

Water Use Advisory Council (WUAC) Meeting

Tuesday, April 13, 2021

1:00 p.m.- 3:00 p.m.

On Teams Hosted by the Department of Environment, Great Lakes, and Energy (EGLE)

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Phone Conference ID: 863 508 561#

MINUTES

1. Welcome

Bryan Burroughs, Co-Chair, Michigan Trout Unlimited, welcomed members and guests and shared the logistics for participation in the meeting. He noted he will be sharing the Chair role with fellow Chairs Campbell and Eggers who will also facilitate portions of the agenda. He then took roll call attendance of members and/or alternates and asked them to share the location they are participating from.

2. Roll Call

WUAC Members/Alternates Present:

Abbey Eaton, East Lansing, MI --Department of Agriculture and Rural Development (MDARD)

Brian Eggers, Saginaw, MI --AKT Peerless

Bryan Burroughs, DeWitt, MI Michigan Trout Unlimited

Christine Alexander, Okemos, MI --Department of Environment, Great Lakes, and Energy (EGLE)

Dave Hamilton, Hunting Island, SC --The Nature Conservancy Retired

Doug Needham, Okemos, MI --Michigan Aggregates Association

Frank Ettawageshik, Harbor Springs, MI --United Tribes of Michigan

Grenetta Thomassey, Petoskey, MI --Tip of the Mitt Watershed Council

James Clift, Deputy Director, Lansing, MI --EGLE

Jim Johnson, Holt, MI --Department of Agriculture and Rural Development (MDARD)

John Yellich, Paw Paw, MI --Michigan Geological Survey

Kelly Turner, Lansing, MI -- Michigan Agricultural Irrigators

Laura Campbell, East Lansing, MI/ Ben Tirrell, Charlotte, MI --Michigan Farm Bureau

Margaret Bettenhausen, East Lansing, MI --Michigan Attorney General

Mike Frederick, Lansing, MI/Buddy Sebastian, Springport, MI --Michigan Groundwater Association

Mike Gallagher, Richland, MI --Michigan Lake Stewardship Associations

Pat Staskiewicz—Grand Haven, MI/Clyde Dugan, Bath, MI --Michigan Section American Water Works Association

Rachel Proctor, Jackson, MI --Consumers Energy

Steve Kohler, Kalamazoo, MI --Kalamazoo River Watershed Council

Taylor Ridderbusch, Lansing, MI --Michigan Trout Unlimited,

Tom Frazier, Haslett, MI --Michigan Townships Association

Tom Zimmnicki, Lansing, MI --Michigan Environmental Council

WUAC Members/Alternates Absent:

Charlie Scott, Michigan Golf Course Owners Association
Jason Walther, Michigan Agricultural Irrigators
Jim Nicholas, Nicholas-H2O
Kyle Rorah, Ducks Unlimited
Michael Alamo, Michigan Chamber of Commerce
Nikki Ghorpade, Ducks Unlimited
Rich Bowman, The Nature Conservancy
Sue Hanf, Michigan Aggregates Association
Tammy Newcomb, Michigan Department of Natural Resources (MDNR)

Non-members present:

Andy LeBaron, Olive Township, MI EGLE
Anni Rise Paldan, Kalamazoo, MI Student at WMU
Caroline Leithen, Michigan Manufacturers Association
Christine Spitzley, Mason, MI OHM Advisors
Christopher Gothberg, Portage, MI EGLE
Clay Joupperi, East Lansing, MI EGLE
Dave Lusch, Lansing, MI MSU Retired
Emily Finnell, Okemos, MI, Office of the Great Lakes
Hannah Arnett, East Lansing, MI EGLE
Jacob Sauter, Michigan Groundwater Association
James Ostrowski, EGLE
Jerimiah Asher, Bath Township, MI IWR MSU
Jim Milne, Meridian Township, MI EGLE
Joel Henry, Haslett, MI Golder Associates
Mark Seamon, Saginaw, MI Michigan Soybean Committee
Nathaniel Shuff, Grand Ledge, MI EGLE
Ralph Haefner, Okemos, MI USGS
Teresa Seidel, EGLE
Todd Feenstra, Elkhart, IN Tritium Inc
Val Vail-Shirey, Lansing, MI Representative Julie Alexander

3. Approval of Agenda-Roll Call Vote
Burroughs called for approval of the agenda. With no objections or comments the agenda was approved by a roll call vote as presented.
4. Approval of Minutes-Roll Call Vote
Burroughs called for approval for the February meeting minutes. Needham noted spelling corrections which had previously been provided to staff. With these corrections the minutes were approved by a roll call vote.
5. Public Comment (3 Minute Limit)
There was no public comment at this time.

