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DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

MICHIGAN DAM SAFETY TASK FORCE MEETING

Virtual Teams Meeting
September 8, 2020, 1:00-3:30 p.m.

MEETING MINUTES

Virtual Attendees

Task Force Members:

Paul Ajegba
Melinda Bacon (Myndi)
John Broschak
Bryan Burroughs
Liesl Eichler Clark

Dan Eichinger
Brett Fessell
Dr. Marty Holtgren
Dr. Dana Infante
Douglas Jester
Jim Kochevar
Paul Malocha
Tanya Paslawski

Evan Pratt
Bill Rustem
Dan Scripps
Dr. Stan Vitton
Abby Watkins
Glen Wiczorek

Welcome and Introductions

Meeting commenced at 1:00 p.m.

Liesl Eicher Clark, Director of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) welcomed everyone to the first meeting of the Michigan Dam Safety Task Force. She thanked the task force members for agreeing to serve.

Roll call was conducted for each task force member. The task force members introduced themselves and described their background and expertise relating to dams and dam safety. A list of members will also be available on the Web site. Liesl Clark also introduced the legislators who joined the meeting. Rep. Glenn introduced herself and appreciated everyone's expertise and looks forward to learning more at today's meeting.

Mission of EGLE and the Charge of the Task Force

Today's meeting was posted at Constitution Hall and the State of Michigan Edenville Dam Failure Website. The meetings will be recorded and posted on a new Web site called Michigan.gov/MIDamSafetyTaskForce. Liesl Clark reviewed the mission of the department to protect public health and the environment, and this mid-May catastrophic dam failures of the two dams in Midland underscores how critical that work is.

The charge of this task force is to look at the Michigan dam safety program and explore issues together and make recommendations to improve it. It was formed in the wake of the Edenville and Sanford Dam failures to provide recommendations on policy, budget, legislative and enforcement reforms to prevent future dam failures across the state. The Association of State Dam Safety Officials (ASDSO) Dam Safety Program review will inform the Task Force's findings.

Liesl Clark further indicated that the Task Force's deliberations will complement three other in-depth internal and external reviews: an independent forensic investigation into the dam failures, an outside review of the state's Dam Safety Program and an evaluation of the remaining portion of the Edenville Dam.

In advance of the meeting, the Task Force was provided the EGLE report to Governor Gretchen Whitmer "[Preliminary Report on the Edenville Dam Failure, Response Efforts, and Program Reviews](#)" summarizing the department's actions during and following the failures of the Edenville and Sanford dams, and outlining the status of reviews of the state's dam safety operations.

Task Force Organization and Task for Business Agenda:

A motion was called by Evan Pratt and seconded by Douglas Jester to approve the agenda for the September 8, 2020 meeting. The motion passed.

Upcoming Meeting Schedule:

A draft meeting schedule was sent to the task force members for review. It was recommended that the meetings be held every three weeks for two hours, recognizing there may be times when a meeting may need to occur longer. All meetings will be held by Teams due to COVID-19 and no in-person meetings or in-person public comment period. The final meeting schedule will be posted on the Mi Dam Safety Task Force Web site once created and available.

A motion was called by Bill Rustem and seconded by Douglas Jester to adopt the proposed meeting schedule for the remainder of 2020 and early 2021, as needed. The motion passed.

Governance Document:

The Dam Safety Task Force Governance draft document was discussed. The Governance document consists of several categories such as: 1) Regular Meetings; 2) Special Meetings; 3) Public Meetings and Record; 4) Public Appearance; 5) Public Notices of Meetings; 6) Quorum; 7) Voting; 8) Delegation of Appointment; 9) Parliamentary Authority; 10) Agenda; 11) Recording the Proceedings; 12) Chairperson' 13) Chairperson Duties; 14) Vice Chair Duties; 15) Secretary Duties; 16) Task Force Duties; 17) Staff Support and Budget; 18) No Compensation of the Task Force Members; 19) Amendments; and 20) Dissolvement of the Task Force when the work has been completed.

The Task Force will evaluate the statutory structure, budget, and program design of the Water Resources Division Dam Safety Program, the adequacy of Michigan's dam safety standards, and the level of investment needed in Michigan's dam infrastructure. Its work will culminate in a report to Governor Whitmer and the Legislature summarizing its findings and recommending regulatory, financial, and programmatic improvements to help ensure Michigan dams are appropriately maintained, operated, and overseen to protect Michigan residents and aquatic resources.

A motion was made by Evan Pratt and seconded by Douglas Jester to approve a Michigan Dam Safety Task Force Governance document as discussed today. The motion passed.

Nominations for Chair, Vice-Chair, and Secretary

A motion was made by Douglas Jester and seconded by Bill Rustem to nominate Evan Pratt as Chair of the Michigan Dam Safety Task Force. Evan was approved unanimously.

At this time, Liesl Clark then handled over the order of the rest of the meeting to Evan Pratt as Chair.

