

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

June 7, 2012
2:45 p.m. EDT

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on May 8, 2012. Notice was also posted to the Great Lakes-St. Lawrence River Water Resources Council (Compact Council) website at <http://www.gslcompactcouncil.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:

2:45 p.m. EDT—The meeting was called to order by Duke Adams¹ on behalf of Kelly Heffner, Deputy Secretary for Water Management, Pennsylvania Department of Environmental Protection. Ms. Heffner is the designee of Compact Council Chair, Governor Tom Corbett.

Roll Call:

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

Illinois (designee of Governor Pat Quinn): Daniel Injerd, Chief, Lake Michigan Management, Illinois Department of Natural Resources.

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

Michigan (designee of Governor Rick Snyder): Grant Trigger, Michigan Cleanup Manager, RACER Trust. Ms. Lynelle Marolf of the Michigan Department of Environmental Quality also participated in the meeting.

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

New York (designee of Governor Andrew Cuomo): Don Zelazny¹ on behalf of Jim Tierney, Assistant Commissioner, New York State Department of Environmental Conservation.

Ohio (designee of Governor John Kasich): Ted Lozier¹ on behalf of James Zehringer, Director, Ohio Department of Natural Resources.

Pennsylvania (designee of Governor Tom Corbett): Duke Adams¹ 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

¹ Signed proxy forms for individuals participating on behalf of official member alternates are available upon request.

Review of December 8, 2011, Compact Council meeting minutes.

A motion was made by Mr. Trigger to formally approve the minutes of the December 8, 2011, Compact Council meeting.

The motion to adopt the December 8, 2011, meeting minutes 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 recessed immediately prior to the Compact Council meeting, a motion was made by Mr. Adams 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:

State and Provincial updates on implementation of the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement (Agreement).

Each Regional Body designee provided an update on their jurisdiction's efforts to implement the Agreement including the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact) or other mechanisms as appropriate.

Pennsylvania

Mr. Adams noted that the major portion of water use in Pennsylvania's Great Lakes Basin is derived from public water supplies. Metering of the City of Erie's Water Authority System several years ago, coupled with closure of major industrial users, has curtailed water use dramatically.

The majority of Pennsylvania's water conservation and efficient use programs are conducted statewide to meet the Pennsylvania State Water Plan requirement to establish a Water Resources Technical Assistance Center. Recent efforts included a project with the Pennsylvania Environmental Council to create a virtual center at www.savewaterpa.org.

The Pennsylvania Department of Environmental Protection has recently started up discussions with the Capital Region Water Board and Pennsylvania Environmental Council to explore partnership opportunities including conservation/reuse/water audits in critical water planning areas for possible statewide application.

Illinois

Mr. Injerd reported that since the last report in December 2011, Illinois has seen a slight reduction in total domestic use of water from Lake Michigan and overall decline since the mid-1990s. There have been significant decreases in total domestic water usage stemming from increased awareness and higher water prices.

Mr. Injerd explained that 10 suburban Chicago communities were recently given an allocation for Lake Michigan water. It appears likely that this group will split up to independently pursue water supplies in the future. Separately, the State is considering revisions to its longstanding water allocation rules and, specifically, conservation requirements.

Indiana

Mr. McAhron reported that Indiana continues to operate its longstanding water registration program. It recently completed collection of 2010 data which included about 850 registered facilities with total withdrawals of a little less than 2500 million gallons per day. Overall, about 64% of the facilities withdraw about 1.6% of volume. Irrigators account for less than 2% of total volume.

Separately, the State is administratively combining two of its temporary rules into one, although with no substantive change proposed. The final temporary rule is expected to be made effective November 2012, and the permanent rule effective by November 2013. Mr. McAhron concluded by noting that in Indiana no diversion proposals have been made recently nor are any expected soon.

Michigan

Mr. Trigger asked Ms. Marolf to provide a brief report on Michigan's activities.

Ms. Marolf recently joined the Michigan Office of the Great Lakes as the Deputy Director, replacing Frank Ruswick who retired. She reported that the State is continuing to work to implement and use its water withdrawal assessment tool. The Michigan Legislature has recently provided some new water management program funding using general funds. The Department of Environmental Quality is now looking at potential adjustments in staffing or other changes in order to use these new resources.

Minnesota

Mr. Homuth reported that Minnesota is focusing on developing an online water appropriation permitting program, scheduled to be operational in summer 2013. This online capacity would allow for online applications and reporting so that staff can then focus on assessment. Mr. Homuth explained that the Department of Natural Resources hopes to include an educational component online to help direct users away from environmentally sensitive areas for their withdrawals. He noted that the State is also developing an online assessment tool somewhat like Michigan's.