(At this time, Co-Chair Laura Campbell assumed role of meeting Chair.)

6. Next Step After Submission of Legislative Report

Campbell provided an update on the 2020 WUAC Report submitted to state leadership as required in December. The report was resent in January to assure it was not inadvertently missed during the holiday season. The Report was presented to the Michigan Ag Commission on March 10 and co-presented with EGLE on March 23 to the Senate Natural Resources Appropriations Subcommittee.

Campbell thanked everyone who sent letters in support of the Report recommendations. Campbell collected and sent a group of approximately eight letters to state leadership and an estimated ten additional letters were sent directly to legislators by supporters.

Burroughs has been contacting senate and house leadership seeking opportunities to testify to appropriate groups. The response has been limited but referrals have been made to relevant staff and committee chairs. The Committee continues to work to advance the Report requests.

Campbell noted good questions and reactions were received from Senate Natural Resources Appropriations Committee. She thanked everyone who provided answers to their inquiries. Campbell asked EGLE to share available information on next steps and/or budget updates. Alexander replied there have been no updates after sending the requested responses or budget information. Clift added it is expected that the subcommittees may be ready to put out recommendations as soon as next week. He had no updates on the Report. Campbell also noted the Report requests were presented as a package and she has not heard any indications that there is an interest in separating the requests individually at this time.

Campbell outlined the organizations that have shared support. Those who provided support in the group included: Jon Allan on behalf of University of Michigan; Tip of the Mitt Watershed Council; MDARD Director McDowell; Michigan Potatoes; and The Nature Conservancy. Separate letters were sent directly by Consumers Energy; Michigan Environmental Council (MEC) on behalf of several MEC members including: National Wildlife Federation, Tip of the Mitt Watershed Council, Michigan League of Conservation Voters, Great Lakes Council of Fly Fishers, Anglers of the Au Sable, Michigan Lakes and Streams, Michigan Resource Stewards, Healthy Pine River and For the Love of Water; Michigan Chamber of Commerce and Michigan Aggregate Association. Campbell noted she was happy to be able to share the broad support of this process with the legislators.

7. **Committee Chairs Reports**

A. Data Collection Committee

Burroughs reported two meetings have been held this year and more are scheduled. The update at the February Council meeting covered activities of the first meeting. The second meeting focused on information from other states on adverse resource impacts. The Committee intends to keep working on identified items especially reviewing data collection and use protocols. Milne added Wisconsin DNR recently released their Central Sands Lake study draft for public comment. They have a good website with valuable information and Milne is happy to provide the link to anyone who is interested. Zimnicki added the next meeting is on April 28 and will be combined with Models Committee and a representative from Oil and Gas Division for discussion around PFAS work and high-level assessments

around groundwater and groundwater plumes. It is an opportunity to see how other divisions are working on and tracking quality groundwater issues. The meeting is open to anyone with an interest.

B. Implementation Committee

Needham summarized the Implementation Committee's Focus for 2021:

- The Committee met March 9 to discuss what should be focus of the committee. Not every item identified in 2014 Report made it into 2020 report. Committee will review those items and determine if they should be moved forward.
- The Committee is tracking the status of the items in the 2020 WUAC report. They recognize some items do not need legislative support and are currently being worked on.
- The Committee continues to compile a list of items to be addressed in the 2022 WUAC report.

Committee's Action Steps Moving Forward

- Review the matrix that was developed for the December 2014 WUAC Final report with a focus on the lower tiered items for potential future action. Council members are asked to contact the Committee if they believe there is something from 2014 that should be addressed.
- Develop a matrix for the 2020 WUAC report and start tracking items that are being addressed along with the status of the items.
- Start compiling a list of items to be addressed in the 2022 WUAC report.

