



May 24, 2018

Mr. Adam Freihoefer
Water Use Section Chief
Wisconsin Department of Natural Resources
Drinking Water and Groundwater Program
101 South Webster Street
Madison, Wisconsin 53703

Re: State of Wisconsin Approval of the City of Racine Diversion Application for the Straddling Community of the Village of Mount Pleasant.

Dear Mr. Freihoefer,

The Pennsylvania Department of Environmental Protection (DEP) appreciates the detailed response from WDNR dated May 16, 2018 that was provided to the Great Lakes and St. Lawrence River Basin Water Resources Regional Body (Regional Body) regarding the City of Racine Straddling Communities Diversion Application and Approval (Racine Application). Upon full review of your response, DEP believes WDNR's approval of the Racine Application complies with the language in Section 4.9.1 of the Compact and Agreement regarding the Straddling Communities Exception. While the Racine Application may not necessarily raise precedent-setting issues on its own, DEP believes that further discussion should be continued among all Regional Body members regarding the following concepts raised by this application:

1. A regional-level evaluation of the Compact and Agreement enabling laws of each jurisdiction regarding diversion applicant eligibility to ensure consistent implementation of those provisions in the future.
2. The concept of defining a diversion being made to an entire Public Water Supply System using the conglomerated customer base to satisfy the Public Water Supply Purposes provisions in the Compact, as opposed to evaluating the specific uses and actual customers to which a diversion will be directed.
3. Examining the feasibility of conducting a basin-wide evaluation of existing Straddling Communities and Straddling Counties to determine the overall eligibility and potential for future diversions. This data could then be used on a jurisdictional basis to help inform state and provincial water management programs regarding future levels of effort.

DEP encourages Wisconsin to continue providing valuable perspective to the Regional Body as these future discussions occur. Should you have any questions regarding the issues presented, please feel free to contact me by telephone at 814-835-1477 or by email at tibruno@pa.gov, or DEP Deputy Secretary Timothy Schaeffer by telephone at 717-783-4693 or by email at tischaeffe@pa.gov.

Sincerely,

A handwritten signature in black ink that reads "Timothy J. Bruno". The signature is written in a cursive style with a large, stylized initial "T".

Timothy J. Bruno
Chief, Office of the Great Lakes
Alternate and Designee of Governor Tom Wolf