Great Lakes Compact Review Criteria for a Community Within a Straddling County

City of Waukesha Diversion Application

An application for a diversion of Great Lakes water to a community within a straddling county must meet the following review criteria to be determined approvable. This table lists Wisconsin's statutory criteria and any corresponding language from the Great Lakes—St. Lawrence River Basin Water Resources Compact Section 4.9 & Sustainable Water Resources Agreement Article 201.

Criteria	Wisconsin Statute	Great Lakes Compact/Agreement
WATER SUPPY RELATED CRITERIA		
S 1	...the water diverted will be used solely for public water supply purposes in the portion of the community that is within the straddling county and … the community is without adequate supplies of potable water. (§ 281.346 (4)(e)1.)	The Water shall be used solely for Public Water Supply Purposes of the Community within a Straddling County that is without adequate supplies of potable water (3.a.)
S 2	There is no reasonable water supply alternative[1] within the watershed in which the community is located, including conservation of existing water supplies. (§ 281.346 (4)(e)1.d.)	There is no reasonable water supply alternative[2] within the basin in which the community is located, including conservation of existing water supplies. (3.d.)
S 3	The proposal is consistent with an approved water supply service area plan under s. 281.348 that covers the public water supply system. (§ 281.346(4)(e)1.em.)	No equivalent requirement
S 4	The diversion is limited to quantities that are reasonable for the purposes for which the diversion is proposed. (§ 281.346(4)(f)2.)	The Exception will be limited to quantities that are considered reasonable for the purposes for which it is proposed (4.b.)

1. "*Reasonable water supply alternative" means a water supply alternative that is similar in cost to, and as environmentally sustainable and protective of public health as, the proposed new or increased diversion and that does not have greater adverse environmental impacts than the proposed new or increased diversion*. (§ 281.346 (1) (ps))

2. Not defined in Compact.

Criteria	Wisconsin Statute	Great Lakes Compact/Agreement
WATER CONSERVATION RELATED CRITERIA		
C 1	The need for the proposed diversion cannot reasonably be avoided through the efficient use and conservation of existing water supplies as determined under par. (g). (§ 281.346 (4)(f)1.)	The need for all or part of the proposed Exception cannot be reasonably avoided through the efficient use and conservation of existing water supplies; (4.a.)
C 2	The applicant commits to implementing the applicable water conservation measures under sub. (8) (d) that are environmentally sound and economically feasible for the applicant. (§ 281.346(4)(f)6.)	The Exception will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures to minimize Water Withdrawals or Consumptive Use. (4.e.)
WASTEWATER RETURN FLOW TO THE GREAT LAKES BASIN RELATED CRITERIA		
R 1	The proposal maximizes the amount of water withdrawn from the Great Lakes basin that will be returned to the source watershed and minimizes the amount of water from outside the Great Lakes basin that will be returned to the source watershed. (§ 281.346(4)(e)1.c.)	The Proposal meets the Exception Standard, maximizing the portion of water returned to the Source Watershed as Basin Water and minimizing the surface water or groundwater from outside the Basin; (3.b.) ****the language here is slightly different in the Agreement****
R 2	An amount of water equal to the amount of water withdrawn from the Great Lakes basin will be returned to the source watershed, less an allowance for consumptive use. (§ 281.346(4)(f)3.)	All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. (4.c.)
R 3	The place at which the water is returned to the source watershed is as close as practicable to the place at which the water is withdrawn, unless the applicant demonstrates that returning the water at that place is one of the following: • Not economically feasible. • Not environmentally sound. • Not in the interest of public health. (§ 281.346(4)(f)3m.)	No equivalent requirement

Criteria	Wisconsin Statute	Great Lakes Compact/Agreement
WASTEWATER RETURN FLOW TO THE GREAT LAKES BASIN RELATED CRITERIA (CONTINUED)		
R 4	No water from outside the Great Lakes basin will be returned to the source watershed unless all of the following apply: • The returned water is from a water supply or wastewater treatment system that combines water from inside and outside the Great Lakes basin. • The returned water will be treated to meet applicable permit requirements under s. 283.31 and to prevent the introduction of invasive species into the Great Lakes basin and the department has approved the permit under s. 283.31. • If the water is returned through a structure on the bed of a navigable water, the structure is designed and will be operated to meet the applicable permit requirements under s. 30.12 and the department has approved the permit under s. 30.12. (§ 281.346(4)(f) 4.)	No surface water or groundwater from the outside the Basin may be used to satisfy any portion of this criterion except if it: 1. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin; 2. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin; (4.c.)
R 5	If water will be returned to the source watershed through a stream tributary to one of the Great Lakes, the physical, chemical, and biological integrity of the receiving water under subd. 3. will be protected and sustained as required under ss. 30.12, 281.15, and 283.31, considering the state of the receiving water before the proposal is implemented and considering both low and high flow conditions and potential adverse impacts due to changes in temperature and nutrient loadings. (§ 281.346(4)(f)4m.)	No equivalent requirement

Criteria	Wisconsin Statute	Great Lakes Compact/Agreement
IMPACT ASSESSMENT RELATED CRITERIA		
IA 1	The proposal will not endanger the integrity of the Great Lakes basin ecosystem based upon a determination that the proposal will have no significant adverse impact on the Great Lakes basin ecosystem. (§ 281.346(4)(e)1.e.)	Caution shall be used in determining whether or not the Proposal meets the conditions for this Exception. This Exception should not be authorized unless it can be shown that it will not endanger the integrity of the Basin Ecosystem (3.e.)
IA 2	The diversion will result in no significant adverse individual impacts or cumulative impacts to the quantity or quality of the waters of the Great Lakes basin or to water dependent natural resources, including cumulative impacts that might result due to any precedent-setting aspects of the proposed diversion, based upon a determination that the proposed diversion will not have any significant adverse impacts on the sustainable management of the waters of the Great Lakes basin. (§ 281.346(4)(f)5.)	The Exception will be implemented so as to ensure that it will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the Proposal (4.d.)
ADDITIONAL CRITERIA		
AC 1	In determining whether to approve a proposal under this paragraph, the department shall give substantive consideration to whether the applicant provides sufficient scientifically based evidence that the existing water supply is derived from groundwater that is hydrologically interconnected to waters of the Great Lakes basin. The department may not use a lack of hydrological connection to the waters of the Great Lakes basin as a reason to disapprove a proposal. (§ 281.346(4)(e)2.)	A Proposal must satisfy all of the conditions listed above. Further, substantive consideration will also 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. (3.)
AC 2	The diversion will be in compliance with all applicable local, state, and federal laws and interstate and international agreements, including the Boundary Waters Treaty of 1909. (§ 281.346(4)(f)7.)	The Exception will be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909. (4.f.)