

Great Lakes—St. Lawrence River Water Resources Council
Meeting Summary
December 6, 2013
1:45 p.m. CDT

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on November 6, 2013. Notice was also posted to the Great Lakes-St. Lawrence River Water Resources Council (Compact Council) website at <http://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-in information was also posted to the front page of the Compact Council website.

Call of Meeting:

3:00 p.m. EDT—The meeting was called to order by Matt Moroney¹ on behalf of Cathy Stepp, Secretary, Wisconsin Department of Natural Resources. Ms. Stepp is the alternate of Compact Council Chair, Governor Scott Walker.

Roll Call:

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

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

Michigan (Alternate of Governor Rick Snyder): Lynelle Marolf¹ on behalf of Grant Trigger, Michigan Cleanup Manager, RACER Trust.

Minnesota (Alternate of Governor Mark Dayton): Julie Ekman, Supervisor Water Permit Programs, Minnesota Department of Natural Resources.

New York (Alternate 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): David Jostenski¹ on behalf of Kelly Heffner, Deputy Secretary for Water Management, Pennsylvania Department of Environmental Protection.

Wisconsin (designee of Governor Scott Walker): Matt Moroney¹ on behalf of Cathy Stepp, Secretary, Wisconsin Department of Natural Resources. Eric Ebersberger also participated.

Actions Taken

Review of June 7, 2012, Compact Council meeting minutes.

A motion was made by Mr. Lozier to formally approve the minutes of the June 7, 2012, Compact Council meeting. Mr. Injerd seconded the motion.

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

The motion was approved and all member votes were in the affirmative.

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 Regional Body meeting adjourned immediately prior to the Compact Council meeting, a motion was made by Ms. Ekman to incorporate minutes of the Regional Body reports into the Compact Council minutes. Ms. Marolf seconded the motion. The motion was approved. 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 Compact Council alternate 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.

Illinois

Mr. Injerd reported that Illinois continues to be in full compliance with the US Supreme Court decree that limits diversions. Since 1994, Illinois has been below court limit every year and this will continue into the future. The state was well below the limit in both 2012 and 2013.

Regarding, water conservation and efficiency, the Illinois Department of Natural Resources (IDNR) was very active in the past year. A process to update allocation rules has been in effect since 1980. In February, revised draft rules went out for review and comments, with a 100 day comment period and public hearings scheduled. Many comments have been received to date, and many changes were made to the proposal in response. The final rules will be submitted to the joint rules committee soon. Extensive public review will reduce potential for significant comment during JCAR process. Illinois is focused on improving conservation and efficiency. The historical method for water loss determination will move toward the M36 water audit method recommended by the American Water Works Association. Communities reporting on non-revenue water will translate losses into dollar figure and tie these losses into values. IDNR is working with the Illinois Environmental Protection Agency to coordinate water loss and infrastructure programs through grants and low cost loans. This will regulate losses and provide assistance. Overall, water use continues to show downward trends, and Illinois is fully implementing the Compact.

Indiana:

No report.

Michigan:

Ms. Marolf reported that Michigan has completed an annual review of water conservation and efficiency programs. The goals are consistent with regional goals, and Michigan continues to work the agricultural sectors, users, and other stakeholders. The review has been posted online, and Michigan continues to meet all obligations under the Compact. There are challenges with timely reporting from all sectors due to database changes, but reporting will be complete by December 15, 2013.

Regarding large quantity water use applications, Michigan received 2,544 applications, only 12 were rejected. A number were modified to ensure no adverse effects. A Water Use Advisory Council was formed in January 2013. It comprises a broad coalition and recommends water use policy. This council accomplishes most of its work through four subgroups, and has begun discussion on inland lake impacts. This approach focuses on wise use decisions and adequate protections.

Michigan, at the direction of Governor Snyder, is also engaging in a water strategy that includes public outreach for areas of concern. Drafting will begin soon and is expected to be available by spring of 2014. The strategy has an emphasis on governance, and included direct links to Compact implementation and water quantity issues.

Minnesota:

Ms. Ekman reported Minnesota is working to improve runoff through proper ditch and culvert design with support from coastal programs. This effort is in response to severe flooding in Duluth and included 50 hours of technical assistance to regional stormwater team. Regarding the St. Louis River Area of Concern, the Department of Natural Resources (DNR) engaged with Great Lakes a dredging team meeting in Michigan in July. A lake supervisory work group is working on a biodiversity strategy, as well as a supplementary draft EIS the first copper nickel mine in the state.

Regarding groundwater, DNR spent the last year looking at groundwater management improvements. It evaluated water management programs to lead users toward sustainable groundwater use. Minnesota is happy to announce an online permitting system is in the beginning stages of going live. Online reporting was launched in November, but users are not required to report until February 2014. The entire program will be launched later this month. It can be used to apply for new permits and amendments.

