



# Waukesha Water Utility

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## **Waukesha Officials Testify before Great Lakes Compact Council On Waukesha's Great Lakes Application**

Waukesha, Wisc. – In testimony before the Great Lakes Regional Body and Great Lakes Compact Council today, Waukesha officials will say their city has no reasonable drinking water alternative to borrowing and returning Lake Michigan water.

“The proposal that we can continue to use our existing wells is fiction,” according to the testimony of Dan Duchniak, general manager of the Waukesha Water Utility. “The state’s analysis shows that the numbers don’t add up.”

Waukesha is applying to borrow 1/1,000,000<sup>th</sup> of 1% of Lake Michigan water under the Great Lakes Compact. It will return the same volume of water after high levels of treatment.

The Compact prohibits water from being pumped beyond counties, like Waukesha’s, that straddle the Great Lakes Basin surface divide. But the Compact allows communities in straddling counties to use Great Lakes water if they have “no reasonable water supply alternative” and return the water after use and treatment.

In addition, the permission of the eight Great Lakes governors is required. Representatives of those states, along with Canadian provinces are holding a public hearing today in Waukesha on the issue.

The Wisconsin Department of Natural Resources (DNR) reviewed the details of Waukesha’s 3,000-page application for more than five years and concluded that Waukesha has no reasonable alternative to Lake Michigan water.

In his testimony to be submitted today, Waukesha Mayor Shawn Reilly explains:

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.

However, a group of opponents that calls itself the Compact Implementation Coalition (CIC) claims Waukesha does not need the water. It says the city would have enough water – without the need for lake water or additional shallow aquifer wells that harm the environment – if it treats water from its existing wells and serves a smaller service area that is required by state law.

In his own written testimony, Duchniak says:

***The DNR reviewed the CIC claim, and found that Waukesha's deep aquifer wells could not provide enough water for Waukesha, even for CIC's hypothetically smaller service area. . . .***

Among the flaws in the CIC alternative pointed out by the DNR is that our actual well capacities are less than CIC assumed. The DNR review also noted that the CIC alternative failed to consider that reverse osmosis treatment of deep groundwater wastes 10% to 20% of the water supply, requiring greater aquifer pumping and causing significant harm to the environment from further drawdowns. The CIC alternative fails to meet radium regulations under all water system operating conditions, thereby failing to meet a requirement of the court order for Waukesha to comply with the federal drinking water standard for radium, a carcinogen.

Besides not providing enough water, even for CIC's proposed smaller service area, CIC's proposed reliance on the deep groundwater is not sustainable. Groundwater modeling conducted in November 2015 showed that projections of moderate water use across groundwater users, developed by regional planners, would lead to an additional groundwater drawdown of 200 feet or more over the next 50 years.

Duchniak's testimony says that, without permission to use and return Lake Michigan water, the city would need additional shallow groundwater wells, causing unreasonable levels of damage to nearby sensitive environmental areas and adding to problems with the quality of the drinking water:

To supplement the deep groundwater, Waukesha would need to develop additional shallow aquifer wells. The DNR has rejected that. It is not a reasonable alternative because of the extensive harm to wetlands that would result. The DNR's own modeling found more than 900 to 1,000 acres of wetlands would be harmed if a combination of deep and shallow wells was used – ***even if Waukesha would use 15% less water than what is projected.***

Another critical fact not considered by CIC is that water quality in the shallow aquifer is much more vulnerable to contamination in an urbanized area. In fact, we had to suspend the use of two shallow wells this month because chloride levels exceeded secondary federal standards and to prevent corrosive water from entering the distribution system.

Duchniak said another CIC claim – that the request is being made to promote growth in the city – is also untrue. His testimony says:

70% of Waukesha's service area is already developed. Another 15% is protected as environmental corridors and just 15% of the service area is available for future development. Only 0.5% of the land outside of the city limits is undeveloped industrial land and 0.2% is undeveloped commercial land.

Population growth in the service area is expected to be minimal – only 0.5% per year – until build-out in about 2050. Our application is not about future growth, it's about continuing to provide service to existing residents.

...

Waukesha already serves customers beyond city limits, and the creation of a state-approved service area definitely sets the limits of where Waukesha can provide drinking water.

Waukesha will return approximately 100% of the volume of water it withdraws from Lake Michigan, benefitting a Lake Michigan tributary. Duchniak's testimony explains that the return flow water is actually cleaner than the water in the Root River due to advanced treatment at Waukesha's plant. He said the plant's design prevents untreated or partially treated water from reaching the pipe that would go to the Root River or Lake Michigan.

Duchniak's testimony says the return flow to the Root was suggested by DNR water staff to benefit the river:

Low flow conditions are common on the Root River. Waukesha's return flow will improve flow during dry periods to allow for fish movement. That increased flow will benefit the Root River Steelhead Facility, a DNR egg collection facility, by allowing fish to reach it during those low flow periods. That will help meet Great Lakes fish stocking quotas, creating more fishing opportunities along the Root River and offshore in Lake Michigan.

Waukesha's proposal is not a precedent for illegal diversions beyond straddling counties, Duchniak noted. 99% of the country outside of the Great Lakes Basin cannot even apply for water, and those that can must show a need and provide return flow.

Reilly's testimony says:

[C]ommunities 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.

Reilly says an independent study found only four communities in straddling counties may someday have a similar need as Waukesha's. He says Waukesha's "circumstances are unique, noting that, "We are 1.5 miles outside the Great Lakes Basin divide, but inside the groundwater divide, meaning continued groundwater use negatively impacts the Great Lakes watershed."

Duchniak says, "The DNR has concluded that the deep groundwater wells Waukesha currently uses are hydrologically interconnected to the Lake Michigan basin. . . . Waukesha is currently pumping Great Lakes basin water from the deep aquifer and diverting it to the Mississippi River basin. This proposal will end the loss of Great Lakes water." His testimony says the Compact requires that such connections be given "substantive consideration."

Duchniak concludes his testimony by noting the importance of straddling counties provision to the adoption of the Compact:

The straddling counties provision in the Compact allows states to meet local public health or environmental issues in a very limited area. Without that provision, the agreement that created the Compact, and its protection of the Great Lakes, would not have been passed by all the Great Lakes

states. It is essential that the provision now be implemented in good faith and on the basis of an objective, scientific review. Approval of the Waukesha Application will validate the Compact agreement and its protections of the Great Lakes, ensuring this precious resource will be preserved for future generations.

This is not a choice between meeting Waukesha's water need or protecting the Great Lakes. Under the Compact, we can do both.

For more information on Waukesha's application, including the full versions of testimony by Reilly and Duchniak, please visit [www.WaukeshaApplication.com](http://www.WaukeshaApplication.com).

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