

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

June 21, 2017
10:07 a.m. EDT

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on May 22, 2017. Notice was also posted to the Great Lakes-St. Lawrence River 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-in information was also posted to the front page of the Compact Council website.

Call of Meeting:

10:07 a.m. EDT— The meeting was called to order by Grant Trigger, alternate of Michigan Governor Rick Snyder.

Roll Call:

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

Illinois (alternate of Governor Bruce Rauner): Dan Injerd, Director, Office of Water Resources, Illinois Department of Natural Resources.

Indiana (alternate of Governor Eric Holcomb): Chris Smith, Deputy Director, Indiana Department of Natural Resources.

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

Minnesota (alternate of Governor Mark Dayton): Julie Ekman, Conservation Assistance and Regulations Section Manager, Minnesota Department of Natural Resources.

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

Ohio (alternate of Governor John Kasich): James Zehringer, Director, Ohio Department of Natural Resources.

Pennsylvania (alternate of Governor Tom Wolf): Tim Bruno, Chief, Office of the Great Lakes, Pennsylvania Department of Environmental Protection.

Wisconsin (alternate of Governor Scott Walker): Adam Freihoefer² on behalf of Cathy Stepp, Secretary, Wisconsin Department of Natural Resources.

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

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Actions Taken

Review and approval of December 8, 2016 Regional Body meeting minutes

A motion was made by Ms. Ekman to formally approve the minutes of the December 8, 2016 Compact Council meeting. Mr. Zehringer seconded the motion. The motion to adopt the December 8, 2016 meeting minutes was approved without objection.

Reports

Noting that the Regional Body meeting adjourned immediately prior to the Compact Council meeting, a motion was made by Mr. Zehringer to incorporate minutes of the Regional Body reports into the Compact Council minutes. Mr. Smith 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 updates on implementation of the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact).

Illinois

Mr. Injerd reported that Illinois is continuing to work on their second year of implementation of their regulatory requirements for Lake Michigan communities who implement the American Water Works Association's water audit methodology of 2015. This is being done in order to be more consistent with the rest of the country, and because this water audit methodology focuses on non-regulatory water management, which is an important incentive for communities to reduce water usage and promote efficient water use.

Overall water monitoring allowed the State to note a trend of lower domestic water usage within the State, with continuous reductions mainly due to the expensive cost of this resource. The State wants to increase support to local water agencies with their planning, not financially, but with moral support, to promote better water demand forecasts out to the year 2050, thereby promoting efficient use.

Finally, Illinois experienced major flooding issues with near record numbers of high water level events. This indicates the State needs to better prepare water supply planning for floods that might possibly become reoccurring.

Indiana

Mr. Smith reported that Indiana is also experiencing flood issues, especially in the Lake Erie basin, West Lake Chain and Barbie Chain. The state is still currently managing this issue.

Indiana is working on collecting data for significant water withdrawals facilities of all Great Lakes basins and throughout all the state and reports will be available shortly.

Also, the state received broad inquiries from Crown Point community, a straddling community. The state directed them to the compact for answers and the city did not give more details about what the potential use would be, apart from the general development of the south-side of Crown Point.

Furthermore, the Water Division department of the Indiana Department of Natural Resources, which oversees the Compact, is getting ready to experience major turnover of senior staff in the next two to three years starting in June 2017. For example, the Director of the Division Water and the three assistant directors in the Division are will all be retiring in the next few years. Work is being done to ensure a proper transition as these individuals that each have about thirty years of experience leave their positions.

Michigan

Mr. Trigger asked Emily Finnell, from Michigan's Office of the Great Lakes, to give a part of the state's update. She reported that they have been working on implementing Michigan's 30-year comprehensive water strategy. To that end, they started the assessment of their water conservation measures from 8-9-years ago, and noted progress that helps better establish new goals within the subject areas that need work. The focus in the future will be on the industrial sectors of thermal electric, agriculture and the residential. During the summer, the State will have a scholar to assist with this project. These are key recommendations that came out of Michigan's water strategy and their water advisory council that works to implement recommendations to help improve Michigan's water management program.

Jim Mill of Michigan's office of the Great Lakes continued the update talking about the work of the state's water use council. He reported that the State has a water use advisory council stakeholder group, formed in 2014, that continues to meet to oversee the approximate 70 recommendations that initially derived from the group's report. The three quality of life agencies, the Department of Agriculture & Rural Development, the Department of Environmental Quality (DEQ) and the Department of Natural Resources have multiple public-private partnerships to collect more data as part of this implementation.

In addition, the Michigan geological survey at the Western Michigan University is receiving federal and State funding to map the State's glacial quadrants in three dimensions, one quadrant at a time.

