Wisconsin is expected to forward Waukesha's application for review and approval by the Great Lakes Compact Regional Body and Compact Council by the end of 2015; and
- WHEREAS,** as legislators committed to protecting the Great Lakes, members of the Great Lakes Legislative Caucus are committed to ensuring any diversion from the Great Lakes meets the high standards set forth in the Great Lakes Compact; and
- WHEREAS,** we acknowledge that Waukesha is within its rights to apply for an exemption for the ban on diversions as a community within a straddling county and that it has a radium issue in its drinking water it needs to address; and
- WHEREAS,** the Compact calls for an applicant to have no reasonable alternative for drinking water to receive an exemption from the ban on diversions. But Waukesha has not strived to address its radium water problems through other treatment methods as dozens of other communities have; and



WHEREAS, the Compact allows for communities within straddling counties to apply for an exemption. The Waukesha application currently calls for water not only for its community but for surrounding communities as well. The current service area is approximately 20 square miles and uses 6.5 million gallons a day. The expanded service area Waukesha seeks serves Waukesha and surrounding communities of approximately 37 square miles and an average 10.1 million gallons a day with a peak of 16.7 million gallons a day. It may be allowable under Wisconsin State Law to have expanded service areas, but we share the concern raised by many that this approach could violate the standards of the Compact and its definition of what types of communities are eligible to apply. The expanded service area gives the appearance to some that the Waukesha application is primarily designed to address the water utility's desire for growth and less about addressing a drinking water problem; and

WHEREAS, the Waukesha application calls for its treated sewage or return flow to be returned to the Great Lakes through one of its tributaries, the Root River. Concerns have been raised that the data needed to determine if degradation will occur have not been collected and would not be available for years. The proposal calls for 80-90 percent of the Root River's flow to be made up of treated sewage or return flow in dry months. The Compact calls for receiving waters to not be degraded from return flow. The Root River is classified as an impaired river. Waukesha's application and the DNR have given no assurances that the Root River will not be degraded. Waukesha's proposal called for building a pipeline to receive Great Lakes water, but the the proposal does not call for a pipeline to return the water instead of potentially further jeopardizing an already impaired river; and

WHEREAS, the Compact calls for communities that apply for the exemption from the ban on diversions to show conservation methods in order to reduce the amount of Great Lakes water needed or to eliminate the need altogether. There are no conservation standards in place for the areas in the expanded service areas outside the City of Waukesha, and conservation methods proposed are inadequate; now therefore be it

RESOLVED, that the Great Lakes Legislative Caucus urges the eight governors and two premieres constituting the Regional Body of the Compact to review the specific concerns set forth above; and be it further

RESOLVED, that the Great Lakes Legislative Caucus urges the eight governors constituting the Compact Council to reject Waukesha's proposal in its current form; and be it further

RESOLVED, that this resolution be submitted to appropriate state, federal, provincial, and Compact officials.

Adopted on September 26, 2015.