

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

June 13, 2014

3:00 p.m. EDT

**Notice:**

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on May 14, 2014. 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 Don Zelazny<sup>1</sup> on behalf of Jim Tierney, Assistant Commissioner, New York State Department of Environmental Conservation. Mr. Tierney is the alternate of Compact Council Chair, Governor Andrew Cuomo.

**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.

**Indiana:** Chris Smith. Representing Indiana, but not an official alternate of Governor Mike Pence.

**Michigan (Alternate of Governor Rick Snyder):** Grant Trigger, Michigan Cleanup Manager, RACER Trust.

**Minnesota (Alternate of Governor Mark Dayton):** Pat Collins, Regional Manager, Division of Ecological and Water Resources, Minnesota Department of Natural Resources.

**New York (Alternate of Governor Andrew Cuomo):** Don Zelazny<sup>1</sup> on behalf of Jim Tierney, Assistant Commissioner, New York State Department of Environmental Conservation.

**Ohio (designee of Governor John Kasich):** Andy Ware<sup>1</sup> on behalf of James Zehringer, Director, Ohio Department of Natural Resources.

**Pennsylvania (designee of Governor Tom Corbett):** Tim Bruno<sup>1</sup> on behalf of Kelly Heffner, Deputy Secretary for Water Management, Pennsylvania Department of Environmental Protection.

**Wisconsin (designee of Governor Scott Walker):** Jill Jonas<sup>1</sup> on behalf of Cathy Stepp, Secretary, Wisconsin Department of Natural Resources.

**Actions Taken**

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

***Review of December 6, 2013, Compact Council meeting minutes.***

A motion was made by Mr. Injerd to formally approve the minutes of the December 6, 2013 Compact Council meeting. Mr. Collins seconded the motion.

The motion was approved and all member votes were in the affirmative. The motion to adopt the December 6, 2013 meeting minutes was adopted.

**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 Mr. Collins to incorporate the Regional Body reports and administrative reports into the Compact Council minutes. Mr. Trigger 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:

**Illinois**

Mr. Injerd noted that his report at the December meeting focused on draft rules regarding the Lake Michigan allocation. These rules are awaiting approval by Illinois' rulemaking body. In February, the Illinois Department of Natural Resources (IDNR) formally submitted the proposed rule changes. First notice of these changes was posted, followed by a 45-day comment period that was extended by 30 days. This public comment period ended in May 2014. As follow up to the public comment period, Illinois is currently preparing responses to the joint committee on administrative rules, and hopes to move ahead soon. The gist of the rules is to update many areas of water use and conservation, with the most significant changes in the development of a water loss standard by public water supply systems. This focuses on updating fixtures, but also changing calculations of water loss in line with American Water Works Association methodology on system performance. This is a big change and will make a major improvement in the region. Illinois is encouraging public supply operators to become more aggressive to reduce water loss and leaks.

**Indiana**

Mr. Smith reported that Indiana originally implemented the Compact with an emergency rule. On May 13, 2014 final adoption of a permanent rule was made by the State's Natural Resources Commission. The process is now in the final steps as the rule is being reviewed by the Attorney General's office, and then will be forwarded to the Governor for signature. This should be completed in the next few weeks, and then Compact implementation will be under permanent rule.

**Michigan**

Mr. Trigger reported that Michigan's water use advisory council is organized through various committees. This council presented Michigan's water strategy and recommendations to Governor Snyder in December. Subcommittees are looking at many

areas to improve this strategy. With regard to water conservation and efficiency, Michigan is working to consolidate the most effective elements into a Statewide program.

### **Minnesota**

Mr. Collins reported that Minnesota continues to implement the Compact and Agreement. The State is taking a watershed approach to restoring streams and wetlands. This approach includes a structured process for planning, action and implementation. The Minnesota Pollution Control Agency published short videos on water quality components, including to YouTube. The Minnesota Department of Natural Resources incorporates other things including hydrology under its watershed assessment framework. Minnesota also continues to focus on groundwater management. There are several intense efforts in key locations. Currently, these are outside of the Great Lakes-St. Lawrence River Basin (Basin) but have potential for future use in the Basin. The State is expanding comprehensive groundwater withdrawal monitoring, especially in Minnesota's iron range, which is within the Basin. This ensures that withdrawals don't impact surface sources including trout streams. Finally, precipitation and lake levels are above average now.

