Michigan's Third Set of Supplemental questions

(Fourth set in total)

1. In the response to question 7 (Michigan Second Set of Supplemental questions ("Michigan Second Set") WDNR stated, "there is very little regulation specific to groundwater management areas." If asked another way – what authority does WDNR have to ensure that future withdrawals from the deep aquifer do not cause the very harm that WDNR asserts is the harm that renders the use of the shallow aquifers unacceptable by Waukesha? For example, as we understand the court's ruling in the Lake Beulah case (327 Wis. 2d 222 - and related matters) WDNR has the authority to deny an application for a high capacity well to avoid adverse impacts to wetlands or other surface waters. Does Wisconsin have other authorities to prevent impacts to the surface waters that WDNR contends must be avoided by Waukesha (which is offered as a justification for the diversion) that may result from other uses/activities (i.e. other than groundwater withdrawals)? In other words how can we use the potential impact on surface waters as a reason to support the diversion if WDNR cannot prevent others from causing the same or similar impacts?

2. Does the City of Waukesha have an ordinance that would prevent installation of any new drinking water well and that would require any private wells to connect to the city water supply when it is extended to the subject property? Please explain.

3. In response to Michigan Second Set question 8 WDNR cited at least two screening thresholds for evaluating water well permits. Please supply a copy of those screening levels and the administrative rules or other legal authority that makes those screening levels enforceable.

4. In response to Michigan Second Set question 14 WDNR stated that modeling of existing wells projected adverse impacts on 430-484 acres of wetlands. Is it WDNR's position that if the Town of Waukesha applied to withdraw water from the same area (Lather property) that WDNR would deny that request due to projected impacts on wetlands?

5. As we understand Section NR 820.33 Wis. Adm. Code, WDNR could approve a new public water supply well within the Southeast Wisconsin Groundwater Management Area even if operation of that well caused significant adverse environmental impacts (assuming other benefits existed). Wisconsin has concluded that the proposed diversion is justified because using wells in the MRB would cause an adverse environmental impact on water resources. If those impacts are severe enough to support a diversion of Lake Michigan water then they should be enough to justify denial of a permit to construct a new public water supply well in the same aquifer. In other words if the identified adverse impacts justify the diversion then they must justify denial of a public water supply well. Otherwise the reason to support the diversion (avoiding adverse impacts on water resources) would not be viable if those impacts were allowed to occur for another reason. Therefore, will Wisconsin agree to not permit any new public water supply wells in this groundwater management area as a condition of the approval for this application?