From:	Steve Edlund
To:	DNR Racine Diversion Comments
Subject:	Public Comment
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March 21, 2018

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WNDR

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RE: Public Comment On the City of Racine Application to Begin a Diversion of Great Lakes Water

The City of Racine WI has applied to provide Lake Michigan water to the community of Mt. Pleasant, a “straddling community” defined under the Great Lakes - St. Lawrence River Basin Water Resources Compact and Wisconsin implementation statutes s. 281.346 (4)(c).

Based on documents, reasoning, and belief, it is my opinion that the diversion as requested, that is, to send Great Lakes water outside of the basin fails to meet the state of Wisconsin legal criteria of the same statutes s. 281.346 (4)(c), “…the water diverted will be used solely used for public water supply purposes in the straddling community…”

The Applicant has identified a water service area outside of the Great Lakes basin as a “straddling community” that is identified as potential site for industrial

manufacturing of electronics and information technology. The proposed manufacturing location and Wisconsin Statutes conflicts with the legal criteria of a "straddling community"

Under the Compact legal requirements a straddling community must demonstrate that it is without an adequate supply of potable water,

> "*The diverted water shall be used solely for public water supply purposes of a community within a straddling county that is without adequate supplies of potable water. Compact section 4.9.3.a.; Wis.Stat. §§ 281.346(4)(e)1, 281.346(4)(e)1.a."[1]*
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> *"Without adequate supplies of potable water' means lacking a water supply that is economically and environmentally sustainable in the long term to meet reasonable demands for a water supply in the quantity and quality that complies with applicable drinking water standards, is protective of public health, is available at a reasonable cost, the proposed new or increased diversion." Wis. Stat. § 281.346(1)(zm)."*

The city of Mount Pleasant has a source of potable water in the deep sandstone aquifer underling the region of the straddling community.

Neither the USGS nor the WDNR has issued a Declaration of Findings of any study since 2002 indication the deep aquifer is not sustainable and the aquifer has recovered significantly since 2000 making that study, commissioned by the South Eastern Regional Planning Commission in 1999-2000, obsolete and irrelevant. In fact, because of reduced pumping, the aquifer has recovered in Waukesha County far faster than withdrawl. It took 27 years to drop from the 1973 level to the lowest levels recorded in 1999-2000. It took 17 years to recover to it's current level, the same as 1973.

The City of Waukesha has obtained approval to divert Lake Michigan water at a peak capacity of over 8 mgd. Waukesha will cease pumping that amount making it available for other communities to withdraw without the need for a Lake Michigan diversion.

North of the Illinois border, Wisconsin communities have also seen a rebound despite Illinois' over pumping in their region which will not go unaddressed.

Waukesha's Application was centered on the inability to maintain a legal requirement for compliance with the Clean Drinking Water Act and Wisconsin statutes for compliance with Radionuclide standards. The WDNR identified the cause of the failure to meet the standards as Waukesha's "current well configuration". Waukesha is under a court order and stipulation agreement under the guidance of the WDNR and brought forth by the Wisconsin Department of Justice, case - Waukesha 2009 cx00004. The Stipulation Agreement permits Waukesha to operate it municipal water system against engineering design standards, WDNR recommendations, the Clean Drinking Water Act, and Wisconsin Statutes for Radium compliance. The Court Order has resulted in over 40 violations without enforcement of an acceleration clause (Stipulation 9) by the Wisconsin Attorney General, Brad Schimel. In my opinion this has resulted in the reckless endangering of public safety. Waukesha could at any time install HMO Radium removal filters on wells 5,6,7, and 9, just like the ones installed on some of their wells, and the system would comply with all state and federal Radionuclide standards.

If the community of Mount Pleasant were to limit the water supply service area to within the Great Lakes Basin and utilize high capacity wells with HMO filters such as those proven to reduce Radium to legal limits to areas outside of the basin, The application would be without merit because the Community of Mount Pleasant has an abundant supply of safe potable water outside the Great Lakes Basin.

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[1] DNR Technical Review of City of Waukesha Application 2013,Volume 1, 5-2