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Testimony of Shawn Reilly, Mayor, Waukesha, Wisconsin

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I am Shawn Reilly, Mayor of Waukesha, Wisconsin. I am here to support our application to provide a sustainable and healthy drinking water supply for the residents of my community by borrowing and returning Lake Michigan water under the terms of the Great Lakes Compact.

Natural contaminants have been increasing in our primary water supply, the deep aquifer. We are under a court order to bring our water into compliance with federal Safe Drinking Water standards for the carcinogen radium.

The recharge of our water supply is also restricted by a rock formation. That, along with high regional use– which includes the most populated parts of Wisconsin and Illinois – has led to a severe drawdown. We are a leader in water conservation, but for us, as the largest remaining user of the aquifer in southeastern Wisconsin, continued use of this source is unsustainable.

We have studied this issue for more than a decade and held more than 100 public meetings. We considered 14 water supply sources, focusing on six of them. Looking at environmental sustainability, protection of public health, ability to be implemented and cost-effectiveness, we concluded that using and returning Lake Michigan was our only reasonable water supply. A panel of 32 experts assembled by independent regional planners reached the same conclusion.

The purpose of the Compact was to ensure that decisions are made on science, not politics. It is hard to imagine a water supply decision that has received more investigation than this one. The experts at the Wisconsin Department of Natural Resources reviewed our 3,000-page application for more than five years and drafted an Environmental Impact Statement and Technical Review. We submitted 22 additional technical memoranda in response to DNR questions over that period. The DNR agreed that our application to borrow and return Lake Michigan water meets the requirements of the Great Lakes Compact.

We have seen interest groups make claims about what the Compact requires. However, their claims use standards that are not in the Compact; such as being “the last resort” or “exhausting all alternatives.” The legal standard to be met is “the only reasonable alternative.”

Waukesha understands and supports the concern about water being diverted and not returned to the Great Lakes. The Compact protects the Great Lakes by absolutely prohibiting water from being pumped beyond counties that straddle the Great Lakes Basin divide. The diversion issue was definitely resolved with the adoption of the Great Lakes Compact.

The Compact is enforceable under federal and state law. The days of having to fight to protect the Great Lakes water from actual diversions has been replaced with an orderly legal process and technical review that sets a boundary and requires that the water be returned.



The Compact allows states to meet public health or environmental challenges in straddling counties, if needed. This provision in the Compact was essential to getting all the states to adopt the Compact. To ignore that provision is to create a precedent of not following the Compact, threatening its future existence.

Under the Compact, communities in straddling counties that meet the “only reasonable option” standard can only borrow the water. Return flow ensures no negative impact on lake levels. For the very few straws that may ever go into the Basin to meet local needs, just as many straws must go back. The precedent Waukesha will set with an approval is that any diversion of Great Lakes water shall only be to communities in straddling counties (and no further) and no net loss of water or adverse impact to the Great Lakes.

In our case, we will borrow one one-millionth of 1% of Great Lakes water. We will return the same volume, after treatment at one of the best water treatment facilities in our state – a facility we are currently upgrading with \$72 million in improvements. Our return flow water will improve the flow and water quality of a Great Lakes tributary, helping the fishery and an important fish egg collection facility that benefits the Great Lakes. And it will ensure no impact on water levels.

For those concerned that there may be a large number of future requests, I would refer them to independent work by a Great Lakes organization that studied this issue. It found only four other “communities in straddling counties” that may someday have a need that leads to a request for Great Lakes water. Even so, our circumstances are unique. We have naturally contaminated water from a depleted water supply and a court order requiring us to address it. Our return flow water will improve the flow and water quality of a Great Lakes tributary, helping the fishery and an important fish egg collection facility.

Waukesha is also unique in that we are 1.5 miles outside the Great Lakes Basin surface divide, **but inside the groundwater divide**. This means that our continued groundwater use will negatively affect the Great Lakes watershed. The Compact states that substantive consideration should be given to whether or not the Proposal can provide sufficient scientifically based evidence that the existing water supply is derived from groundwater that is hydrologically interconnected to Waters of the Basin. Our Application provides “scientifically based evidence” of the interconnection. Please consider this evidence when the findings of fact are being written.

For those who think there are large numbers of other communities waiting in the wings, not a single community that actually straddles the Basin divide – communities that only need permission from their own states and that are not required to demonstrate need – have even applied for Great Lakes water since New Berlin in 2009.

In summary, Waukesha’s application meets the legal requirements for the Compact. The decision on Waukesha’s application is not a choice between protecting the Great Lakes and providing safe drinking water for Waukesha. By establishing a clear wall at the borders of straddling counties, and by requiring return flow, the Compact ensures that both goals can be met.

Respectfully

Shawn N. Reilly, Mayor, City of Waukesha