

Great Lakes—St. Lawrence River Basin Water Resources Council
Meeting Summary

June 9, 2011
3:15 p.m. EDT

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on May 10, 2011. Notice was also posted to the Great Lakes-St. Lawrence River Basin Water Resources Council (Compact Council) website at www.glscompactcouncil.org. The notice included an announcement that the meeting agenda, draft resolutions and materials to be discussed during the meeting were available on the Compact Council's website.

Call of Meeting:

3:15 p.m. EDT—The meeting was called to order by Dan Injerd, alternate of Compact Council Chair, Governor Pat Quinn.

Roll Call:

The following Compact Council members, constituting a quorum, were present:

Illinois (designee of Governor Pat Quinn): Gary Clark, Director (Retired), Office of Water Resources, Illinois Department of Natural Resources; Daniel Injerd, Manager, Lake Michigan Management Section, Office of Water Resources, Illinois Department of Natural Resources.

Indiana (designee of Governor Mitch Daniels): Ron McAhron, Deputy Director, Regulatory Team, Indiana Department of Natural Resources.

Michigan (designee of Governor Rick Snyder): No alternate has been appointed by Governor Snyder. Ms. Patricia Birkholz, Director of Michigan's Office of the Great Lakes and Frank Ruswick, Deputy Director of Michigan's Office of the Great Lakes participated.

Minnesota (designee of Governor Mark Dayton): Dale Homuth, Conservation Assistance and Regulatory Program Manager, Minnesota Department of Natural Resources; Julie Eckman, Water Permits Program Supervisor, Minnesota Department of Natural Resources

New York (designee of Governor Andrew Cuomo): Don Zelazny, Great Lakes Programs Coordinator, New York State Department of Environmental Conservation.

Ohio (designee of Governor John Kasich): Scott Zody¹ and Ted Lozier, on behalf of David Mustine, Director, Ohio Department of Natural Resources.

Pennsylvania (designee of Governor Tom Corbett): John Booser¹, on behalf of Kelly Heffner, Deputy Secretary for Water Management, Pennsylvania Department of Environmental Protection.

Wisconsin (designee of Governor Scott Walker): Eric Ebersberger¹ on behalf of Cathy Stepp, Secretary, Wisconsin Department of Natural Resources.

Actions Taken

Review of December 8, 2010 Compact Council meeting minutes.

A motion was made by Mr. Tierney to formally approve the minutes of the December 8, 2010, Compact Council meeting. The motion was adopted without objection.

Reports

State updates on implementation of the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement (Agreement); Water conservation and efficiency goals and objectives; Water conservation and efficiency programs.

Noting that the meeting of the Regional Body adjourned immediately prior to the Compact Council meeting, a motion was made by Mr. Ebersberger to incorporate minutes of the Regional Body reports into the Compact Council minutes.

The motion was approved without objection. Pursuant to the approved motion, the following reports are incorporated by reference into the Compact Council's record and re-printed in their entirety below:

Illinois

Mr. Injerd reported that since the last meeting of the Regional Body and Compact Council, the U.S. Army Corps of Engineers had certified the amount of water that Illinois had diverted, pursuant to the Supreme Court Consent Decree for the 2006-2007 water years. He noted that that from 1981-2007, the average annual diversion was now 3171 cubic feet per second (cfs), resulting in a 774 cfs positive bank for the State. He also reported that the State continues to see a significant decline in per capita use, including water use slightly less than last year. Mr. Injerd did note that there had been a very wet spring in Illinois this year.

In addition, Mr. Injerd reported that an effort was now underway to evaluate existing water use rules and regulations. Currently, the process is underway in-house, and is not at the stage where they are ready for public review and comment. The State will post any proposed changes on the web when they are ready.

Finally, Mr. Injerd reported that the Illinois Department of Natural Resources was engaged in the Chicago Area Water Study (CAWS), and would continue to be engaged as they moved forward.