### **New York**

Mr. Zelazny reported that New York is implementing the State laws encompassing the Compact provisions and continuing to issue permits to public water supply systems of 100,000 gallons/day or greater. Water conservation programs have been required for these public suppliers since 1998. New permits must include a water conservation form that describes metering, detection and leaks, and a water audit must be done yearly. New permits are effective for ten years, and can be renewed. All withdrawers over 100,000 g/d must submit an annual use report for the prior year. This report form is available on the New York Department of Environmental Conservation website.

As part of New York's e-business program, an updated electronic reporting format is scheduled to be implemented in the Fall of 2014.

Existing non-public supply withdrawals will be given initial permits over a five-year transition period. As applications for new and increased public water supply withdrawals are proposed, environmentally sound and economically feasible water conservation measures are required. The Department continues to explore feasible water conservation measures for non-public withdrawals.

### **Ohio**

Mr. Ware reported that Ohio's legislation for implementing the Compact was signed into law in May 2012 as HB 473. It became effective in September 2012. Part of this law called for an advisory group to develop implementation recommendations for certain portions of the Compact. This group met in 2013 and issued a report in 2014. Recommendations are under review for final approval by the Ohio Department of Natural Resources.

### **Pennsylvania**

Mr. Bruno reported that Pennsylvania is working to further implement the Compact and Agreement, including via an internal review of withdrawals and consumptive uses. The State is planning activities for outreach and education, including a children's water fest in 2015.

### **Wisconsin**

Ms. Jonas reported that Wisconsin continues to be in compliance with the provisions of the compact. Water use reporting compliance has increased over the past three years and is now at 98 percent for 2013 data; 70 percent of reports were submitted online. Data quality is constantly improving.

Regarding the proposed Waukesha diversion, the Wisconsin Department of Natural Resources is still in the process of reviewing the application. Technical review will not be done before the end of 2014.

Wisconsin is also conducting a water resources inventory, including a new model to estimate stream flow and fish presence. This also includes updating a State springs inventory of spring with a flow greater than 0.25 cubic feet/second. Finally, Wisconsin is working on improving the groundwater level monitoring network, focused on improving data quality.

### ***Administrative***

Peter Johnson, on behalf of the Secretariat to the Regional Body and the Great Lakes-St. Lawrence River Water Resources Council (Compact Council), gave an administrative report. He noted, as discussed at the meeting on December 6, 2013, the water use reports for 2011 and 2012 indicate that the incremental loss threshold of 50 mgd was surpassed in both years, and therefore a cumulative impact assessment will be conducted in 2014. As agreed to in December, the Regional Body will conduct an interim assessment that compares data for Withdrawals, Diversions and Consumptive Uses for 2011 and 2012 to the 2006-2010 datasets for each Lake watershed and the Basin. Council of Great Lakes Governors staff will work with Jim Nicholas to complete this interim assessment by the next meeting of the Regional Body.

The Council of Great Lakes Governors, on behalf of the Regional Body, submitted a proposal to develop a Basin-wide water demand forecast to the Great Lakes Protection Fund (GLPF). The meeting of the GLPF Board of Directors was earlier today, and we should have a better sense of the status of the proposal soon.

### **Opportunity for public comments.**

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

### **Dale Phenicie, Council of Great Lakes Industries (CGLI):**

Mr. Phenicie provided a brief summary on CGLI's water stewardship work, in particular the evaluation of water footprint tools. Currently, they are wrapping up pilot work on five industrial facilities. The conclusions so far find that many aspects of these tools are

worthwhile and will serve the industry and region. CGLI must find a process to encourage use by industry. Even after improvements were made to the Alliance for Water Stewardship standard, it is still a tall order to conduct a complete assessment. Perhaps a unique structure and governance system can satisfy tool protocols.

Packages of information to describe Great Lakes-centered tools will be published in a clearinghouse. The hope is that ascribing and complying with this system would lead to the assumption that Compact and Agreement standards are met. The final report will show the need for this. He noted that the project needs an opportunity to build capacity and requires resources. Overall, they are very encouraged, and will supply a report to an expert panel soon.

**Tim Eder, Great Lakes Commission:**

Mr. Eder noted that the Great Lakes Commission and Council of Great Lakes Governors hosted a workshop for water use managers in May. The workshop provided an opportunity to discuss data reporting issues and challenges, assumptions and limitations. It was a good investment of time and resources, and a great opportunity to learn and share experience. Great Lakes Commission staff, in particular, found it very valuable for addressing quality assurance issues.