Related to stream flow, DEQ is also partnering with the U.S Geological Survey to launch a new study in southern Michigan to find data related to ground water and stream water flow and develop links to real world information about stream flow and ground water response. Michigan also have public-private partnerships between State agencies and farmers associations in south-west Michigan to collect data regarding ground water to better characterize the geology and the stream flows. Models could then be developed to accomplish reviews and make technical recommendations about more precise water data collection studies.

Also, the State; the state's Department of Natural Resources Fisheries is working on a guidance document regarding the testing of water clarification process. The water division is also working on a guidance document about how they revised the index flows from the initial predictions made by the water assessment tool.

In addition, the State is also launching a water withdrawal initiative to identify a large quantity water withdrawal that should have been reported starting in April 1st, 2009, but was not included in reports. That water withdrawal can then be registered in the system through the water assessment tool.

Finally, the water division is reviewing the process used for permit-applications for bottle water production in northern Michigan for companies at a rate of 250 gallons a minute to 400 gallons a minute. As part of that process, the division held public hearings and tribal council consultations. They also sent out requests for additional information from nestle.

Minnesota

Ms. Ekman reported that Minnesota is progressing towards a watershed based approach to water planning and away from water planning based on political/county boundaries that had resulted in many different types of water management plans. Five watersheds were chosen to pilot this "One Watershed, One Plan" approach. The Lake Superior North Watershed was one of the pilot areas and their Plan was approved earlier this month. Forty-one action items were identified in their Plan including storm water management improvements and septic system improvements. The counties within the Lake Superior North Watershed form an Agreement and are ultimately responsible for ensuring implementation over the 10-year term of the Plan.

Our public water suppliers are updating their 10-year water supply plans. Most of the communities in the Lake Superior Basin have submitted their Plans and these are now in the process of being reviewed and approved. cursory review shows that over the next 10-years many communities will be focusing on repairing aging infrastructure to reduce water losses. The plan update process provided a platform for communities to get together and share conservation methods and best practices that have or have not worked well in their communities. A concern of the state is the lack of an efficient and convenient method to track water conservation efforts and analyze water conservation data. The Minnesota Department of Natural Resources is contracting to design a water conservation reporting system that will be available in February 2018.

New York

Mr. Zelazny reported that within New York's water resources program, the Department of Environmental Conservation is continuing to convert from registrations to initial permits of water withdrawal for nonpublic water supply usage. They are at the last year of their five-year transition period where they are issuing permits for systems with a capacity of 100,000 gallons per day to 500,000 gallons per day. To that end, they are working with the applicants to make sure the information is accurate. They are also working with applicants to better plan their projected water usage, which will create an

improved water resource conservation system. By the end of this year, they expect to have collected the identities of all water withdrawers from both the private and public sectors for potable water, as well as all other water usage for all systems that have a higher capacity of 100,000 gallons per day.

Mr. Zelazny noted that they learned a lot from their direct interface with non-potable water permit applicants, especially regarding the numerous facets of small withdrawals and estimating consumptive use or loss, which has resulted in development of two technical guidance documents for the New York staff to better process permits linked to water withdrawals. The first is “Processing Water Withdrawal Permit Applications (TOGS#3.2.1)” containing useful information to help staff interpret and evaluate water withdrawal applications. The second is “Incorporation of Flow-related Conditions in Water Withdrawal Permits (TOGS#1.3.12)” to ensure that the proposed withdrawal “will result in no significant individual or cumulative adverse impacts to the quantity or quality of the water source and water dependent natural resources, including aquatic life” criterion of the decision standard. Both documents, referred to as “Technical Operating Guidance Series (TOGS) are available on the New York Department of Environmental Conservation website.

Ohio

Mr. Zehringer reported that Ohio is also experiencing high water levels in Lake Erie, but no flooding. The Department of Natural Resources is preparing the water withdrawal diversion data form Lake Erie water use consumption data to report in mid-August.

Ohio has updated their website regarding conservation and efficiency efforts. They are also compiling water consumption data from other municipalities to help compare and implement a water consumption plan of their own in Ohio.

Pennsylvania

Mr. Bruno reported that Pennsylvania is continuing to implement the compact’s objectives, and the state’s 2016 water usage data submission is complete. The water consumption measures are clearly being implemented because they are seeing a decline of quantities in the long term usage trend.

In 2016, they conducted three public trainings using American Water Works Association water use audit methods in the Lake Erie watershed.

In 2017, there will be a review of the Water plan from 2008. They will have a new committee for each river basin (Great Lakes included), and each committee will have 24 committee members with backgrounds reaching from policy to technology. They will be evaluating which measures of the 2008 plan were achieved and which need revision within the next 5 years.

