



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING



LIESL EICHLER CLARK  
DIRECTOR

## MICHIGAN DAM SAFETY TASK FORCE MEETING

Virtual Teams Meeting

November 30, 2020, 1:00 PM–3:00 PM

### DRAFT MEETING MINUTES

#### Members Present

Melinda (Myndi) Bacon  
Liesl Eichler Clark  
Dr. Marty Holtgren  
Paul Malocha  
Bill Rustem  
Abby Watkins

John Broschak  
Dan Eichinger  
Dr. Dana Infante  
Tanya Paslawski  
Dan Scripps  
Glen Wiczorek

Dr. Bryan Burroughs  
Brett Fessell  
Douglas Jester  
Evan Pratt  
Dr. Stan Vitton  
Brad Wieferich (for Paul  
Ajegba)

#### Welcome and Task Force Business

##### Roll Call

The meeting commenced at 1:03 PM.

Evan Pratt welcomed members to the fourth full Michigan Dam Safety Task Force meeting.

##### Approval of the Agenda

Bill Rustem motioned to approve the November 30, 2020, meeting agenda, which Dr. Stan Vitton seconded. The motion passed.

##### Approval of the Draft Minutes

Bill Rustem motioned to approve the draft minutes from the October 21, 2020, meeting, which Dr. Bryan Burroughs seconded. The motion passed.

#### EGLE Dam Safety Program

##### EGLE Updates

Director Liesl Eichler Clark thanked the members and facilitators for their time on the project thus far. Clark noted progress on dam safety work from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), including interviews for new staff members and the Association of State Dam Safety Officials (ASDSO) recommendations the department can currently enact. Clark stated progress is being made in the Edenville community and shared the Four Lakes Task Force's transition to dam ownership. Evan Pratt acknowledged the process's



GRETCHEN WHITMER

GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

LANSING



LIESL EICHLER CLARK

DIRECTOR

expedient timeline and noted task force members would have time in the coming weeks to provide feedback on the recommendations if they were not ready to provide comments during today’s meeting. Pratt highlighted EGLE’s recent webinar, hosted by staff, to share repairs information with the public and provide space for public comment.

**Public Comment**

Elizabeth Riggs invited members of the public on the call to ask questions. Public comments were heard. Riggs thanked these members of the public for their comments and participation.

**Overview of Timeline and Working Group Activities**

Julie Metty Bennett echoed the director’s and chair’s comments, applauding task force members for their hard work and attendance across twelve subgroup meetings spanning two weeks, all before the holiday break. Metty Bennett explained the purpose of this meeting is to review subgroup recommendations and discuss cross-cutting issues (issues that came up in multiple subgroups and could not be addressed adequately in a single silo). Given the limited time for open discussion during this meeting, Metty Bennett noted the future meetings on December 17, January 13, and February 3 are no longer tentative and will be used to further refine and adopt these recommendations.

Metty Bennett welcomed each subgroup’s spokesperson to provide a five-minute overview of discussions to date in their subgroups.

**Working Group Status Reports**

Compliance, Enforcement, and Emergency Response

John Broschak provided the following report:

**Compliance and Enforcement**

- Seven ASDSO recommendations: three supported as is, four supported with revisions
- Topics discussed:
  - Prioritizing emergency dam intervention is key—dams requiring enforcement should not be limited by arbitrary numbers
  - Updating EGLE policies for progressive enforcement according to Michigan’s needs
  - Training new staff within 30–90 days of hire
  - Using Dam Safety Emergency Fund (DSEF) for emergency actions only (should not be diverted) and not for staffing

***Emergency Response***

- Five ASDSO recommendations: three supported as is, two supported with revisions, four new recommendations
- Topics discussed:



GRETCHEN WHITMER

GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

LANSING



LIESL EICHLER CLARK

DIRECTOR

- Narrowing emergency funding language to separate from dam funding
- Questioning how requirements will be met by dam owners unable or unwilling to make changes
- Suggesting inundation maps as part of Emergency Action Plans (EAPs) to help local emergency managers
- Identifying connections for emergency managers and outlining whose role it is to create EAPs (dam owners)

### **Legislation and Authority**

Douglas Jester provided the following report:

- Thirteen ASDSO recommendations: seven supported as is or with minor revisions, one partially rejected, five supported with major revisions, five new recommendations
- Topics discussed:
  - Using revolving appropriation and a general fund for DSEF funding, not supporting funding of DSEF using revenue from permit/licensing fees
  - Noting that various recommendations will not be effective unless the task force addresses dam owner responsibility (specifically, financial responsibility)
  - Establishing finite-term state licenses for dam operation and maintenance, which would require review to renew
  - Taking Federal Energy Regulatory Commission (FERC) licensing into account but amending license terms to fit Michigan regulations
  - Having EGLE determine if public dams satisfy financial responsibility (owned by U.S., State of Michigan, utilities, etc.)
  - Determining private owners' financial responsibility as determined by special assessment (tax) district