Mr. Homuth reported that the legislature recently moved to 2015 the requirement for conservation pricing for public water suppliers. Lastly, Mr. Homuth reported that the Department recently hired a new staff person, Ms. Princesa VanBuren Hansen, who will be becoming involved with Compact Council work in future.

New York

Mr. Zelazny reported that New York passed statewide water management legislation including many provisions of the Compact and Agreement. Draft regulations to implement this law were issued last year and the public comment period ended during the winter. A comment summary is currently under development and should be done in the next few months. The State's goal is to have final regulations in place by the end of the year in order to start phasing in by next year the State's permitting program for users withdrawing more than 100,000 gallons of water per day. In addition to the permitting requirements, the State legislation includes the water conservation and efficiency goals and objectives from the Compact and Agreement. Lastly, Mr. Zelazny noted that the State is working with the U.S. Geological Survey in New York to develop best management practices and to update the State's water conservation and efficient use handbook.

Ohio

Mr. Lozier reported that on June 4 Governor Kasich signed legislation including various provisions implementing the Compact. The law will become effective 90 days after the Governor's signing, and more than a year before the deadline required by the Compact. As a result of the legislation, Mr. Lozier reported that an advisory committee was charged with developing recommendations for administrative rules.

Mr. Lozier explained that the Department of Natural Resources is working with shale gas industry representatives to make them aware of the Compact and, more generally, diversion laws in place in the State. The Department has also reached out to the turfgrass industry and golf course operators regarding State requirements and best management practices for water conservation and efficiency.

Wisconsin

Mr. Ebersberger reported that the State continues to implement its water registration, reporting, permitting, conservation and efficiency programs. The Department of Natural Resources is now operating an online registration program and, separately, is promoting voluntary water conservation and efficiency program measures.

Mr. Ebersberger explained that the State has issued about 1400 permits for in-Basin water users, and that the vast majority of these permits were for existing users. He also noted that the State is working on a rule on water loss.

Mr. Ebersberger talked about the State's ongoing review of the application for an out-of-Basin diversion from Waukesha. The Department of Natural Resources has requested additional information from the applicant and, among other things, is looking closely at the applicant's water conservation and efficiency program and population forecast. Mr. Ebersberger concluded by noting that further steps would be contingent on the applicant providing further information.

Overview of work related to the regional science strategy including the 2012 International Association for Great Lakes Research (IAGLR) Conference.

Mr. Adams recognized David Naftzger, Secretary to the Regional Body, to provide an update on work related to the regional science strategy including the IAGLR conference that was recently held in Cornwall, Ontario, from May 13-17. Mr. Naftzger noted that pursuant to the commitment made by the Governors and Premiers in the Agreement to provide leadership toward the development of a regional science strategy, the Regional Body again was represented at this year's meeting of the IAGLR.

Ms. Caroline Anderson of Quebec's Ministère du Développement durable, de l'Environnement et des Parcs (Ministry of Sustainable Development, Environment and Parks) chaired a session focused on the State and Provincial accomplishments in science and policy since enacting the Compact and Agreement. Five talks were given during this session including one by Peter Johnson with the Regional Body Secretariat who presented "Linking Science and Policy to Improve Protections for Regional Water Resources." Ms. Anderson presented "Sustainable use of Quebec's Water Sources Within the Context of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement."

Administrative

Mr. Adams recognized David Naftzger, Secretary to the Regional Body, to provide an administrative report. Mr. Naftzger noted that the FY2013 (July 1, 2012-June 30, 2013) Regional Body was approved in writing subsequent to the December 8, 2011, public meeting in accordance with the resolution adopted at that meeting. Similar approval was provided by the Compact Council for its budget. He also reported that the remainder of FY2012 monies due had been received from the Great Lakes Protection Fund.

Mr. Naftzger reported that, pursuant to the resolution adopted at the Regional Body's December 8, 2011, meeting, and a similar one adopted by the Compact Council, an agreement was signed for services from Godfrey & Kahn. Funds allocated for this work will be used through October 31, 2012, due to the delay in receiving the committed funding. The substance of this work will focus on continued development of communication protocols with Tribes and First Nations.

Separately, Mr. Naftzger announced that an invitation for proposals has been issued seeking general counsel and special counsel services for the Regional Body and Compact Council. Proposals are due July 1, 2012, and the further information is available on the organizational websites.

Opportunity for public comments.