Wisconsin

Mr. Freihoefer reported that the city of Waukesha had hired a firm, Greeley Hanson, for design and construction of a new 5-year water supply plan. The Department of Natural Resources has also appointed a project manager to coordinate this project.

Mr. Freihoefer also relayed that the DNR recently completed the comprehensive review of the ground level monitoring process to contribute to the long-term water monitoring network. This will allow the DNR to understand the effectiveness of each well, identify and locate stream flows, and achieve river monitoring. They are also completing a three-year study about the State's springs. Six springs will continue to be evaluated after the completion of the project.

Finally, the DNR completed their water query tool to better identify and to better use their online tool. This includes owner type water use data. This is an add-on to the tools and it is on the DNR website, and will allow greater transparency for the public.

Administrative reports.

Peter Johnson of the Secretariat staff reported on recent activities:

1. In May 2017, The Compact Council and Regional Body again co-hosted a session at the International Association for Great Lakes Research in Detroit. The next conference will be in 2018 in Toronto, followed by an international conference of large lakes in the fall of 2018 in Switzerland.
2. The next Cumulative Impact Assessment is due for release in December of 2018. However, the Regional Body and Compact Council are taking to steps to have the five year report released in December of 2017 instead.
3. The request for hearing filed by the Great Lakes & St. Lawrence Cities Initiative on the Compact Council's Final Decision regarding the City of Waukesha's request for a diversion has been completed. The Compact Council issued its opinion on May 4, 2017.
4. The 2016 water use report is on track to be released by December of 2017.
5. Jim Nicholas' report on thermoelectric power water use will be released in December of 2017.
6. Face-to-face meetings of the Regional Body and Compact Council will now take place in the summer. The next meeting will take place sometime in June of 2018 in Minnesota.

A presentation was made by the York Region on implementation of their diversion. A copy of the powerpoint presentation is attached and made part of the minutes.

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

Noting that the Regional Body meeting adjourned immediately prior to the Compact Council meeting, a motion was made by Mr. Bruno to incorporate minutes of the Regional Body reports into the Compact Council minutes. Mr. Freihoefer seconded the motion. The motion was approved, though it was noted that there were no comments made during the Regional Body meeting.

No public comments were submitted during the Compact Council meeting.

New Business

Consideration of Resolution #34—Adoption of Draft Fiscal Year 2018 Budget (July 1, 2017-June 30, 2018)

The resolution was moved for consideration by Mr. Bruno and was seconded by Mr. Freihoefer.

Mr. Trigger reported that in past years, the Regional Body and Compact Council worked cooperatively to develop a budget that would collectively address all of the costs associated with implementing the Agreement and Compact, and then split the costs evenly between the two entities. He reported that the Regional Body and Compact Council have again cooperatively developed a budget to implement the Agreement and the Compact, but are now apportioning the costs between the two entities differently. Specifically, where efforts benefit both the Regional Body and the Compact Council, 80% of those costs will be apportioned to the Regional Body for Fiscal Year 2018. For Fiscal Year 2019 and thereafter, 90% of those costs will be apportioned to the Regional Body. An example of such costs would be the maintenance of the Water Use database. Certain specific costs, such as attorney retainer and insurance costs, will be 100% allocated to the Compact Council. He closed by noting that there is also a commitment to review this formula within the next five years.

Mr. Trigger then moved that the draft resolution #34 that had been posted to the Compact Council website be amended in the second “Be it further resolved.” He proposed that the words “or contribution” be added immediately after the phrase “grant-in-aid program.” Ms. Ekman seconded the motion to amend the resolution, and the amendment was approved without objection.

Mr. Trigger then called for a vote on the resolution as amended. Mr. Trigger reminded Compact Council members that adoption of the budget must be unanimous and asked for a roll call vote:

Illinois: Yes
Indiana: Yes
Michigan: Yes
Minnesota: Yes
New York: Yes
Ohio: Yes
Pennsylvania: Yes
Wisconsin: Yes

The motion passed unanimously.

Other business.

Mr. Zelazny noted that Mr. Freihoefer had indicated that it would be another five years before the City of Waukesha completed its construction and began withdrawing water from Lake Michigan. He asked Mr. Freihoefer how the time frame would be affected by the federal consent decree that required compliance before then. Mr. Freihoefer noted that the City was asking for an extension now that it had approval.

Mr. Zehringer thanked Mr. Trigger for his service as Compact Council chair since December, and how important his leadership was during the Waukesha hearing process.

Adjourn

A motion was made by Mr. Bruno to adjourn. Mr. Freihoefer seconded the motion. All members voted in the affirmative, the motion was approved and the meeting was adjourned at approximately 10:22 a.m. EDT.

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