



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

January 30, 2009

Naomi Lan
Policy Analyst
Ministry of the Environment
Integrated Environmental Planning Division
Land and Water Policy Branch
Water Policy
135 St. Clair Avenue West Floor 6
Toronto, Ontario
M4V 1P5

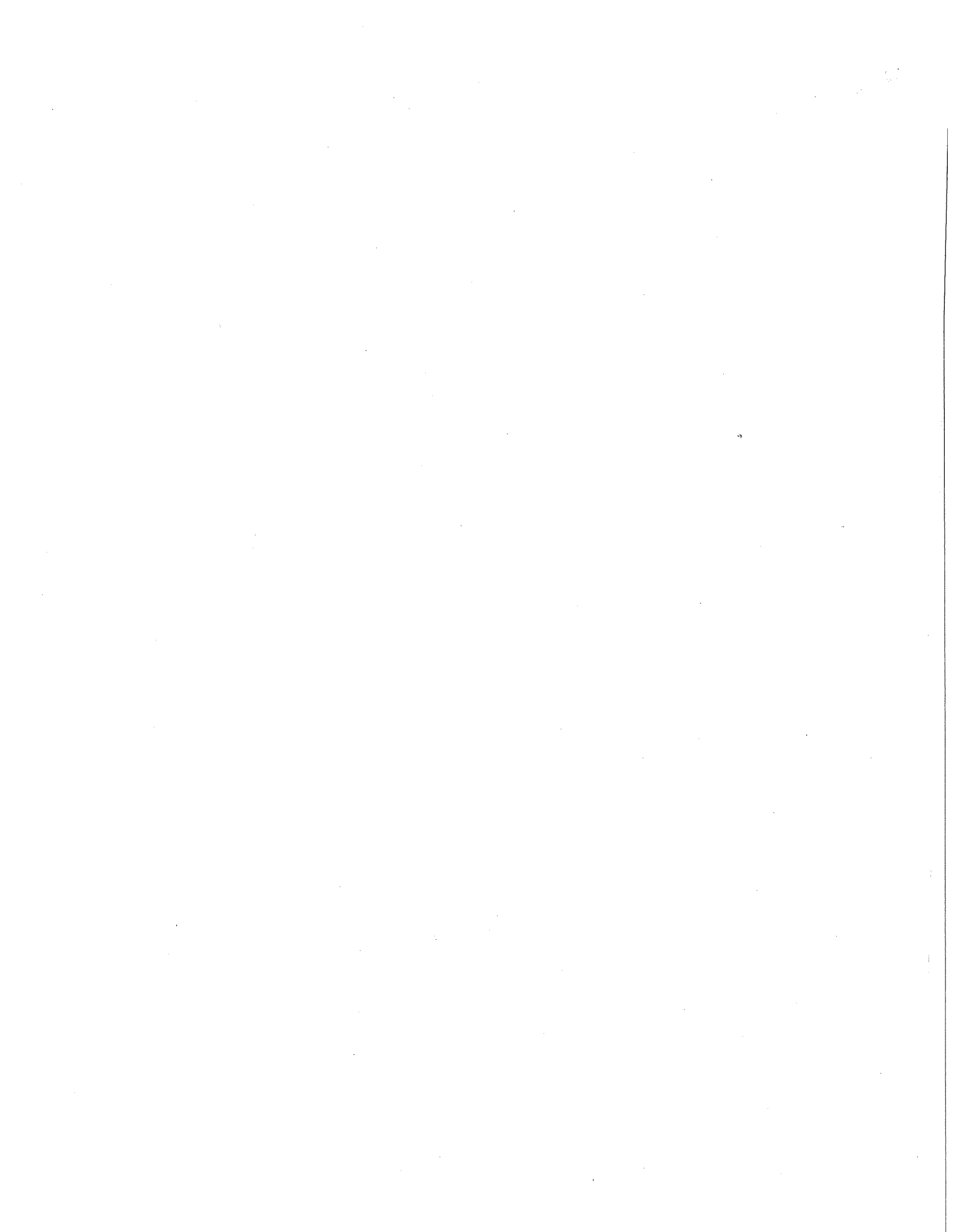
Dear Naomi Lan,

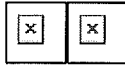
**Regarding Detroit's Exemption from a Permit to Take Water
EBR Posting 010-5071**

