

Great Lakes—St. Lawrence River Water Resources Regional Body
Meeting Summary
July 25, 2016
1:00 p.m. CDT

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on June 24, 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:

1:00 p.m. CDT— The meeting was called to order by Andy Ware, proxy for James Zehringer, Director, Ohio Department of Natural Resources, who is designee of Governor John Kasich.

Roll Call:

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

Illinois (designee of Governor Bruce Rauner): Daniel 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): Andy Ware¹ on behalf of James Zehringer, Director, Ohio Department of Natural Resources.

Ontario (designee of Premier Kathleen Wynne): Jason Travers, Director, Natural Resources Policy Branch, Ontario Ministry of Natural Resources.

Pennsylvania (designee of Governor Tom Wolf): Kelly Hefner, Special Deputy Secretary, Water Resources Planning, Pennsylvania Department of Environmental Protection.

Québec (designee of Premier Philippe Couillard):

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

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

Wisconsin (designee of Governor Scott Walker): Adam Freihoefer¹ on behalf of Cathy Stepp, Secretary, Wisconsin Department of Natural Resources.

Actions Taken

Review of December 3, 2015 Regional Body meeting minutes

Ms. Ekman stated that her title was incorrect and asked that it be corrected in the minutes. Peter Johnson of the Secretariat staff asked for approval to amend the minutes to include Québec's statement. Both amendments were approved without objection.

A motion was made by Mr. Injerd to formally approve the minutes of the December 3, 2015 Regional Body meeting as amended. Mr. Zelazny seconded the motion. The motion to adopt the December 3, 2015 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).

Ohio

Mr. Ware reported that Ohio water data staff have submitted data on 2015 Lake Erie withdrawals as required under the Compact, in advance of the August 2015 submission for the regional database. Ohio Department of Natural Resources has also added a fulltime employee on water withdrawal administration to fill in for Mike Bailey who has joined the Ohio Department of Parks and Watercraft.

Illinois

Mr. Injerd reported that Illinois finished calculating Lake Michigan water use totals for 2015. Total domestic use equaled 837 mgd, a reduction of 37 mgd from 2014. He said this continues a downward trend. When he started, Chicago's use alone exceeds this amount, but today it includes the entire suburban Chicago area. Chicago's 455 mgd is a 26 mgd reduction from 2014. Mr. Injerd said this 2015 was the first year using water audit methodology consistent with the American Water Works Association. Illinois is still tallying information, but have received 75% of required forms from withdrawers. He said the bad news is that most communities exceed non-revenue threshold, but the good news is that most have submitted a compliance plan to meet State standards. He added that the new methodology is doing exactly what he hoped they would do in identifying problems and taking action.

Indiana:

Mr. Smith reported that in Indiana a petition for a rules change for Compact implementation is in process. Indiana received this petition from NGOs, and the petition is scheduled to go before the natural resources advisory committee in mid-October,

before going to the natural resources commission for final determination. He added that the petition deals with standards for voluntary conservation and efficiency and abandonment of baseline volumes.

Michigan:

Mr. Trigger reported that Michigan's Office of the Great Lakes continues to work on the State's water strategy, including engaging stakeholders. He said rollout began a month ago and will continue over the course of the year. In addition, the closure of coal-fired power plants will reduce water usage in the State.

Minnesota:

Ms. Ekman reported that Minnesota is planning to attend the upcoming water use data meeting in August. She said the State is exploring the use of water consumption tracking software use and is looking for ways to measure water consumption successes.

New York:

Mr. Zelazny reported that New York is in the fifth year of a five-year transition to moving non-potable water supplies from registrations to permits. The largest were moved first, and the State is now progressing to those between 100,000 and 500,000 gallons/day usage. He said New York is currently quality assuring the database and making changes and corrections as needed. On July 15, New York issued a drought watch for the entire State following consultation with the State drought task force. He said this is the first of 4 levels of advisory. There are no restrictions in place, but some suppliers in western NY have implemented additional measures to alleviate local conditions.

Ontario:

Mr. Travers reported that Ontario is working to meet deadlines for the August 15 deadline for reporting to the regional water use database.

Pennsylvania:

Pennsylvania requested to submit a report electronically, which was approved without objection.

Québec:

Mr. Gaucher reported that since December, Québec continues to work on its water strategy. This includes consultation workshops with stakeholders. He said Québec is working to adopt this strategy by end of 2016 or early 2017, and that implementing the Agreement will be an important part of the strategy. He added that Québec is working to improve accuracy of data, especially for agriculture, and is working with the Ministry of Agriculture and an environmental research institute to improve data.

Wisconsin

Mr. Freihoefer reported that Eric Ebersberger left the Wisconsin Department of Natural Resources earlier in July. He said the State of Wisconsin appreciates his work on Compact and Agreement meetings, and especially on the Regional Body and Compact Council work on the Waukesha diversion application. Mr. Freihoefer said the city of

Waukesha is now working on applications for all other necessary permits and will submit these in 2017. He stated that it is likely that an additional 4.5 years are needed to get the permits to build a pipeline. Additionally, he reported that a new data map viewer for water withdrawals is now available at dnr.wisconsin.gov.

Administrative reports.

Secretariat

Mr. Johnson reported that the Waukesha diversion review was completed on June 21. He said the Secretariat plans to keep the application website up for several months but will eventually transfer the information on the Waukesha Diversion website to the Regional Body and Compact Council sites. He added that State and Provincial water use reports are due on August 15, and based on previous conversations all reports should be on schedule. Mr. Johnson said the water use data meeting planned August 17-18 will cover the annual water use reports and the next cumulative impact assessment. He added that the December meetings of the Regional Body and Compact Council will be in Columbus, Ohio on December 8, with meetings with the Tribes/First Nations and Advisory Committee beforehand. Details will be sent in advance of the meetings.

Opportunity for public comments.

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

Jennifer Bolger, Milwaukee Riverkeeper

Ms. Bolger reported that Milwaukee Riverkeeper is a member of the Wisconsin Compact Implementation Coalition, and has a long history of working on the Compact, including adoption and assisting the Wisconsin Department of Natural Resources in implementing. She said they've long advocated for strongest protections and do so again today, including a thorough legal, economic, and environmental review of any Compact issues. She said the public should be able to voice opinions and participate in this process. She added that the Waukesha application was the first such review and the process and decision will serve as a roadmap and precedent. Since Compact only provides procedural guideposts and not a process, she said they are working to ensure the Compact is upheld in future processes. She added this this was an arduous process, but we believe there are gaps and ways to improve the process in order to clarify material ambiguity. She urged the Regional Body to assess improvements and review suggestions from the Alliance for the Great Lakes.

Jacqueline Wilson, Canadian Environmental Law Association

Ms. Wilson reported that during the first diversion request, many lessons were learned. She said they supports the Regional Body and Compact Council conducting a full review of process, in particular the amount of public participation in the process and the ability to review new information. She added that the timing and funding for public interest, the opportunity for questions of applicant, and ability to observe meetings remotely are important for such future processes.

New Business

None

Other business.

Ms. Ekman proposed that a review of the application process be added as a future agenda item. She added that it should be specific to Waukesha with a focus on enforcement.

Mr. Travers said he echoes Ms. Ekman's statement on the review. He asked if improvements can be made to the process

A motion was made by Mr. Injerd to adjourn. Ms. Ekman seconded the motion. All members voted in the affirmative so the motion was approved and the meeting was adjourned at 1:30 p.m. CDT. 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.