Indiana

Mr. McAhron reported that Indiana has had a robust program of acquiring water use information for over 25 years. The focus now is on setting up conservation programs. Accordingly, the State is getting an idea of what is available by sending questionnaires to water users in the Basin and in the rest of the States. To date, the response rate has been about 54%. The State is now placing the information into a database, and thereby getting a better understanding of available programs and technology. Consequently, the State

can better tailor outreach to different water use sectors. The intention is to also get such information up on a website.

Mr. McAhron also reported that water conservation and efficiency goals and objectives will go out for rule-making in the fall. Some final fleshing out will need to be done. They are looking how to complete this effort with limited resources. To that end, the State is looking at a possible general permit for irrigation, along with permitting for consumptive uses.

Mr. McAhron closed by noting that the State was also engaged with the CAWS study.

Michigan

Mr. Ruswick reported that an important focus of the new administration has been undoing the combining of the Department of Environmental Quality and Department of Natural Resources that had been performed by the last administration. Specifically, the first Executive Order from Governor Snyder had been to re-separate the two agencies. In addition, Mr. Ruswick noted that Ms. Birkholz had been appointed the Director of the Office of the Great Lakes, and that he was now the Deputy Director.

Regarding the water program in the State of Michigan, Mr. Ruswick reported that the program was being whittled back due to limited budgets. He did note that the State would be able to maintain the status quo at least. The State is also continuing to be in maintenance mode for the administrative program.

The State of Michigan is now looking at emerging issues. For example, agricultural withdrawals in Southwest Michigan are elevating to pinch points. Consequently, the Advisory Committee is being formed to address the emerging issues.

Finally, there may be a creation of a multi-stakeholder forum focusing on information needs and technical upgrades. The feeling is that the State had been heading backward, but is now moving forward in this area.

Minnesota

Mr. Homuth reported that the State of Minnesota has long used permitting in the State, where they combined waters and ecological resources. Every community over 1,000 people must have a water conservation and efficiency plan. The State is currently updating plans with communities regarding conservation and efficiency of water resources. Currently, there is a 75 gallons per capita per day residential use, with 10% of water withdrawn unaccounted for. A 2.6 peaking factor is used when calculating future water use. These plans are updated every ten years, and the next one is due January 1, 2013. In addition, the State will be updating its water supply data management system on July 1, 2011.

The State is also getting aquifer management studies performed. In addition, a lot of State staff is engaged on TMDL work to address EPA and U.S. Army Corps studies.

Finally, the State will soon be going live with a website to highlight Compact issues and provide links to Compact regulations.

New York

Mr. Zelazny reported that in 2009 a water management program was put in place across the State. This new program enabled the State to reach out to users across the State and identify water users that hadn't previously been registered (registration began in 1988). Since then, the State has been working with small communities and agricultural users to ensure compliance. Once these inconsistencies are addressed, the State will be initiating changes to the baseline information previously submitted to the Regional Body and the Compact Council.

The State currently has extensive permit programs for potable water supplies. Each permittee is required to have water conservation program plans. The intention is for the State to update the plans to ensure that they are in compliance with Compact and Agreement requirements.

The State is also promoting a Statewide program to improve authorities to ensure consistency across the State, especially for those not covered by any current legislation. Also included will be goals as outlined in the Compact.

Mr. Zelazny also reported that the State has been using Clean Water Act and Safe Drinking Water Act funds for improving water infrastructure, with a focus on green innovation and infrastructure. These improvements will help integrate stormwater management with conservation and efficiency goals on a community by community basis.

Mr. Zelazny further reported that as part of the Compact legislation, a citizens advisory committee was to provide recommendations to the Department of Environmental Conservation (DEC) regarding Compact implementation. The recommendations were created in October 2010, and are available on the DEC website.

Ohio

Mr. Lozier noted that in Ohio, an advisory committee had been created consisting of 28 members. The members of the advisory committee started their work in developing Compact implementing recommendations in March 2009, and finished in December 2010. Recommendations were submitted to the legislature and the Governor. Out of the recommendations, water conservation and efficiency goals and objectives have been developed, and the State is implementing awareness and education on water conservation and efficiency. They still may need to be formally adopted, but they have been created. Bills have been introduced in the General Assembly to implement the terms of the Compact.

