

Great Lakes—St. Lawrence River Water Resources Regional Body
Meeting Summary
December 8, 2016
9:00 a.m. EST

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on November 8, 2016. Notice was also posted to the Great Lakes-St. Lawrence River Water Resources Regional Body (Regional Body) website at www.glsregionalbody.org. The notice included an announcement that the meeting agenda, draft resolutions and materials to be discussed during the meeting were available on the Regional Body's website. Call-in information was also posted to the front page of the Regional Body website.

Call of Meeting:

9:00 a.m. EST— The meeting was called to order by James Zehringer, designee of Ohio Governor John Kasich.

Roll Call:

The following Regional Body members, constituting a quorum, were present:

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

Indiana (designee of Governor Mike Pence): Chris Smith, Deputy Director, Indiana Department of Natural Resources.

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

Minnesota (designee of Governor Mark Dayton): Julie Ekman, Conservation Assistance and Regulations Section Manager, 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): James Zehringer, Director, Ohio Department of Natural Resources.

Ontario (designee of Premier Kathleen Wynne): Jason Travers, Director of the Bio-Diversity Branch, Ontario Ministry of Natural Resources.

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

Québec (designee of Premier Philippe Couillard):

Marcel Gaucher, General Director, Direction générale des politiques de l'eau, Ministère du Développement durable, de l'Environnement et de la Lutte aux changements climatiques Parcs (MDDELCC).

Wisconsin (designee of Governor Scott Walker): Steve Elmore¹ 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.

Actions Taken

Review of July 25, 2016 Regional Body meeting minutes

A motion was made by Mr. Trigger to formally approve the minutes of the July 25, 2016 Regional Body meeting. Mr. Zelazny seconded the motion. The motion to adopt the July 25, 2016 meeting minutes was approved without objection.

Reports

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

Mr. Zehringer introduced Andy Ware to give Ohio's report.

Ohio

Mr. Ware reported that Ohio has compiled data on Lake Erie withdrawals, consumptive uses and diversions for 2015. This information was included in the Great Lakes Commission 2015 water use report. Ohio also provided comments on the report and participated in a water use meeting in August. He added that Ohio is developing water conservation information resources, compiling all state and local government programs. Additionally, the state will hire a full-time employee for the water withdrawals program.

Illinois

Mr. Injerd reported that Illinois' 2015 water use from Lake Michigan totaled 837 million gallons per day, an amount that continues to decrease since the early 1990s. These total use reductions are due to efficiency and other drivers over the past 15 years. He stated that despite annual precipitation being about 4 inches below average, water use was still about 30 million gallons per day below the prior year, and that typical patterns between climate and water use appear to be weakening.

He added that he previously reported that that Illinois revised its regulatory program for the Lake Michigan allocation. The state moved to new accounting methodology for water conservation and water loss aligned with the American Water Works Association. 2015 was the first year including all reports from about 200 permittees. He stated that about half of permittees meet the new requirements, and the state asked permittees to submit reports and meet the non-revenue standard. He added that overall the program runs smoothly, but will be a long-term effort to meet compliance standards.

Mr. Injerd reported further that the city of Chicago instituted a voluntary metering program. The city had installed 29,000 new meters in 2016, driven by interest from homeowners for voluntary metering. He added that much of the state's overall water use reduction was occurring as a result of Chicago reductions. Finally, he reported that the US Army Corps of Engineers certified the Lake Michigan diversion accounting for 2013 according to the US Supreme Court decree, and that this amount was substantially below the court limits.

Indiana

Mr. Smith reported that Indiana continues to review proposed rules for voluntary water conservation and efficiency objectives. The rules passed through a citizen advisory council and is being reviewed for budget impacts now. The state Natural Resources commission will review the rule in early 2017 before preliminary adoption. He added that the rule includes a sunset provision for grandfathered diversions not used over 5 years or in disrepair and not usable.

Michigan

Mr. Trigger reported that in October Michigan adopted its state water strategy, which includes a 50-year vision for conservation and efficiency. Jon Allan of the Office of the Great Lakes and stakeholders led this effort. The states used model for reviewing the Waukesha diversion request including public outreach to finalize the strategy. He added that nine coal-fired power plants were being retired and that Ice Mountain/Nestle was applying to increase water bottling in the state

Minnesota

Ms. Ekman reported that Minnesota is taking a watershed approach to protecting water resources. Local governments charged with water management are voluntarily collaborating to develop plans for implementation within a watershed (One Watershed/One Plan or 1W1P). She added that the Lake Superior North watershed is one of the pilot project areas.