Statewide water conservation and efficiency programs are in place to monitor and protect water sources. These are managed by different agencies including DNR, Minnesota Board of Soil and Water Resources, and others. As of July 1, preliminary approval is required for well drilling above 10,000 gallons per day or 1 million gallons per year. This process helps inform decisions before investment made.

In 2013, the Minnesota legislature provided resources for water management programs to meet State law.

New York:

Mr. Zelazny reported that New York is working to implement the Compact and Agreement. The past year or two have been daunting with infrastructure and water supplies devastated by hurricanes and storms. New York was besieged by too much water, which presents an opportunity to become active in managing programs and practices, and to increase resilience, sustainability and adaption in communities and natural resources.

New York completed several measures to implement Compact. NY Department of Environmental Conservation (DEC) exerted its authority under state law by preventing a small community to divert waste water out of basin. This applicant is now evaluating other options and working with the state to assist.

New York adopted statewide withdrawal legislation which gives expanded authority and basin commitments to other watersheds. On February 15, New York authorized permits of new and increased withdrawals greater than 100,000 gallons per day for any purpose, including regulation of existing agricultural withdrawals. All new approvals are based on Compact decision making criteria. New York established a five-year schedule to convert all previous registrations to full permits for existing non-potable withdrawals. All potable withdrawals are already permitted.

New York is meeting water conservation and efficiency goals through best management practices. Water conservation and efficiency programs are required by permit and must include metering, audits, leak detection, recycling and reuse.

New York partnered with the US Geological Survey to develop additional conservation and efficiency guidance for non-potable permit holders. Further information is available at DEC website and in New York's 2013 water conservation and efficiency report.

Ohio:

Mr. Lozier reported that Ohio continues to implement the Compact and Agreement. Ohio passed implementing legislation in June 2012 that became effective in September 2012. As a result an advisory group formed to further develop recommendations for the decision making standard. This group has been working for a year and is nearing completion. Recommendations will be available in the coming months. Ohio is also working on an administrative rules package to accompany the legislation. This effort includes outreach out to a stakeholder working group to provide input on draft rule in coming months.

Ohio also completed a water quantity assessment that look at major sub-watersheds, including a water resources inventory and assessment, analysis of trends, and water shortage areas. Ohio DNR is working though the Lake Erie Committee grant program in conjunction with Cleveland State University to evaluate large users and compile best management practices. This information will be included on the DNR website, which is currently being overhauled.

Ontario:

Mr. Boysen reported that Ontario has not made significant progress on outstanding regulatory obligations under the Agreement, which thus remains open. Work is taking place behind the scenes and hopefully will be made public in 2014. Other obligations under the Agreement have been met. Diversions have been banned since 1999, and this was elevated to statute in 2007 with the passage of the Safeguarding Waters Act. Groundwater withdrawals have been monitored since 1961. Ontario manages water in the full spirit of the Agreement.

Ontario has a comprehensive water conservation and efficiency program comprising 52 statutes, including 3 new statutes since the last update. Ontario's great lakes strategy will provide guidance on goals and objectives.

A water sector strategy is an economic development opportunity focused on industry to export technology.

In February 2013, the proposed Great Lakes Protection Act was reintroduced as Bill 6. If passed will help protect and restore Great Lakes. It passed a second reading and is undergoing clause by clause review. Ontario is working with Environment Canada to finalize obligations under the Great Lakes Water Quality Agreement. The impetus on water quantity includes Agreement obligations.

Finally, IAGLR 2014 conference will take place in Hamilton, Ontario. The conference will include sessions focused on the Agreement and science strategy, and is open to the Regional Body and the public.

Pennsylvania:

Mr. Jostenski reported that Pennsylvania has no major changes in its water management program. Work continues to implement 8 conservation and efficiency goals. Withdrawals decrease in the Lake Erie basin through 2012, as has been the trend of the last 4 years. Since 2012, there's been an overall decrease due to declining use by public water suppliers.

Online registration is fully implemented, and is increasing compliance. A partnership with the safe drinking water program offers training programs for small and medium suppliers. DEP is participating in the USEPA WaterSense public education program. A water technical assistance center website is currently hosted by a nonprofit organization, and may be moved to another partner or controlled by DEP.

Québec:

Mr. Gaucher reported that Québec has taken many steps to implement this Agreement. In 2009, the Water Act included specific provisions to meet Agreement obligations after regulations were adopted. Withdrawal reporting has been in place since 2011. Draft regulations on withdrawal permits have been in place since 2012. These efforts are aligned with the Agreement.

