

IN THE
Supreme Court of the United States

OCTOBER TERM, 1966

FILED
NOV 24 1978

MICHAEL SODAK, JR., CLERK

STATES OF WISCONSIN, MINNESOTA, OHIO AND PENNSYLVANIA, Complainants, vs. STATE OF ILLINOIS and the METRO- POLITAN SANITARY DISTRICT OF GREATER CHICAGO, Defendants, UNITED STATES OF AMERICA, Intervenor.	}	No. 1 Original
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STATE OF MICHIGAN, Complainant, vs. STATE OF ILLINOIS and the METRO- POLITAN SANITARY DISTRICT OF GREATER CHICAGO, Defendants, UNITED STATES OF AMERICA, Intervenor.	}	No. 2 Original
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STATE OF NEW YORK, Complainant, vs. STATE OF ILLINOIS and the METRO- POLITAN SANITARY DISTRICT OF GREATER CHICAGO, Defendants, UNITED STATES OF AMERICA, Intervenor.	}	No. 3 Original
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AMENDED PROPOSED DECREE

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STATES OF WISCONSIN,
MINNESOTA, OHIO &
PENNSYLVANIA,

Complainants,

v.

STATE OF ILLINOIS and the
METROPOLITAN SANITARY
DISTRICT OF GREATER
CHICAGO,

Defendants,

UNITED STATES OF AMERICA,

Intervenor.

NO. 1 Original

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METROPOLITAN SANITARY
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NO. 2 Original

STATE OF NEW YORK,

Complainant,

v.

STATE OF ILLINOIS and the
METROPOLITAN SANITARY
DISTRICT OF GREATER
CHICAGO,

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UNITED STATES OF AMERICA,

Intervenor.

NO. 3 Original

AMENDED PROPOSED DECREE

The State of Illinois by William J. Scott, Attorney General, hereby amends its Proposed Decree filed herein to add a new paragraph No. 4, the Amended Proposed Decree to read in its entirety as follows:

DECREE

“This Court having reopened Original cases Nos. 1, 2, and 3, and the parties having agreed to the form of the decree,

It is Ordered, Adjudged, and Decreed that the Decree of this Court entered June 12, 1967, is modified and amended to read as follows:

1. The State of Illinois and its municipalities, political subdivisions, agencies and instrumentalities, including, among others, the cities of Chicago, Evanston, Highland Park, Highwood and Lake Forest, the villages of Wilmette, Kenilworth, Winnetka and Glencoe, and the Metropolitan Sanitary District of Greater Chicago, their employees and agents and all persons assuming to act under their authority, are hereby enjoined from diverting any of the waters of Lake Michigan or its watershed into the Illinois waterway, whether by way of domestic pumpage from the lake the sewage effluent derived from which reaches the Illinois waterway, or by way of storm runoff from the Lake Michigan watershed which is diverted into the Sanitary and Ship Canal, or by way of direct diversion from the lake into the canal, in excess of an average for all of them combined of 3,200 cubic feet per second. “Domestic pumpage,” as used in this decree, includes water supplied to commercial and industrial establishments and “domestic use” includes use by such establishments. The water permitted by this decree to be diverted from Lake Michigan and its watershed may be

apportioned by the State of Illinois among its municipalities, political subdivision, agencies and instrumentalities for domestic use or for direct diversion into the Sanitary and Ship Canal to maintain it in a reasonably satisfactory sanitary condition, in such manner and amount and by and through such instrumentalities as the State may deem proper, subject to any regulations imposed by Congress in the interests of navigation or pollution control.

2. The total amount of water diverted from Lake Michigan and from the Lake Michigan watershed by the State of Illinois and its municipalities, political subdivisions, agencies, and instrumentalities shall be determined as follows:

a. add the total amount of domestic pumpage from Lake Michigan by the State and its municipalities, political subdivisions, agencies, and instrumentalities, the sewage and sewage effluent from which reaches the Illinois waterway;

b. add the amount of storm runoff from the Lake Michigan watershed, which shall be established at a fixed average of 550 cubic feet per second for use in calculating the amount of the diversion;

c. add the total amount of direct diversion from Lake Michigan into the North Shore Channel at the Wilmette Pumping Station, into the Chicago River at the Chicago Controlling Works, and into the Calumet River at the O'Brien Lock and Dam; and

d. subtract any water diverted by Illinois, with the consent of the United States, into Lake Michigan from any source outside the Lake Michigan watershed.

3. The accounting period shall consist of the period of 12 months terminating on the last day of September. A period of five years, consisting of the current annual accounting period and the previous four such periods

(all after the effective date of this decree), shall be permitted, when necessary, for achieving an average diversion which is not in excess of the maximum amount; provided, however, that the average diversion in any annual accounting period shall not exceed one hundred ten (110) per cent of the maximum amount permitted by this decree. The measurements and computations required by this decree shall be made by the appropriate officers, agencies or instrumentalities of the State of Illinois under the general supervision and direction of the Corps of Engineers of the United States Army.

4. Within five years of the entry of this decree, the State of Illinois shall thoroughly review the effect and results of the modifications adopted herein to the diversion accounting procedure and communicate the results of its review in writing to each of the parties hereto.

5. The State of Illinois may make application for modification of this decree so as to permit the diversion of additional water from Lake Michigan for domestic use when and if it appears that the reasonable needs of the Northeastern Illinois Metropolitan Region (comprising Cook, Du Page, Kane, Lake, McHenry and Will Counties) for water for such use cannot be met from the water resources available to the region, including both ground and surface water and the water permitted by this decree to be diverted from Lake Michigan, and if it further appears that all feasible means reasonably available to the State of Illinois and its municipalities, political subdivisions, agencies, and instrumentalities have been employed to improve the water quality of the Sanitary and Ship Canal and to conserve and manage the water resources of the region and the use of water therein in accordance with the best modern scientific knowledge and engineering practice.

6. This decree shall become effective on October 1, 1978, and shall thereupon supersede the decree entered by this Court in Nos. 1, 2, 3 and 11, Original Docket, on June 12, 1967.

7. Any of the parties hereto may apply at the foot of this decree for any other or further action or relief, and this Court retains jurisdiction of the suits in Nos. 1, 2 and 3, Original Docket, for the purpose of making any order or direction, or modification of this decree, or any supplemental decree, which it may deem at any time to be proper in relation to the subject matter in controversy.

8. All the parties to these proceedings shall bear their own costs."

Respectfully submitted,

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