



GRETCHEN WHITMER

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



LIESL EICHLER CLARK

MICHIGAN DAM SAFETY TASK FORCE MEETING

Virtual Teams Meeting

October 1, 2020, 10:00 a.m.–12:00 p.m.

DRAFT MEETING MINUTES

Members Present

Melinda (Myndi) Bacon
Liesl Eichler Clark
Dr. Marty Holtgren
Jim Kochevar
Evan Pratt
Dr. Stan Vitton
Brad Wieferich (for Paul Ajegba)

John Broschak
James Dexter (for Dan Eichinger)
Dr. Dana Infante
Paul Malocha
Bill Rustem
Abby Watkins

Dr. Bryan Burroughs
Brett Fessell
Douglas Jester
Tanya Paslawski
Dan Scripps
Glen Wiczorek

Welcome and Task Force Business

Roll Call

The meeting commenced at 10:02 AM.

Liesl Eichler Clark welcomed members to the second Michigan Dam Safety Task Force meeting.

Meeting Format

Evan Pratt reviewed the meeting’s format. He stated dam safety officials would present a report, noting task force members would be able to ask questions following the presentation. Pratt reminded nonmembers they can ask questions about the report during the designated public comment portion of the meeting but that questions would not be able to be answered at that time. Pratt stated this is a public meeting and will be recorded and posted online.

Approval of the Agenda

Douglas Jester motioned to approve the October 1, 2020, meeting agenda, which Bill Rustem seconded. The motion passed.

Approval of the Draft Minutes

Jester motioned to approve the draft minutes from the September 8, 2020, meeting, which Myndi Bacon seconded. Paul Malocha stated he did not receive the Edenville dam failure report before the meeting, as the minutes noted. Clark responded the report was provided in an email, not as an attachment. The motion previously called and seconded passed.



Pratt specified each meeting's minutes will be posted on the task force website. He reminded participants it is acceptable to take a voice vote for agenda items. According to the applicable executive order, roll call votes will be taken when a vote is too close or if it is important to record each vote.

EGLE Dam Safety Program

EGLE Updates

Clark provided updates regarding ongoing dam safety work, including the Edenville Dam. The dam's owners waived their right to an administrative appeal on the recent emergency order and have not responded whether they will conduct the emergency work, meaning the State of Michigan will proceed with the work. AECOM, an engineering firm, is the contractor assisting with design efforts. EGLE has been conducting meetings with local units of government every other week to stay connected with local community members and will be holding future meetings. Clark shared construction will start in the fall to avoid spring storms.

Website Announcement

Pratt reminded meeting participants they can visit EGLE's website for dam safety updates and sign up to receive press releases and other updates via email. Pratt added this information is also shared via Twitter.

Association of State Dam Safety Officials Report Presentation

Pratt introduced representatives from the Association of State Dam Safety Officials (ASDSO), thanking them and EGLE officials for their hard work on the report. Pratt emphasized the important opportunity to reflect on Michigan's current dam safety procedures and related progress in this area. Pratt noted the ASDSO's report will be uploaded to the task force website after the meeting. Pratt reminded the group that, based on conversations from the previous meeting, the relevant documents are being consolidated and added to the website, including the 2006 ASDSO report.

Pratt also noted the task force is including Public Sector Consultants (PSC) moving forward to support the group's structure and to facilitate future conversations. The goal in bringing on PSC is to assist the task force with establishing recommendations, especially given time and funding constraints.

ASDSO representatives William Bingham, Robert Dalton, and Kenneth Smith introduced themselves, describing their backgrounds and expertise related to dam safety. They also mentioned a fourth representative, Dennis Dickey, who could not attend the meeting.

Bingham described the ASDSO and its work to improve dam safety. He noted the purpose of the report review is to provide professional guidance to EGLE for improving the performance and management of the Dam Safety Program (DSP) 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 in 2020. It has also completed four peer reviews of private-owner dam safety programs and 18 reviews of federal dam safety programs. Peer review teams consist of a state



or federal regulator, a consultant, and a dam owner. These teams evaluate a dam safety program relative to agency governing regulations, the national model DSP, and commonly accepted standards of practice.

Bingham shared a PowerPoint presentation that highlighted the report’s main points.