With further regard to water conservation and efficiency programs, the State is currently assessing and compiling best management practices by water use sector. The State is in the process of conducting an inventory across State agencies to identify existing programs, and then plans to perform a gap analysis.

Pennsylvania

Mr. Booser reported that Pennsylvania's Compact statute was written to be self-executing. He also noted that the legislation provided some authority to allow for the collection of fees, but that this authority had not been used. The Commonwealth has adopted conservation and efficiency goals and objectives, and they are State-wide rather than Great Lakes Basin specific. In addition, currently only public water supplies require permits. Mr. Booser also reported that Lori Boughton, the regional water manager at the Department of Environmental Protection, is now working to implement the requirements under the Compact.

The Commonwealth has also been working with the Pennsylvania Environmental Council to develop conservation programs. Information can be found at www.savewaterpa.org. However, there are struggles to fund the program.

Wisconsin

Mr. Ebersberger reported that the Wisconsin Department of Natural Resources was directed to promulgate rules related to Compact implementation. On January 1, 2011, rules regarding registration and reporting; conservation and efficiency of water uses; and fees were promulgated. The rules require mandatory conservation and efficiency for new and increased Great Lakes basin water withdrawals and voluntary measures statewide. Rules on public participation and water loss are outstanding. Mr. Ebersberger also reported that on December 8, 2011, water use permitting in the Great Lakes basin will begin.

Mr. Ebersberger also announced that the State had received substantially more information from Waukesha regarding their application for a water diversion, and the State was in the process of reviewing the information. Accordingly, the State was still making a decision as to whether the application is complete. Information about the public participation process is on the website, <http://dnr.wi.gov/org/water/dwg/waukeshadiversionapp.htm>. Due to the public participation process and the need to complete an environmental impact statement, Mr. Ebersberger reported that it was unlikely that the Regional Body and Compact Council would potentially receive the application before March 2012.

Overview of work related to the regional science strategy including the 2011 International Association for Great Lakes Research Conference.

Laura Seaman of the Council of Great Lakes Governors staff reported that she attended the 2011 International Association for Great Lakes Research conference held in Duluth, Minnesota from May 30-June 3. She noted that she gave a presentation that highlighted the work of the Council of Great Lakes Governors with the Regional Body and Compact Council on developing a cumulative impact assessment for the Great Lakes—St.

Lawrence River Basin. Ms. Seaman reported that the session was co-chaired by Andrew Gronewold of the Great Lakes Environmental Research Lab and Howard Reeves of the U.S. Geological Survey, providing an opportunity to connect with technical colleagues. Ms. Seaman described that the session was well attended, and that the Council of Great Lakes Governors looks forward to continuing future communications with the public on this important work.

Water Resource Managers' Initiative update.

David Naftzger, Secretary for the Compact Council, reported that the project is currently nearing completion. An initial draft cumulative impact assessment had been completed and shared with the Tribes and First Nations, as well as the Advisory Committee, Resource Group and Observers. Overall, the Regional Body and Compact Council have been pleased with the results.

Administrative.

David Naftzger reminded the Compact Council that the Council of Great Lakes Governors provides secretariat services to the Regional Body and the Compact Council. He reported that the Secretariat was busy developing a budget for Fiscal Year 2013 as well as other forms of long-term planning. He also noted that the Secretariat spends considerable time responding to information requests from both the general public as well as the Great Lakes States and Provinces.

Mr. Naftzger also reported that the American Bar Association had published a book on water management that included a chapter written by him, and other opportunities to publicize the work of the Great Lakes Governors and Premiers were being sought.

Finally, Mr. Naftzger reported that there was likely to be an approximated \$10,000 deficit for Regional Body and Compact Council activities for Fiscal Year 2011. Means for making up that deficit were being sought.

Opportunity for public comments.

Noting that the meeting of the Regional Body adjourned immediately prior to the Compact Council meeting, a motion was made by Mr. Clark to incorporate comments and questions made by the public during the public comment portion of the Regional Body meeting into the Compact Council minutes.