After a consultation period with NGOs and municipalities, Québec has proposed specific protections for water source protections. New regulations should address natural gas and oil fracking. The second draft of these regulations was published last summer and includes provisions on oil and gas. A second public consultation has finished and the regulations are in the final stages of approval. It will hopefully be done in early 2014 and all regulations will be enforced.

Québec submitted its first water report last year. Details on the program are available through the Regional Body website. The program includes conservation and efficiency regulations and strategies.

A new water portal will contain specific information on the Agreement. A State of Water Resources report is required each 5 years under the Water Act. The first is due in June of 2014 and will be specific to the Great Lakes and St. Lawrence River. Québec has launched an ambitious review of groundwater sources with funding of \$50 million. It will be first published in 2014 and eventually posted to the water portal.

Wisconsin:

Mr. Ebersberger reported that Wisconsin continues water use registration permitting. 14200 permits have been registered of which 3,700 are in the Basin. DNR is developing a database with an online registration option. The water use summary for each of the last 2 years new or increased reported. A new law on consumptive uses will undergo public hearings in fall 2014

The Waukesha application is undergoing reviews and the status is updated regularly, Wisconsin's 2013 water conservation and efficiency assessment was posted online. Education and outreach continues through EPA Fix a Leak week and the Wisconsin State Fair, which receives 120,000 visitors each week. DNR also launched a pilot project to audit conservation and efficiency in state parks.

Administrative

David Naftzger, Secretary to the Regional Body and Executive Director of the Great Lakes-St. Lawrence River Water Resources Council (Compact Council), gave an administrative report. Mr. Naftzger discussed the 2012 Water Use Reports currently being completed. These reports are an important part of the States and Provinces commitments under the Compact and Agreement. The reports reflect water use across the basin and are using new reporting protocols developed in 2011. 2012 is the first year that fully relies on the new protocols for the annual report. Mr. Naftzger recognized Tim Eder, Tom Crane and Beck Pearson of the Great Lakes Commission and thanked them for their terrific work to pull together the State and Provincial data. Mr. Eder stated that he had hoped the 2012 report would be completed in time for this meeting, but the longer timeframe reflects using a new process and higher quality information. This report reflects major improvement since past reports. It will be completed in early 2014 and made available to the public.

Mr. Naftzger announced the completion of the first Cumulative Impact Assessment required under the Compact and Agreement. The Council of Great Lakes Governors worked with the Great Lakes Observing System, U.S. Geological Survey and Jim Nicholas on this effort, and received a grant from the National Oceanic and Atmospheric Administration to help support work related to the assessment. A draft cumulative impact assessment was completed in June 2013 in conjunction with the Governors' and Premiers' meeting on Mackinac Island, Michigan. The version on the website is now final and formally released.

Mr. Naftzger recognized Mike Piskur, Council of Great Lakes Governors Program Manager. Mr. Piskur reported that the Cumulative Impact Assessment examines the impacts resulting from all water withdrawals, diversions and consumptive uses in the Basin. The assessment compares these water uses to the overall water budget for each Lake, the St. Lawrence River, and the Basin as a whole. The water budget includes the flows into and out of each Lake watershed and the Basin, including precipitation, runoff, evaporation, diversions, and consumptive uses. Key findings of the assessment are that the impact of withdrawals, consumptive uses and diversions are small relative to inflows; more water is diverted into the Basin than the total combined amount of water diverted out of the Basin or withdrawn and not returned; and, the specific contribution made by consumptive uses and diversions to water level changes is highly uncertain. The assessment also makes several recommendations including the need for better coordination on water data between US and Canadian federal agencies, improved estimates of consumptive use, and a better understanding of the impacts of new or increased withdrawals on flows and conditions at different scales. Mr. Piskur thanked the various partners who helped with the completion of the assessment.

Mr. Naftzger reported that the States and Provinces continue to meet the commitments of Regional Water Conservation Goals and Objectives. Recognizing the Cumulative Impact Assessment is now complete, over the next six months we will be conducting a review of the Regional Water Conservation and Efficiency Goals and Objectives to determine what, if any, recommended changes should be made to them.

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. Jostenski to incorporate comments and questions made by the public during the public comment portion of the Regional Body meeting into the Compact Council minutes. Mr. Injerd seconded the motion. The motion was approved. 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:

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

Dick Bartz, US Geological Survey:

Mr. Bartz commented that after the Compact passed, USGS received Great Lakes Restoration Initiative funds for estimating stream flows in ungauged areas, including the impact on withdraws and species. This work is being finished now and will be published in 2014. USGS is now looking at glacial aquifers, and the effects of streamflows on groundwater levels on the US side of the Basin. This report is due in 2015.

In the early stages of the Cumulative Impact Assessment, the Regional Body and Compact Council asked USGS for HUC-based water data, but USGS wasn't able to respond within the required timeframe. USGS also cannot provide this data for 2010 water use data – This data, however, is being programmed into future 5-year water use compilations. The next one will be available in 2015.