A new law to enhance protection of Minnesota waters requires up to 50 feet of vegetation be maintained along public waters to address water quality concerns. The Department of Natural Resources is mapping those areas where buffers are required, and the state Board of Water and Soil Resources will oversee implementation of the law.

Ms. Ekman reported that Minnesota is evaluating negative impacts on surface water from groundwater pumping in certain areas of the state. This effort includes quantifying water flows and water levels necessary to protect fisheries, habitat, and recreation.

She added that the state is working with water suppliers on their 10-year update to their water supply plans; water conservation is a strong focus this time around.

New York

Mr. Zelazny reported that the 2012 implementing statute amendments and regulations to New York's water resources program created a 5-year schedule to issue initial water withdrawal permits to previously non-permitted, non-potable water withdrawals. The schedule focused on requiring permits for the largest withdrawal systems (capacity greater than 100 million gallons per day) in the first year, followed by smaller withdrawal system capacities in the later years. He stated that the fourth year of applications were due to the Department of Environmental Conservation (DEC) by February 15, 2016, those being 0.5 mpd – 2.0 million gallons per day which Department of Environmental Conservation staff is currently processing, and smaller withdrawal system capacity between 0.1 –0.5 million gallons per day will be due by February 15, 2017. He added that

new electronic application and annual reporting forms have been created and are available on the DEC's website that contain guidance on monthly water usage reporting and on required/recommended water conservation measures for different types of users. All permits require water conservation and efficiency measures that are environmentally sound, economically feasible and minimize inefficiency or water loss.

Ontario

Mr. Travers reported that Ontario worked to improve reporting requirements, and worked across the government to streamline and report on a regular basis. The Ministry of Natural Resources introduced a two-year moratorium on bottled water production that includes reviews of new permits and existing rules. He added that persistent drought in southern Ontario will impact drinking water supplies there.

Pennsylvania

Mr. Bruno reported that Pennsylvania's 2015 water use data shows a downward trend due to efficiency on residential and industrial uses. The state is perusing new ways to share water information with public, such as a website that includes water conservation and efficiency information and geospatial data. He added that in 2016 the Department of Environmental Protection designed and gave trainings to public water supply operators in the Lake Erie basin, where 50 operators focused on non-revenue losses to public water supply including audit software and leakage detection. He added that in 2017 the state is ramping up updates to updated the PA state water plan for improvements in 2018 including regional watershed basin committees to address critical needs. He reported that the state is partnering with Penn State University to hold a children's water festival in 2018, which will focus on water conservation and efficiency.

Québec

Mr. Gaucher reported that Québec continues to develop its provincial water strategy. Next steps include targeted stakeholder consultation in spring 2016 and public online consultation in fall 2016, with expected adoption in 2017. The strategy covers 15-years and is accompanied by 5-year action plans, the first of which covers 2017-22. Québec is also currently developing a wetlands protection act that needs to go through public consultation, which will begin in early 2017. He added that Agreement implementation continues through ongoing improvement of water use data reporting. Data quality for agricultural use continues to be an area of concern. The Ministry of Sustainable Development is working with the Ministry of Agriculture to improve this data through a 3-year project that also includes a focus on water conservation.

Wisconsin

Mr. Elmore reported that the following the approval of the Waukesha diversion exception, the city of Waukesha had hired a firm for design and construction of the new water supply. He said that barring any delays completion will take about 5 years for Lake Michigan water and that the city was submitting permit applications to the Department of Natural Resources. The state had assigned a project manager to coordinate permits and public participation on the project. Mr. Elmore further reported

that the state was developing a water use inventory, making updates on stream and groundwater monitoring efforts. The completed water use data research work plan included improved irrigation, consumptive use data and delivery of data to interested parties.

Administrative reports.

2015 Water Use Report

Mr. Zehringer said that the Great Lakes Commission (GLC) continues to serve in the role of managing the regional water use database repository. Under the terms of the Agreement and the Great Lakes Compact, the States and Provinces need to report water use data to the repository each year. A formal regional report was released earlier today. He then recognized Steve Cole of the Great Lakes Commission (GLC) staff to provide a progress report on the 2015 Water Use Report.

Mr. Cole reported that the 2015 regional water use report describes the uses of about 42 billion gallons of day of water used basin wide, which is less than a 1 percent increase from 2014. He said that report highlights include steps to improve quality of data including quality assurance and control efforts with calls with water use managers to ensure high quality. This effort received substantial support from the water use managers. He reported that the report reflects improvements in compliance across all sectors, most of which have over 90 percent compliance, part of an upward trend over several years that reflects improvements in data. He added that Ontario supplied data for both 2014 and 2015, bringing the province into line with the other jurisdictions, and that this is the first report with all jurisdictions reporting current year data.