The motion was approved without objection. Pursuant to the approved motion, the following public comments and questions are incorporated by reference into the Compact Council's record and re-printed in their entirety below:

Opportunity for public comments.

Members of the public were given an opportunity to ask questions or provide comments.

- Victoria Pebbles, Great Lakes Commission (GLC): Ms. Pebbles wanted to inform the Regional Body and Compact Council about a project funded by the Great Lakes Protection Fund to look at the intersection of water and energy. The

project is profiling the power sectors. Specifically, she noted that 3/4 of all withdrawals in the Great Lakes basin were by the power industry, with 2/3 of all such water being withdrawn being used for once-through cooling, and 1/3 being used for cooling towers. Clean water act section 316(b) rules, if implemented, would require the use of cooling towers, which could impact water use in the Great Lakes Basin.

During the project, the GLC looked at tributary and groundwater at a HUC-8 scale. Scenarios for the future were also looked at, including a number of scenarios where high volume water withdrawals are associated with carbon capture. She noted that water permitting thresholds are likely to be triggered in the States and Provinces under the new rules.

Finally, she reported that there will be a workshop on this subject September 7 and 8 at the Wingspread Conference Center in Wisconsin.

- Mary Lee Bore, Michigan League of Women Voters: Ms. Bore asked of the Compact had gone into law yet? In response, Mr. Naftzger indicated that it had.
- Karen Hobbs, Natural Resources Defense Council: Ms. Hobbs stated that by December 2010, each of the States was supposed to have water conservation and efficiency goals, objectives and programs in place. However, by her estimation, four of the States have not yet met those requirements, and though she was glad to hear that the States are moving forward to meet these requirements, it was disturbing that they had not yet been met. Specifically, she asked whether Illinois was planning on adopting conservation and efficiency goals and objectives, what the status was of New York legislation, what Pennsylvania's next steps are, whether Indiana has conservation and efficiency goals and objectives in place, and whether Minnesota also believes it has water conservation and efficiency goals and objectives in place.
- Sara Gosman, National Wildlife Federation: Ms. Gosman noted that the Agreement allowed any of the members to request a review of water management and water conservation and efficiency programs at the request of any member. Therefore, Ms. Gosman suggested that the Regional Body formally do a review of the States and Provinces water management program.
- Jared Teutsch, Alliance for the Great lakes: Mr. Teutsch thanked the Regional Body members for the updates. He then stated that he thought the capacity and the budget for the Regional Body and Compact Council was inadequate to complete the required work under the Compact and Agreement. Further, he expressed concerns that the proposed budgets did not include any money for a potential Waukesha diversion application.
- Joel Brammeier, Alliance for the Great Lakes: Mr. Brammeier echoed Mr. Teutsch's comments, and further encouraged the States and Provinces to develop

a multi-year funding plan for the Regional Body and Compact Council to support long-range work to advance the increasingly complex work of both bodies.

Additional Comments made during the meeting of the Compact Council:

- Karen Hobbs, Natural Resources Defense Council: Ms. Hobbs requested that more detailed agendas for the Compact Council and draft reports of State implementation activities be provided before the calls of the Compact Council.

New Business

Consideration of Compact Council Fiscal Year 2012 (July 1, 2011-June 30, 2012) budget resolution.

Mr. Injerd reported that in order for the budget to be adopted by the Compact Council, there must be a unanimous vote. However, Governor Snyder of Michigan has not yet appointed an alternate to the Compact Council, and consequently a vote cannot be held on the proposed resolution. Mr. Injerd moved to postpone the consideration of the budget resolution until a special meeting could be organized after an appointment was made to the Compact Council by Governor Snyder. Consideration of the resolution was postponed without objection.

Mr. Naftzger did note that funding for the proposed budget would primarily come from a grant from the Great Lakes Protection Fund on behalf of the States.

Other Business

No other business was raised by members of the Compact Council.

Adjournment

A motion was made by Mr. McAhron to adjourn. The motion carried without objection. The next meeting of the Compact Council will be set and noticed at a future date.

The full text of the materials discussed at the meeting is available online at www.compactcouncil.org.

/s/ 

Peter R. Johnson
Compact Council Secretary