The Canadian Environmental Law Association (CELA) has made Great Lakes water quantity and issues of water management in general a strategic priority since 1985 when the Great Lakes Charter was first discussed and envisioned. CELA staff was instrumental in raising issues of weaknesses in that Charter, and the NOVA proposal for bulk water export from the Great Lakes. CELA was involved in the full negotiations leading to the *Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement* and as a member of the Annex Advisory Panel to the Ontario Government is now involved in the complex issues of implementation of the Agreement currently underway.

CELA concurs that this Detroit water taking should be exempted from the Ontario requirement to have a permit to take water and associated charges since this intake predates the permitting system. Although the water intake is within Canadian Boundary Waters in the Detroit River the return flow is also to that River.

CELA supports the recognition of the spirit of the current conditions of the *Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement* in the terms Ontario is requiring of this facility. These include monitoring and reporting of annual water taken, requiring return flow to the source less consumptive use, and that all water remains within the Great Lakes Basin.





Members: [Lc](#)

The Business Journal of Milwaukee - May 21, 2009
[/milwaukee/stories/2009/05/18/daily73.html](http://milwaukee/stories/2009/05/18/daily73.html)

THE Business Journal

SERVING GREATER MILWAUKEE

Thursday, May 21, 2009, 1:39pm CDT

DNR approves New Berlin water deal

The Business Journal of Milwaukee - by [Pete Millard](#)

The **Wisconsin Department of Natural Resources** has approved New Berlin's plan to divert an average of 2.142 million gallons of water per day from Lake Michigan to areas of the city outside the Great Lakes Basin from Lake Michigan.

The diversion approval enables New Berlin to receive additional Lake Michigan water from Milwaukee. All of New Berlin's water, including that supplied to areas outside the Great Lakes Basin will return to Lake Michigan.

"New Berlin made a strong water diversion application that outlines effective water conservation efforts and benefits public health," said Todd Ambs, DNR Water Division administrator. "We will continue to work with New Berlin and closely monitor this project."

The volume essentially replaces the amount New Berlin currently gets from groundwater wells that produce water with radium levels exceeding state and federal health standards. The city will continue to return water to the Lake Michigan Basin via Milwaukee Metropolitan Sewerage District, resulting in no net loss of water from the Great Lakes Basin.

The approval requires that New Berlin enhance its existing water conservation efforts to pursue its goal of reducing residential water use. In addition, the city must meet monitoring and reporting requirements specified by the DNR to ensure that the water withdrawal is closely tracked.

"The city's application meets the terms of the Great Lakes Compact," said Ambs.

The Great Lakes Compact is a federal law that was ratified by Great Lakes states and passed through Congress in 2008 with Gov. Jim Doyle's support. The Compact

protects the Great Lakes by managing water quantity as well as promoting water conservation and efficiency.

Diversions of Great Lakes water are prohibited with limited exceptions. One exception allows a community whose boundaries straddle the basin to apply for a diversion if the water will be used solely for public water supply purposes, if the water withdrawn is returned to the Great Lakes Basin, and if other specific statutory requirements are met.

New Berlin is a straddling community, and diversion requests from such communities are considered by the state instead of by all eight Great Lakes states. New Berlin already receives Lake Michigan water from the city of Milwaukee for portions of New Berlin east of the sub-continental divide, the natural dividing line where rain and other runoff drains into streams in the Great Lakes basin instead of the Mississippi River basin.

The New Berlin areas outside the Great Lakes Basin are currently served by groundwater wells that produce drinking water with high levels of radium. Long-term exposure of the naturally occurring contaminant can cause cancer. Approval of New Berlin's diversion request enables the city to assure all the drinking water it serves its residents meets state and federal standards for radium.

The city of Waukesha is also working on a plan buy water from Milwaukee for its residential use.