Finally, USGS is estimating consumption for thermoelectric power plants. This report examines 1250 power plants using a new model for estimating downstream consumptive use through evaporation. The report will be completed in 2014, and will include a toolkit on each power plant.

Dale Phenicie, Council of Great Lakes Industry:

Mr. Phenicie expressed interest in the Cumulative Impact Assessment and water use reports. He asked how is process improving and how can the private sector help.

Karen Hobbs, Natural Resources Defense Council:

Ms. Hobbs noted that this meeting included some positive things. For instance, Illinois' revisions of Lake Michigan allocation rules impact permits across the state. She stated that Mr. Injerd deserves to be commended for his work. Michigan should be commended for its review of water conservation goals and objectives and its water use advisory group. Wisconsin should be recognized for the professional and deliberative nature of Waukesha review, which will set a precedent for future reviews. Finally, she noted that not all States are present for this meeting, and each should State work to be compliant with each component of conservation and efficiency.

Jared Teutsch, Alliance for the Great Lakes:

Mr. Teutsch commended on the importance of the diversion review process. Waukesha is the first, but there will be others. It's also importance to highlight population grown on the basin divide in Wisconsin, Indiana, Ohio and Québec. The Regional Body is encouraged to look at its role in the Waukesha process, which presents a unique opportunity with findings of fact to move process and delve into potential weaknesses. The findings of fact will be very important moving forward. Illinois should be thanked for its process in developing new allocation rules. The collaborative spirit of Compact should be recognized in the rules themselves. Indiana is encouraged to appoint someone to and participate in the Regional Body. Finally, Wisconsin should be thanked for its phenomenal job on the diversion exception standard.

Marc Smith, National Wildlife Federation:

Mr. Smith shared an electronic version of NWF's recent progress report and asked that the Regional Body please let him know about inaccuracies. NWF does work with other groups to create picture of progress and they want to make sure the right story is being told. Wisconsin's efforts in the Waukesha diversion prop should be recognized.

New Business

Resolution #26 Election of Chair and Vice-Chair.

Mr. Moroney noted that the next order of business is consideration of Resolution #26 ,Election of Chair and Vice-Chair. The resolution would elect the Governor of New York to serve as the Compact Council Chair, and the Governor of Illinois to serve as the Compact Council Vice-Chair, beginning the day after this meeting until the next Annual Meeting of the Compact Council, to be held on or about December 8, 2014.

Ms. Marolf pointed out a typo in the resolution and moved to amend the resolution, which was seconded by Mr. Moroney and the motion to amend was approved without objection. Mr. Moroney invited a motion to approve the resolution as amended and a second. A motion was made by Mr. Lozier to approve the resolution. Mr. Jostenski seconded the motion. No objections were raised to the motion and as it was assumed that everyone voted in the affirmative, the motion was approved. Mr. Moroney congratulated the Governors on their election as Chair and Vice Chair, and thanked the Compact Council members for the opportunity to serve as Chair during the past year

Resolution #27 Revised Compact Council By-Laws.

Mr. Moroney noted that the By-Laws were adopted by the Compact Council in 2008, and that the By-Laws called for their review every 5 years. He also noted that the Compact Council asked outside counsel to review the By-Laws, and a number of relatively minor changes had been suggested.

Mr. Moroney invited a motion to approve the resolution and a second. A motion was made by Mr. Zelazny to approve the resolution. Ms. Ekman seconded the motion. No objections were raised to the motion and as it was assumed that everyone voted in the affirmative, the motion was approved.

Resolution #28 Revised Memorandum of Understanding

Mr. Moroney noted that in 2010, a Memorandum of Understanding was agreed to between the Compact Council and the Council of Great Lakes Governors, Inc., wherein the Council would serve as the Secretariat to the Compact Council. When reviewing the By-Laws, he also noted that the Compact Council asked outside Counsel to review the Memorandum of Understanding, and they had suggested several minor changes. It was also noted that the Secretariat Memorandum of Understanding under consideration, when executed, would supersede the previous Memorandum of Understanding.

Mr. Moroney invited a motion to approve the resolution and a second. Ms. Marolf moved to amend and approve the resolution. Mr. Jostenski seconded the motion. No objections were raised to the motion and as it was assumed that everyone voted in the

affirmative, the motion was approved. Mr. Naftzger noted that the resolution required signatures by the Compact Council Chair and Council of Great Lakes Governors Executive Director, and this will be done at the conclusion of the meeting.

Other business

None.

Adjournment

A motion was made by Mr. Injerd to adjourn. Ms. Marolf seconded the motion. All members voted in the affirmative, the motion was approved and the meeting was adjourned at 2:15 p.m. CDT. 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.