**Larry Levine, Natural Resources Defense Council:**

Mr. Levine inquired about the Regional Body resolution on water conservation & efficiency objectives, and is interested to hear what analysis has been done in support of the recommendation to reaffirm these objectives. He noted that the Cumulative Impact Assessment was referenced in this analysis, but wondered what other resources were considered.

**Dick Bartz, United States Geological Survey (USGS):**

Mr. Bartz commented that USGS published a report about consumptive use of thermoelectric power plants, including plants in the U.S. waters of the Basin. The report may offer an interesting way to confirm numbers reported by States. He offered to arrange a call or webinar with staff that wrote the report and model. The report is available online, and was shared with Council of Great Lakes Governors and Great Lakes Commission staff.

*Additional public comments made during Compact Council meeting*

**Jared Teutsch, Alliance for the Great Lakes:**

Mr. Teutsch thanked the States for their reports. He encouraged Illinois to recognize the Compact in its rules for the Lake Michigan allocation. He cautioned Indiana in the creation of new rules, noting that Indiana has a history of both riparian rights and as a prior appropriation State. He commented that prior appropriation does not exist in the Basin, but that these new rules could move the State in that direction.

***New Business***

***Resolution #29--Adoption of Draft Fiscal Year 2016 Budget***

Mr. Zelazny stated that this resolution will grant preliminary approval of the FY16 Compact Council budget. As with the Regional Body budget, the Compact Council is seeking preliminary approval because not all jurisdictions have made their appointments and the Compact requires unanimous vote. This resolution, if preliminarily approved, would allow the States to do budget planning for 2016, and will be voted on for final approval at the December meeting.

Mr. Injerd moved to grant preliminary approval of the resolution. Mr. Trigger seconded the motion. A roll-call vote was taken.

Illinois—Yes

Indiana —Yes (As the individual indicating assent was not the Designee of the Governor, this was only an indication of support and not a binding vote).

Michigan—Yes

Minnesota—Yes

New York—Yes

Ohio—Yes

Pennsylvania—Yes

Wisconsin—Yes

Mr. Zelazny noted that the resolution was approved preliminarily, and will be considered in December for final adoption.

***Resolution #30 Affirmation of Basin-Wide Conservation and Efficiency Objectives***

Mr. Zelazny moved to include comments made by Mr. Johnson, Mr. Trigger and Mr. Injerd during the Regional Body meeting as further background to support this resolution. Hearing no objections, the motion passed. The comments are as follows:

Mr. Johnson stated that the proposed resolution affirming Basin-wide water conservation and efficiency objectives was previously distributed to the members and posted to the Regional Body website on May 14. He noted that under the Compact, and taking into consideration the recently completed Cumulative Impact Assessment, water conservation and efficiency programs are underway that are consistent with Basin-wide objectives. These programs will be reviewed again within 5 years, as another assessment is done.

Mr. Trigger commented that a recent media article mentioned that Las Vegas is spending \$1 billion on a water supply system. That region appears to have over-allocated Lake Mead and the Colorado River, which no longer reaches Mexico. The southwest U.S. continues to have population growth and declining water supply. In contrast, the Regional Body and Compact Council foster dialogue to do the best possible job of managing Basin resources. The greatest threat to the Basin continues to come from outside of the Basin, and Las Vegas is a reminder of that.

Mr. Injerd mentioned that the water conservation and efficiency objectives provide a broad overarching template to ensure various programs have some overall consistency to address primary areas of need. In that sense, they remain valid and have worked quite well. The jurisdictions have flexibility to adopt various measures and still remain compliant with regional objectives. It is a good tool and will continue to be in the next few years.

A motion was made by Mr. Collins to approve the resolution. Mr. Zelazny seconded the motion. No objections were raised to the motion, it was assumed that everyone voted in the affirmative, and the motion was approved.

#### ***Other business***

Mr. Injerd commented that Illinois has started working on its water management program report. He inquired whether this is an every 5 year report beginning in 2015, and about the status of the current report.

Mr. Johnson stated that the Compact Council is waiting to receive all reports to begin its review. Some of these reports are already done. The Secretariat is taking steps to help the States meet their commitments under the Compact to do these reviews. He asked that the States please complete their reports and send them to the Secretariat staff as soon as possible.

#### ***Adjournment***

A motion was made by Mr. Injerd to adjourn. Mr. Collins seconded the motion. All members voted in the affirmative, the motion was approved and the meeting was adjourned at 3:15 p.m. EDT. 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](http://www.compactcouncil.org).