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 Donne E. Trotter, Illinois

Representative Laura Fine, Illinois

Representative Rita Mayfield, Illinois

Senator Karen Tallian, Indiana

Representative John Bartlett, Indiana

Representative Donna J. Harris, Indiana

Senator Steve Bieda, Michigan

Senator Wayne Schmidt, Michigan

Senator Rebekah Warren, Michigan

Senator Melinda Bush, Illinois

Representative Kelly Burke, Illinois

Representative Robyn Gabel, Illinois

Representative Elaine Nekritz, Illinois

Senator Joseph Zakas, Indiana

Representative B. Patrick Bauer, Indiana

Representative Scott Pelath, Indiana

Senator Michael Kowall, Michigan

Senator Tonya Schuitmaker, Michigan

Senator Dale Zorn, Michigan
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 Katrina Shankland, Wisconsin

Representative Amanda Stuck, Wisconsin

Representative Chris Taylor, Wisconsin

Representative JoCasta Zamarripa, 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