Mr. Cole further reported that the water use working group is working to improve consumptive use data including information sharing, consumptive use calculations, and other improvements where needed. The report is being published today at glc.org. He closed by saying it's been a process of continuing improvements, and that the process went well and he appreciates everyone's help.

Mr. Zehringer thanked Mr. Cole and asked Peter Johnson, on behalf of the Regional Body's Secretariat, to give an administrative report.

Mr. Johnson reported that state and provincial annual water conservation and efficiency assessments are due, with all received except Ontario. Annual water use reporting is now up to date, which is something to be celebrated due to the work of the Great Lakes Commission and the water use managers. He added that he spoke to the International Council on Water Policy regarding the regional water use protocols and other regional improvements. On water use, Jim Nicholas is in the process of developing a demand forecast of water use for the thermoelectric power sector. Mr. Johnson also noted that we will again be sponsoring a session at the Annual IAGLR conference to be held in Detroit in May of 2017, and that they plan on participating in the world wide 2018 IAGLR conference as well. He closed by noting that there still is a request for hearing on the Waukesha diversion application and that the Waukesha diversion website will continue to be maintained.

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 and American Forest and Paper Association

Mr. Phenicie stated the Compact remains important to industrial water users, which have been working with the jurisdictions to implement the Compact for many years. He said he's encouraged by ongoing progress and that the Compact offers continuing supply for industrial users.

Kim Shafer, United States Geological Survey (USGS)

Ms. Shafer stated that the annual regional water use reporting is a great resource for USGS. USGS has begun working on a 2015 compilation of county level water use, which includes consumptive use for irrigation and thermoelectric, and a site-specific water use database for public supplies registered with USEPA. She added that under its water use data grant program, the USGS received 40 work plans to coordinate state programs. 18 of 24 applicants were given 2016 awards totaling \$1.4 million including grants for the Illinois Department of Natural Resources, Pennsylvania Department of Environmental Protection and the Minnesota Department of Natural Resources. The 2017 grant program will be posted in March 2017.

New business.

Consideration of Resolution #25—Adoption of Draft Fiscal Year 2018 Budget (July 1, 2017-June 30, 2018)

Mr. Zehringer stated that this item is being pulled from the agenda because the Regional Body is not ready to consider this resolution at this time. A budget will be considered at the next general public meeting or at a special meeting to be noticed.

Consideration of Resolution #26—Modification of Water Use Reporting Protocols.

Mr. Zehringer stated that in December 2009, the Regional Body adopted interim water use reporting protocols. The Water Use Protocols were further revised in 2011. Now that the protocols are being fully implemented by the States and Provinces, further revisions to the Water Use Reporting Protocols are being proposed today. These proposed changes are intended primarily to provide clarification to the State and Provincial Water Use Managers who are reporting water uses in their jurisdictions. Mr. Zehringer commented that before consideration of the resolution, he would like to commend who that are involved with Water Use Reporting on the substantial improvements that have been made on both collecting and disseminating water use information across the Basin. The improvements that have been made to data collection and dissemination are something everyone involved should be very proud of.

He invited a motion to approve and a second. Mr. Trigger moved, and Mr. Bruno seconded the motion. The resolution passed without objection.

Announcement of Ontario as Chair and Minnesota as Vice Chair.

Mr. Zehringer stated that for the last item on the agenda, pursuant to the terms of the Agreement, the Regional Body Vice Chair, Premier Wynne of Ontario, will become Chair on December 13, 2016. Governor Dayton of Minnesota will become the Vice-Chair.

He thanked the Regional Body members for the opportunity to serve as Chair during the past year. Mr. Injerd thanked Mr. Zehringer for his leadership and guidance of the Regional Body and Compact Council, especially during the diversion exception request review process. Mr. Trigger also thanked Mr. Zehringer for his time as chair.

Mr. Zehringer recognized Mr. Gaucher, who is retiring, and thanked him for his many years of service and commitment to protecting the Great Lakes-St. Lawrence River Basin.

Other business.

None.

A motion was made by Mr. Injerd to adjourn. Ms. Ekman seconded the motion. All members voted in the affirmative, the motion was approved and the meeting was adjourned at approximately 9:45 a.m. EST. The next meeting of the Regional Body will be set and noticed at a future date.

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