



## Great Lakes Legislative Caucus

March 14, 2016

Great Lakes-St. Lawrence River Water Resources Regional Body  
c/o Conference of Great Lakes and St. Lawrence Governors and Premiers  
20 North Wacker Drive, Suite 2700  
Chicago, IL 60606

Dear Members of the Great Lakes-St. Lawrence River Water Resources Regional Body,

We, the undersigned members of the Great Lakes Legislative Caucus (GLLC), legislators from the eight U.S. states and two Canadian provinces that are home to the Great Lakes, are deeply committed to protecting the Great Lakes and to upholding the high standards of the Great Lakes Compact (Compact). At the annual meeting of the GLLC in September 2015, GLLC legislators voted overwhelmingly to reject any Great Lakes diversion proposal that does not address significant environmental protection concerns. In the intervening months, questions about the reasonableness and public health protections of Waukesha's sweeping proposal have only grown. **We are therefore writing to urge you to reject in its entirety the City of Waukesha's proposed diversion of water from Lake Michigan because it does not meet the standards for an exemption from the ban on diversions stipulated in the Compact.**

Waukesha is the first community to apply for an exemption from the ban on diversions under the Compact. If approved, the Waukesha proposal would set a dangerous precedent for how future applications are viewed. If the regional body neglects to hold Waukesha's proposal up to the high standards set forth in the Compact, it opens up the possibility of future inadequate proposals and would call into question the ability of the Compact to protect the Great Lakes from unwarranted diversions.

To be clear, if the applying community meets the standards for an exemption under the Compact, we are not opposed to communities within straddling counties of the basin receiving one. **However, Waukesha has repeatedly failed to demonstrate that it meets the high standards a diversion requires under the Compact.** In several important areas, Waukesha's application for a water diversion simply does not meet the requirements for a community to obtain a diversion. Our hope is that you will take these concerns into consideration.

Specifically we have the following concerns we would like the regional body to consider regarding the Waukesha proposal and the high standards set forth in the Compact.

**No reasonable alternative.** The Compact calls for an applicant to have no reasonable alternative for drinking water to receive an exemption from the ban on diversions. Waukesha claims there is no such alternative to address the radium in their drinking water. More than 76 communities in Wisconsin are currently implementing successful approaches to address the radium in their drinking water. At least one of those communities is adjacent to Waukesha and draws its water from the same source as Waukesha does currently. In contrast to these communities, Waukesha refuses to make a good faith effort to treat its current water supplies. Instead, Waukesha simply assumes that its proposal to seize water from Lake Michigan will solve problems it could have more inexpensively and simply solved without drastic resort to the use of Lake Michigan water.

**Expanded service area.** The Compact allows for a community within a straddling county 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. The Compact allows for a community to apply to address water problems with no reasonable alternative. It does not allow expanded service areas beyond the borders of an existing community.

**Degradation of the Root River.** 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% 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 does not adequately address the impact on the Root River and does not factor the scientific concerns regarding degradation raised by downstream communities.

**Conservation of water.** 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. Waukesha fails to show conservation efforts or plans for its expanded service area.

We are calling on you to hold Waukesha's proposal up to the high standards set forth in the Compact and reject its application in its entirety. Approving this application opens up the

possibility of future inadequate proposals and calls into question the ability of the Compact to protect the Great Lakes from unwarranted diversions.

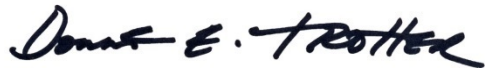
Sincerely,



Representative Cory Mason, Chair  
Wisconsin



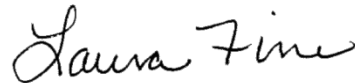
Senator Melinda Bush, Illinois



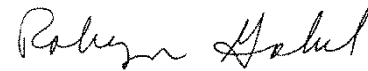
Senator Donne E. Trotter, Illinois



Representative Kelly Burke, Illinois



Representative Laura Fine, Illinois



Representative Robyn Gabel, Illinois



Representative Rita Mayfield, Illinois



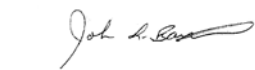
Representative Elaine Nekritz, Illinois



Senator Karen Tallian, Indiana



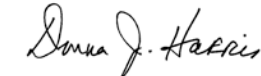
Senator Joseph Zakas, Indiana



Representative John Bartlett, Indiana



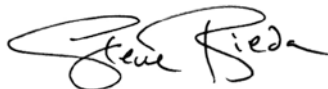
Representative B. Patrick Bauer, Indiana