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

- Joel Brammeier, Alliance for the Great Lakes—Mr. Brammeier asked about the invitation for proposals for legal services and, specifically, what time period would be covered and how the Regional Body and Compact Council intended to fund these services.

- Marc Smith, National Wildlife Federation—Mr. Smith announced that a meeting of environmental and conservation non-governmental organizations was being held today in Chicago. Participants represent nine of the States/Provinces.
- Jodi Habush Sinykin, Midwest Environmental Adocates—Ms. Habush Sinykin expressed her concern with the Waukesha application and, specifically, the potential for return flow of Great Lakes—St. Lawrence River Basin water to the Mississippi River Basin during wet weather events.
- Cheryl Nenn, Milwaukee Riverkeeper—Ms. Nenn expressed her appreciation for the previously-developed interim guidance that the Regional Body and Compact Council plans to use for the review of future diversion applications. But, she said that she is concerned with the lack of binding rules. Ms. Nenn asked if there would be an interest in adopting rules and, if so, over what timeframe.
- Marc Hudon, Nature Québec—Mr. Hudon encouraged efforts by the Regional Body and Compact Council to better understand the regional and cumulative impacts of shale gas extraction at the Basin scale. He commends the protective efforts of the Québec government regarding water uses for shale gas extraction.
- Karen Hobbs, Natural Resources Defense Council—Ms. Hobbs expressed her belief that 18 months after a Compact deadline for water conservation and efficiency, all states other than Wisconsin are out of compliance with requirements. Ms. Hobbs expressed a particular concern with the lack of required water conservation and efficiency measures for projects.
- Kristen Kubitza, Ohio Environmental Council—Ms. Kubitza explained that Ohio stakeholders had developed recommendations for the State’s water conservation and efficiency program, and she encouraged consideration of these recommendations. She also recommends that a diverse and inclusive stakeholder advisory committee be used for the further development of the State program.
- Henry Van Offelen, Minnesota Center for Environmental Advocacy—Mr. Van Offelen expressed his belief that there has been significant turnover in the Governors’ offices and natural resource departments resulting in a lack of understanding of the Compact. He urged an educational effort for State officials and stakeholders.
- Kathryn Buckner, Council of Great Lakes Industries (CGLI)—Ms. Buckner recently joined CGLI, and intends to build on the work of her predecessor George Kuper. She noted that the State/Provincial reports highlight the diversity of approaches to water management challenges around the Basin. She remarked that the Compact/Agreement enables flexible approaches within a regional framework. She concluded by noting that the strength of the Agreement is the fact that everyone came together for its development. This approach must continue for successful implementation.

- Sara Gosman, National Wildlife Federation—Ms. Gosman noted that the States/Provinces are now directly contributing to the Regional Body/Compact Council budget. She is pleased with this development, and would like to see even greater funding. Ms. Gosman remarked that all States now have statutory authority for Compact program implementation, and that the region is waiting on Agreement deadlines to become effective pending needed action by Ontario. She concluded by expressing concern with the State of Ohio’s definition of aggrieved person, source watershed and impact assessment for direct tributaries.
- Kristy Meyer, Ohio Environmental Council—Ms. Meyer commended the strong public involvement program during the development of the Compact. She asked how the Compact Council intends to structure further future engagement.
- Jared Teutsch, Alliance for the Great Lakes—Mr. Teutsch expressed support for Ms. Gosman’s comments, and hopes that the FY2014 budget is a starting point for future State support. He would like the Regional Body to take a leadership role in looking at the return of water from hydraulic fracturing operations in order to help frame jurisdictional management.

New Business

Resolution #20 Adoption of Fiscal Year 2014 Budget (July 1, 2013-June 30, 2014).

Mr. Adams reported that the proposed budget and the resolution adopting the budget were previously distributed to the members and were posted to the Compact Council website on May 8.

Mr. Trigger moved to approve the resolution with an amendment. The amended resolution reads in the second resolved section as follows:

“BE IT FURTHER RESOLVED that the budgeted revenue of \$149,996.30 is hereby apportioned to each of the Great Lakes States in the amount of \$18,745.79 for Fiscal Year 2014.”

The amended resolution in Appendix A includes the budgeted revenue and a clear identification that these monies would be from the State apportionment.

The question was then called on the resolution as amended, and a roll-call vote was taken.

Illinois—Yes

Indiana—Yes

Michigan—Yes

Minnesota—Yes

New York—Yes

Ohio—Yes

Pennsylvania—Yes

Wisconsin—Yes

Other Business

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

Adjournment

A motion was made by Mr. Lozier 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 <http://www.gslcompactcouncil.org>.