

Clean Water Act

Subscribe To Michigan Green Law

Email Address *

SUBSCRIBE!

Search Posts



Categories

▶ Webinars & Podcasts

▶ Jaffe Updates

▶ News

▶ Electronic Payments Law



▶ Michigan Green Law



▶ Data Privacy Law



▶ Immigration Law



Download PDF

MAY 3, 2018 | JAFFE LAW

Wisconsin Great Lakes Withdrawals Under the Radar

In the hew and cry regarding Nestle and its attempt to withdraw 400 gallons of water per minute (more on that in another post), I've seen almost no press regarding two attempts from Wisconsin to withdraw far more than that.

Withdrawals of water from the Great Lakes are governed by the [Great Lakes-St Lawrence River Basin Water Resources Compact](#) which was approved by all eight Great Lakes states, Ontario, Quebec, and the U.S. Congress, and signed by President George W. Bush in 2008.

The Compact bans the diversion of Great Lakes water outside the basin, with certain exceptions. Two situations allow a community outside the Great Lakes basin if approved by the States to apply for a diversion when:

1. A community that is located partially in the Great Lakes basin may apply for a diversion.
2. A community that is located within a county that is partially in the basin, may apply for a diversion.

Any community applying for a diversion must demonstrate that it has exhausted all available options for getting water. A diversion must be a last resort. Any request for a diversion must be approved by all eight Great Lakes states and so any state may veto the diversion application.

The City of Waukesha, Wisconsin, a few miles west of Milwaukee, is outside the Great Lakes basin but in a county partially in the basin. In 2016, Waukesha applied for a diversion of water from Lake Michigan arguing that the City's water supply is contaminated with radium, a naturally occurring carcinogen. Waukesha's application was the first test of the Great Lakes Compact. On June 21, 2016, the eight Great Lakes states voted to approve Waukesha's diversion request with restrictions. One of the most important conditions that all water diverted from Lake Michigan to Waukesha must be returned, resulting in no net loss of water from the Great Lakes.

People in Michigan are familiar with [Foxconn](#), a Chinese company that briefly toyed with the possibility of locating in Michigan. Instead, Wisconsin made a reportedly \$4 Billion offer and Foxconn is locating in Racine, Wisconsin. On Wednesday, April 25th, the State of Wisconsin announced that it would allow a diversion of an average of 7 million gallons a day of Lake Michigan Water. Of that, 5.8 million gallons is to be used by Foxconn whose plant is located in both the Great Lakes and Mississippi River basins. Reportedly, 2.7 million gallons per day will not be returned to the Great Lakes basin, largely because of evaporation.

This diversion does not require unanimous approval under the Compact because less than 5 million gallons per day will be lost.

By way of comparison, the [MDEQ's recent Nestle permit](#) which was the subject of [much opposition](#) allows 576,000 gallons of groundwater to be withdrawn and bottled. Oddly, no one in the Michigan press has noticed, yet.

SHARE THIS