

Foxconn diversion proposal the latest Great Lakes water controversy

Posted on Friday, Apr 5, 2019

A decade has passed since the Great Lakes Compact was adopted, and its effectiveness has gone under the microscope more recently as Foxconn's controversial diversion request remains under review.

The topic of out-of-basin diversions — Foxconn and otherwise — was discussed in-depth April 4th at a panel discussion at the University Club in Milwaukee. A myriad of other issues related to the Great Lakes also were discussed at the WisPolitics.com/WisBusiness.com event: "Coping with Diversions, Invasives and Politics in the Great Lakes Region."

As future policy decisions are at play, southeastern Wisconsin is taking center stage with a pair of large-scale events in the months ahead. Milwaukee will host the 2019 Governors and Premiers' Leadership Summit from June 14-16. And Sheboygan will be hosting an event for municipal leaders throughout the compact region, "Living Blue: Transforming Waterfronts," from June 5-7.

A year ago, the Wisconsin Department of Natural Resources approved the City of Racine's request to divert 7 million gallons of water daily from Lake Michigan to support Foxconn's operations. Midwest Environmental Advocates is challenging the state agency's ruling and has filed a brief with an administrative law judge. A decision on the brief could be handed down this summer.

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Foxconn's key compact issue is that the compact limits new diversions to public water supply purposes.

"The key legal question is whether the Racine-Foxconn diversion is largely residential," said Peter Annin, author of "Great Lakes Water Wars."

Added Annin: "The authors of the Great Lakes compact disagree with each other about whether ...(the) Foxconn (diversion) is legal or not."

At Thursday's event, panelists weighed in on the compact and its effectiveness in handling diversion requests in Great Lakes states and provinces.

"The compact is working as expected," said Annin, who is director of the Mary Griggs Burke Center for Freshwater Innovation at Northland College in Ashland.

He noted litigation might crop up as diversions are challenged, "but that's to be expected and doesn't mean (the compact) is not successful."

Molly M. Flanagan, vice president for public policy at the Alliance for the Great Lakes in Chicago, said the compact is effective on the surface, though, in her view, there are flaws.

"The compact does a great job of protecting us," Flanagan said. "It does not do a great job of protective individual water bodies."

Foxconn is one of the more recent tests of the compact and how diversions are handled. Earlier, the City of Waukesha drew scrutiny not long after the agreement was signed late in 2008 as talks of seeking Lake Michigan water picked up steam.

After an agreement in 2017, Waukesha will begin paying the City of Milwaukee for diverted water from Lake Michigan in 2023 at a cost of about \$3 million annually.

Shawn Reilly, mayor of Waukesha, was in attendance at Thursday's talk and noted the city had to go through 27 additional technical studies before the green light was activated.

"It's been a wonderful document," Reilly said of the compact, boasting that 100 percent of the water will be returned to the basin. "We went through the ringer. I do have a respect for our environment, and we are protecting it."

In addition to the diversion, panelists discussed the overall condition of the Great Lakes water supply.

In Wisconsin, the Fox River, which is the largest tributary of Lake Michigan, was pinpointed as one area of concern for a possible repeat of the Toledo drinking water debacle, in part because of the legacy paper milling industry and agricultural

pollution.

Tens of millions of dollars have been spent cleaning up the Great Lakes through such mechanisms as the Great Lakes Restoration Initiative. But J. Val Klump, dean of UWM's School of Freshwater Sciences and Great Lakes WATER Institute, said more needs to be done.

He proposed a surcharge of 2 cents per gallon to water consumers.

"We need a way to pay for this, and we all need to chip in," Klump said. "We can't just put it on the farmers."

Hear the audio from the event, sponsored by the government of Canada and UW-Milwaukee: <https://soundcloud.com/wispolitics/coping-with-diversions-invasives-and--politics-in-the-great-lakes-region>