Report Executive Summary

- Current staff are dedicated, well-educated, and experienced engineers.
- The DSP is significantly understaffed to achieve its mission, as mandated by legislation, rules, and best practices. It is recommended that staffing include:
 - One engineering technician.
 - One full-time administrative support position.
 - One manager of the standalone Dam Safety Unit.
 - Two full-time enforcement officers dedicated to the DSP.
 - Three junior dam safety engineers.
 - Three senior dam safety engineers.
- Michigan has not adequately invested in dam safety for many decades.
- Rigorous enforcement is seldom used in relation to dam safety violations.
- Michigan’s dam inventory is aging well beyond its intended life and without in-depth re-evaluation.
- The DSP does not seem to be respected as a vital component of the EGLE.
- The Federal Energy Regulatory Commission (FERC) regulates 92 hydroelectric dams that are exempt from state dam safety regulation.

Recommendations

Bingham shared the ASDSO’s recommendations regarding legislation and authority, program management, resource allocation, funding and budgeting, human resources, permitting, design reviews, re-evaluations, inspections, compliance and enforcement, emergency response/action plans, files and records, outreach and awareness, and dam safety.

Categorization of Recommendations

Bingham shared that the method for categorizing recommendations does not necessarily relate to importance. Instead, it is based on staff size, the ability to address recommendations, how recommendations intersect, and how easy they are to implement. Bingham explained recommendations are categorized in Appendix N-2 and are ranked within the following categories:

- **Category one:** Requires immediate action, will take zero to two years to complete, easy to achieve with current staff, and does not require legislative action/rule change.
- **Category two:** Requires immediate action, will take one to three years to complete, and may require legislation/rule changes.
- **Category three:** Requires long-term actions, will take three to four years to complete, and may depend on prior completion of other recommendations.



Terminology Clarification

Smith clarified hazard classifications, explaining “high,” “significant,” and “low” are not related to the likeliness of dam failure but what happens if a dam fails. If a dam failure poses a high potential for loss of life or property, then it is classified as having a “high” hazard potential; if a dam failure poses possible infrastructure damage but low probability for loss of life or property, it is classified as having a “significant” hazard potential.

Smith explained “first filling” refers to the first time water is impounded behind a dam—when most failures occur.

Smith clarified only 4 percent of dams under regulatory control are owned by the federal government, noting most of the 95,000 dams in the U.S. are regulated by state programs. Further, while many people assume dams are government owned, 60–75 percent of dams across the U.S. are privately owned. Smith stated lack of funding is the most common barrier for these owners in maintaining and rehabilitating dams.

Discussion

Future Agendas/Focus Areas

Pratt thanked the ASDSO representatives for their presentation and dedication to the project. Pratt noted that, while natural resources and dam removal were not heavily covered in the report, they are topics the task force wants to examine in future meetings. Pratt then invited Julie Metty Bennett to introduce herself and discuss PSC’s role in the project before the question portion.

Metty Bennett introduced herself and her colleagues: Elizabeth Riggs, Erin Lammers, and Mark Coscarelli. She explained PSC’s role is to help facilitate discussions, noting the ASDSO report will accelerate this process significantly. Acknowledging the tight project timeline, Metty Bennett stated PSC would disseminate a field survey to task force members before the next meeting, using the categories outlined in ASDSO’s report. Any topics missing or not emphasized enough in the report can be identified in the survey. Metty Bennett described using the results to place participants into subgroups to review and finalize recommendations. After a few workgroup meetings, Metty Bennett stated PSC will synthesize this information into a final report.

Question Portion

Pratt invited task force members to ask questions and share their responses to the report.

Task force members asked questions regarding EGLE receiving FERC dam evaluation reports; where Michigan ranks nationally as a dam safety priority state; other states’ rigorous compliance models; independent review of complex dams’ engineering plans; how and to whom task members should submit written questions following the meeting; creating a contractor referral list prequalified by the Michigan Department of Transportation; types of entities who own dams; comparison of the 2006 ASDSO report to the 2020 iteration; list of high-hazard dams, their owners, and locations; collaboration models in other states related to dual regulation scenarios; requiring permits for unpermitted dams; creating an general dam emergency response plan; and implementation strategies.



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Public Comment

Riggs invited nonmembers on the call to ask questions. Public comments were heard. Riggs thanked these nonmembers for their comments and participation.

Closing Remarks

The next meeting is scheduled for Wednesday, October 21, 2020, at 10:00 AM.

The meeting adjourned at 12:34 PM to allow for productive discussion and to ensure all participants could ask questions.