### **Permitting and Design Review**

Paul Malocha provided the following report:

- Six ASDSO recommendations: two supported as is, three supported with revisions, one rejected
- Topics discussed:
  - Awarding periodic engineering services contracts to dam safety officials
  - Developing standard format for engineering reports
  - Creating requirements for significant or low hazard dams to encourage dam owners to address hazard creep
  - Asking for clarity on nature of an independent review board
  - Adding statute language for an Operations and Maintenance manual requirement
  - Questioning usefulness/redundancy of an operator permit

### **Reevaluations, Inspections, and Surveillance Monitoring**

Glen Wiczorek provided the following report:



GRETCHEN WHITMER

GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

LANSING



LIESL EICHLER CLARK

DIRECTOR

- Six ASDSO recommendations: four supported as is, two supported with revisions, one new recommendation
- Topics discussed:
  - Requiring annual inspections for significant and high hazard dams
  - Establishing construction inspection checklists (purpose is to further bolster EGLE’s authority)
  - Requiring owners of dams located on multiple-dam river systems to coordinate a system-wide notification for deviation from normal operations in emergency situations
  - Noting that surveillance data is critical in monitoring dam safety/stability
  - Suggesting that dam owners should report operations irregularities to EGLE within 24 hours
  - Recognizing significant burden on EGLE staff and dam owners

**Outreach and Awareness/Safety and Security at Dams**

Tanya Paslawski provided the following report:

Outreach and Awareness

- Four ASDSO recommendations: two supported as is, two supported with revisions
- Topics discussed:
  - Including Dam Safety Program (DSP) icon on main EGLE webpage
  - Engaging consulting firms for event planning teams and as speakers at dam safety awareness seminars
  - Providing regular seminars (every two years) for EGLE staff
  - Developing written outreach and awareness plan and sharing with variety of entities/agencies

Safety and Security at Dams

- Two ASDSO recommendations: both supported with revisions
- Topics discussed:
  - Creating voluntary Safety at Dams initiative team to provide public information and develop multifaceted education program
  - Developing a program related to security, public safety, and dam awareness in collaboration with state and local officials

**Program Management, Funding, and Budgeting**

Bill Rustem provided the following report:

Recommendations Addressed by EGLE

- Twenty-eight ASDSO recommendations: 27 supported as is, one supported with revisions, one new recommendation (shifted from “addressed by subgroup” section)



GRETCHEN WHITMER

GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

LANSING



LIESL EICHLER CLARK

DIRECTOR

- Topics discussed:
  - Mostly administrative functions over which EGLE has authority

#### Recommendations Addressed by Subgroup

- Eight ASDSO recommendations: five supported as is, two supported with revisions, one rejected (shifted to “addressed by EGLE” section), one new recommendation
- Topics discussed:
  - Adopting risk-based approach for managing DSP
  - Creating revolving loan fund
  - Suggesting that Michigan dam-owner agencies should model responsible ownership (inventory assessment of state-owned dams, establish financial goals and annual budgets, etc.)
  - Creating a new emergency fund to fix issues owners fail to address (not to be used to pay for EGLE staff)
  - Developing a mechanism to enhance dam removal (priority on low-hazard dams with great potential to cause ecological damage)

#### Cross-cutting Topic Discussion

Metty Bennett encouraged task force members to discuss issues related to financing and licensing—these topics arose in multiple subgroups and could not be addressed adequately in individual silos.

#### **Financing**

Members noted EGLE needs to have authority to intervene when dam owners will not or cannot adequately maintain their dams. Some task force members proposed using tax assessment to force financial responsibility on dam owners, thus identifying which dams can continue to exist and which should be removed. Other members emphasized focusing on assessing higher priority dams, with some noting that dam categorization language should be modified to include “natural resource damage.”

#### **Licensing**

Members noted the possible redundancy of requiring dam owners to maintain a license and permit. In response, participants requested not getting preoccupied with semantics but to keep focus on limited-term permits that require assessment and renewal. Task members also mentioned addressing the issue of orphaned and legacy dams, raising the question of what type of mechanism or fund should be set up for incapable or absent dam owners. Other participants noted the importance of prioritizing higher hazard dams and how to grandfather dams into a new licensing model.



GRETCHEN WHITMER

GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

LANSING



LIESL EICHLER CLARK

DIRECTOR

### **Action Items and Next Steps**

Metty Bennett summarized the conversations by stating further work is needed to refine financing- and licensing-related recommendations. Metty Bennett reminded task force members that they will engage in recommendations voting at the upcoming December 17 meeting. Public Sector Consultants will refine the recommendations; Metty Bennett invited task force members to provide suggestions for improvements in the meantime. Metty Bennett noted the FERC presentation is scheduled for December 1, 2020, and encouraged task force members who cannot attend to send questions ahead of time.

### **Closing Remarks**

The next full task force meeting is scheduled for Thursday, December 17, 2020.

The meeting adjourned at 3:00 PM.