

Protecting Our Water Environment

BOARD OF COMMISSIONERS

Terrence J. O'Brien
President
Kathleen Therese Meany
Vice President
Gloria Alitto Majewski
Chairman of Finance
Frank Avila
Patricia Horton
Barbara J. McGowan
Cynthia M. Santos
Debra Shore
Mariyana T. Spyropoulos

Metropolitan Water Reclamation District of Greater Chicago

100 EAST ERIE STREET

CHICAGO, ILLINOIS 60611-3154

312-751-5600

Jill B. Horist
Manager, Public Affairs

312-751-6633
312-751-6635 fax
publicaffairsinfo@mwrdd.org

FOR IMMEDIATE RELEASE:
January 5, 2010

Asian Carp Supreme Court Lawsuit Response Filed Today by Metropolitan Water Reclamation District of Greater Chicago

Michigan Request Overlooks Flooding Potential for Chicago Region

Chicago – A request for denial of the state of Michigan’s lawsuit to close the Chicago Area Waterway System (CAWS) lakefront controls and navigational locks was filed this morning by the Metropolitan Water Reclamation District of Greater Chicago (MWRD). The 34 page brief sent to the United States’ Supreme Court identifies five key considerations in defense of the request.

The core of the request is based on the widespread flooding that would likely occur in the Chicago area if MWRD is prevented from discharging excess floodwater to Lake Michigan during extreme weather events. MWRD is the stormwater management agency that controls flooding in an 884 square mile area including the city of Chicago and 124 suburban municipalities.

Michigan’s motion for an injunction focuses almost exclusively on an economic impact to the region’s commercial navigation (substantial despite Michigan’s claims). It fails to consider the widespread potential devastation of flooding of the 76 miles of the CAWS in one of the country’s most densely populous regions. MWRD contends that adverse public health issues (Chicago region) should take precedence in the Court’s decision.

Should the Supreme Court grant Michigan’s request, MWRD asks the Court to allow for discharge from the CAWS into the Lake as necessary to prevent flooding and protect the health and safety of its residents. If MWRD is restricted from opening the lock gates during times of extreme flooding the MWRD will be unable to take any action to prevent the resulting damage.

-MORE-

“Closing the locks to protect Lake Michigan from Asian Carp is a disservice to public health and safety.” stated MWRD President Terrence J. O’Brien. “ Constituents are significantly short-changed in being forced into litigating. Making public policy through the court system is not good government.”

MWRD operations ensure that releasing excess floodwater to the Lake is a last resort when all of its facilities are at maximum capacity and the waterways are approaching or exceeding flooding stage. When significant amounts of rainfall are expected, MWRD draws down the water level in the CAWs by opening the sluice gates at the Lockport Powerhouse and Lockport Controlling Works. Even with these controlling systems, the water level in the CAWS could continue to rise. To avoid widespread flooding, MWRD’s final option is to release into the Lake at any of three lakefront controls, the Wilmette Harbor sluice gate, the Chicago River Controlling Works (at Navy Pier) and the O’Brien Lock and Dam (at 130th Street and the Calumet River).

Michigan’s claim that the Asian Carp are “infesting” the CAWS is faulty. The experimental science identifying eDNA has not been independently verified. A single Asian Carp fish was harvested at the far end of the CAWS in December during a proactive and preventative operation eliminating thousands of fish by agencies led by the Illinois Department of Natural Resources and the Army Corp of Engineers. Additionally, MWRD has no authority to engage in fish kills.

Finally, MWRD’s position is that none of the factors identified by Michigan support issuing a preliminary injunction as requested. The potentially disastrous effect of flooding and the impact it will have on the five million residents MWRD serves cannot be denied.

XXX

Copies of the Brief are available upon request.