Representative Donna J. Harris, Indiana



Representative Scott Pelath, Indiana



Senator Steve Bieda, Michigan



Senator Michael Kowall, Michigan



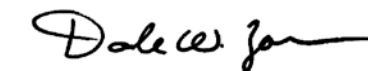
Senator Wayne Schmidt, Michigan



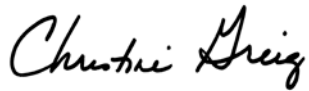
Senator Tonya Schuitmaker, Michigan



Senator Rebekah Warren, Michigan



Senator Dale Zorn, Michigan



Representative Christine Greig, Michigan



Representative Bill LaVoy, Michigan



Representative Peter Pettalia, Michigan



Representative Al Pscholka, Michigan



Representative Sarah Roberts, Michigan



Representative Sam Singh, Michigan



Senator Thomas Bakk, Minnesota



Senator Chris Eaton, Minnesota



Senator Ann H. Rest, Minnesota



Senator David Senjem, Minnesota



Representative Bob Gunther, Minnesota



Representative Phyllis Kahn, Minnesota



Representative Jeff Irwin, Michigan



Representative David Maturen, Michigan



Representative Julie Plawewski, Michigan



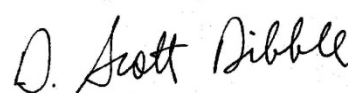
Representative Bruce Rendon, Michigan



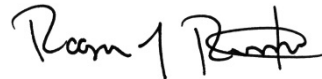
Representative Andy Schor, Michigan



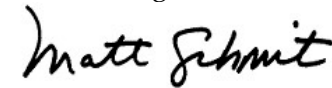
Representative Robert Wittenberg, Michigan



Senator D. Scott Dibble, Minnesota



Senator Roger Reinert, Minnesota



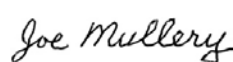
Senator Matt Schmit, Minnesota



Senator Chuck Wiger, Minnesota



Representative Rick Hansen, Minnesota



Representative Joe Mullery, Minnesota




Representative Jennifer Schultz, Minnesota



Representative Jean Wagenius, Minnesota



Assemblyman Robin Schimminger, New York



Senator Capri Cafaro, Ohio



Representative Stephanie Howse, Ohio



Representative Michael Sheehy, Ohio



Representative Keith Gillespie, Pennsylvania



Representative Curt Sonney, Pennsylvania



Senator Jon Erpenbach, Wisconsin



Senator Chris Larson, Wisconsin



Representative Peter Barca, Wisconsin



Representative Linda Slocum, Minnesota



Representative JoAnn Ward, Minnesota



Senator Edna Brown, Ohio



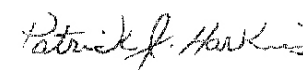
Senator Cliff Hite, Ohio



Representative Dan Ramos, Ohio



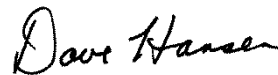
Representative Kent Smith, Ohio



Representative Patrick J. Harkins,  
Pennsylvania



Senator Janet Bewley, Wisconsin



Senator Dave Hansen, Wisconsin



Senator Lena C. Taylor, Wisconsin



Representative Mandela Barnes, Wisconsin



Representative Terese Berceau, Wisconsin



Representative David Bowen, Wisconsin



Representative Dave Considine, Wisconsin



Representative Steve Doyle, Wisconsin



Representative Evan Goyke, Wisconsin



Representative Dianne Hesselbein, Wisconsin



Representative LaTonya Johnson, Wisconsin



Representative Debra Kolste, Wisconsin



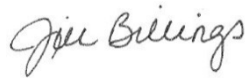
Representative Nick Milroy, Wisconsin



Representative Sondy Pope, Wisconsin



Representative Janice Ringhand, Wisconsin



Representative Jill Billings, Wisconsin



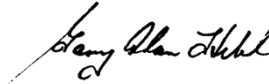
Representative Jonathan Brostoff, Wisconsin



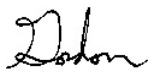
Representative Chris Danou, Wisconsin



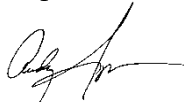
Representative Eric Genrich, Wisconsin



Representative Gary Hebl, Wisconsin



Representative Gordon Hintz, Wisconsin



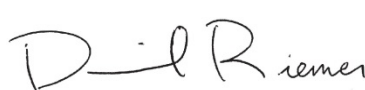
Representative Andy Jorgensen, Wisconsin



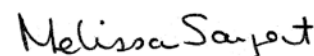
Representative Beth Meyers, Wisconsin



Representative Tod Ohnstad, Wisconsin



Representative Daniel Riemer, Wisconsin



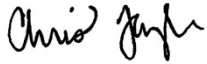
Representative Melissa Sargent, Wisconsin



Representative Katrina Shankland, Wisconsin



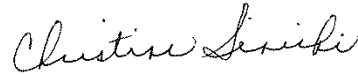
Representative Amanda Stuck, Wisconsin



Representative Chris Taylor, Wisconsin



Representative JoCasta Zamarripa, Wisconsin



Representative Christine Sinicki, Wisconsin



Representative Lisa Subeck, Wisconsin



Representative Dana Wachs, Wisconsin



Representative Josh Zepnick, Wisconsin

cc: Premier Philippe Couillard - Québec  
Governor Andrew Cuomo - New York  
Governor Mark Dayton - Minnesota  
Governor John Kasich - Ohio  
Governor Mike Pence - Indiana  
Governor Bruce Rauner - Illinois  
Governor Rick Snyder - Michigan  
Governor Scott Walker - Wisconsin  
Governor Tom Wolf - Pennsylvania  
Premier Kathleen Wynne - Ontario