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Michigan Department of Environmental Quality hearing

Testimony of Shawn Reilly, Mayor, Waukesha, Wisconsin

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Thank you. 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 now 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, implementability 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. And it is hard to imagine a water supply decision that has received more investigation than this one. The experts at 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 an additional 22 technical memoranda in response to their 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, but they have been using standards that do not exist, like being “the last resort” or “exhausting all alternatives,” instead of being the only reasonable alternative.

We understand the historical concern about many straws sucking water from the Great Lakes. However, that issue was definitely resolved with the adoption of the Great Lakes Compact in 2008, which our city



supported. The Compact is enforceable federal and state law. The days of having to fight to protect the Great Lakes water have been replaced with an orderly legal process and technical review.

The Compact protects the Great Lakes by absolutely prohibiting water from being pumped beyond counties that straddle the Great Lakes Basin divide. But the Compact also allows states to meet public health or environmental challenges in straddling counties, when needed – a provision that 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.

But even communities in need in straddling counties 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 we will set is that any diversion of Great Lakes water is restricted to the Compact boundary, with no net loss of water and no adverse impact on Great Lakes levels.

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 under a \$72 million improvements program. 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. We are 1.5 miles outside the Great Lakes Basin surface divide, **but inside the groundwater divide**, meaning continued groundwater use negatively affects the Great Lakes watershed.

And for those who worry that large numbers of other communities are waiting in the wings, I would also remind them that 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 – has even applied for Great Lakes water since New Berlin was the first to be approved 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.