A motion was made by Evan Pratt and seconded by Bill Rustem to nominated Douglas Jester as Co-Chair of the MI Dam Safety Task Force. Douglas was approved unanimously.

John Broschak nominated himself to the position of secretary and this was seconded by Dr. Marty Holtgren. John was approved unanimously.

EGLE Dam Safety Program

Liesl Clark introduced Dan DeVaun of EGLE to provide an overview of the Dam Safety Program. Questions will be taken only from the Task Force members regarding the presentations.

Program overview by Dan DeVaun, EGLE

EGLE Dam Safety Program inspector Dan DeVaun presented a PowerPoint presentation with information about EGLE's Dam Safety Program, its duties, budget, and enforcement powers as well as an overview about the condition of Michigan dams. He also discussed the statutes administered by the EGLE's Dam Safety Program, the definition of a regulated dam, and the hazard potential classification. Dan described the specifics of who to notify in the event of an impending or actual dam failure and emergency management plan requirements. He highlighted the inspection report requirements and condition assessments ratings. There are 85 state regulated high hazard dams in Michigan. Deficiencies are typically identified in an inspection report, and enforcement typically starts with a letter to the owner and proceeds to a notice of violation or order/emergency order. The detailed PowerPoint presentation will be made available on the Web site prior to the next meeting.

Dan further discussed the Federal Energy Regulatory Commission (FERC) interactions with the dams in Michigan (i.e., hydropower dams). The state of Michigan has no regulatory oversight of hydro dams until their licenses get revoked or surrendered. There are 92 FERC regulated dams.

A task force member asked for more information regarding the permit fees and budget of the program. Teresa Seidel, Director of the Water Resources Division described the permit fees collected and indicated that additional background can be provided. Some money is also provided by the Department of Natural Resources (DNR) via a

Memorandum of Understanding to provide inspections of DNR dams. Privately owned dams are inspected by their engineering consultants.

Task force members asked additional questions regarding the dam safety program, and in particular; the number of dams, municipally-owned dams, FERC responsibilities and relationships, an inventory of all dams, and clarification of the fees and inspections. There was also discussion of active remediation plans to get dam owners into compliance, tracking of compliance, funding limitations to owners, the transfer of licenses, ownership and responsibility, and design storm event and design storm flow. The number of known structures EGLE is aware of was also discussed, some which are regulated under Part 315 and others not (some non-Part 315 structures have not been inventoried). Additional comments were made relating to all the items it would take to improve the Dam Safety Program and to the costs of dams and maintaining them.

Liesl Clark introduced Luke Trumble of ELGE to provide an overview of the ASDSO Peer Review.

ASDSO Peer Review Committee Review by Luke Trumble, EGLE

Dam Safety Program inspector Luke Trumble presented a PowerPoint presentation and told the Task Force about an ongoing program review that is being conducted by the Association of State Dam Safety Officials' (ASDSO) Peer Review Committee. He described the ASDSO and what they do to improve dam safety. The review's purpose is to provide professional guidance to EGLE to improve the performance and management of the Dam Safety Program after evaluating its mission, objectives, policies and procedures. The ASDSO has completed 49 peer reviews of state dam safety programs, including Michigan in 2006 and 2020. They have completed four peer reviews of private owner dam safety programs and completed 18 reviews of federal dam safety programs.

The Peer Review Team has reviewed numerous documents provided by EGLE for the recent dam failures. The Peer Review Team has also reviewed resumes, position descriptions, and conducted virtual interviews with several EGLE staff. A preliminary oral report of findings and recommendations was provided to EGLE by the Peer Review Team on August 7, 2020 and a draft written report was submitted on September 4, 2020. The final report is expected to be available and shared with the Task Force for the next meeting. Luke's PowerPoint presentation will also be made available on the Web site prior to the next meeting.

After Luke's presentation, task force members had questions and comments and asked for additional clarification.

Future Agenda Items

Chairman Evan Pratt asked the task force members for additional future agenda items. Many indicated that they were using today to educate, observe and listen to the many items that will need to be worked on. Sincere gratitude was given to EGLE staff for their information and presentations today. Suggestions on future topics were received.

Public Comments

Liesl Clark reported that an email account will be developed for the future to receive public comment. This email will be posted on the Web site prior to or during the next meeting. Comments submitted via the email account will be shared with all MI Dam Safety Task Force members to consider as they gather and review information about dam safety.

Also, the new Web site will go live soon—the MI Dam Safety Task Force. Future agendas, minutes, meeting schedule, presentations, and other background will be on this Web site.

Public comments were heard. All were thanked for their comments and for participating.

Closing Remarks- Director Clark, EGLE

The next meeting is scheduled for October 1, 2020.

Meeting adjourned at 3:36 p.m.

Prepared by:

Mary Beth Thelen

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Department of Environment, Great Lakes, and Energy

Approved by the Michigan Dam Safety Task Force at its October 1, 2020 Meeting.