The next Committee Meeting will be on June 24, 2021 at 9 a.m.

C. Models Committee

Hamilton shared the Committee has a work group that has been reexamining the Water Withdrawal Assessment Tool (WWAT). It was reviewed in 2014 and after examining 30 locations around state and it was determined not to make changes to the WWAT. After this reexamination, the work group believes there should be some changes due to improved methodologies. Hamilton shared there is a group in British Columbia who took the work of this group and improved it. The work group is seeking someone to rerun the 30 examples to increase understanding and confidence in recommendations made back to the Council. If someone has staff or a student available to do this work, please let Hamilton know.

The Committee will also be starting a work group to study index flow and incorporate data sets dating back to 2008. Several people have volunteered if others are interested, please contact Hamilton.

D. New Topics Committee

Staskiewicz reported the Committee has not met since the February WUAC meeting but plan to meet at the end of the month. The goal of the meeting will be a discussion with Jeremiah Asher about recharge modeling and using tools to manage watersheds in crisis.

Lyndon Kelley from Michigan State University Extension (MSUE) has identified a need for potential input on ag water use reporting and posed bringing that question to this group. Campbell noted this is an ongoing issue for the two separate systems required for reporting by large water users. The ag system tends to have ongoing problems. Kelley noted there may need to be more fundamental considerations given to how this information is gathered in the first place. This may be a new topic for consideration by this Committee. A recommendation from Kelley, because his appointment is split between MSU and Perdue, is to see how Indiana collects their water information as their system works pretty well. He suggested Marc Bash as a potential presenter on how the Indiana information collection system works. Staskiewicz will follow up with Eaton and Johnson.

E. Conservation and Efficiency Committee

Finnell reported the Committee has been meeting monthly on the first Thursday 9-10:30 a.m. New members have joined since the last WUAC meeting including Kelly Green an administrator for water infrastructure financing at EGLE. The Committee has started a speaker series as part of their meetings to increase committee knowledge. In March, Kelly Green shared water infrastructure funding programs. In April, Julie Stablon presented funding programs and research projects for EGLE's climate, sustainability, and energy programs. Rachel Proctor from Consumers will present what utility companies are doing to conserve energy in power generation in May.

The Committee created a Water Conservation Measures Review Process Subgroup. The first meeting was on April 6. They will review the water conservation measures that were approved in 2009 and develop a process for sectors to update their water conservation measures if needed.

The University of Michigan Dow Fellow Project Team are currently refining a scope of work on water infrastructure climate energy and sustainability programs and how they can better help us address some of the conservation efficiency goals and objectives.

Office of the Great Lakes is promoting another Great Lakes and Fresh Water Week, June 5-13, 2021 which will include another free fishing weekend, water literacy, appreciation, education, recreation and hopefully water conservation strategies.

(At this time, Co-Chair Brian Eggers assumed role of meeting Chair.)

8. EGLE Update

Finnell shared the Michigan Sea Grant closed their request for proposals process for the integrated assessment request that would support the Water Users Committee manual development and case study as an integrated assessment project. The pre-proposal process was completed the end of last week. The next step in the process is for Sea Grant to review all those peer reviews and then invite the applicants to submit a full proposal which will be due May 24th. There will then be a final review and selection with their review team which will then be sent on to NOAA in September for final approval.

Milne reported the EGLE Environmental Services Division is developing a communications plan for the regulated community and the general public. They are meeting with staff from the EGLE Communications Office, Office of the Great Lakes, and Water Use Program staff. Once the plan is developed, they will reach out to key stakeholder groups to partner on outreach. The group is reviewing the use of newer tools such as infographics and story maps.

The EGLE Water Use Assessment Unit has received approval to fill the two vacant SSR positions and the senior geologist position to assist in modeling. Interviews are scheduled throughout most of April.

During the first quarter of 2021, 157 LQWs were authorized through the WWAT and 70 LQWs were authorized by SSRs. 83 SSR requests were received during this period, 70 were authorized, 3 were denied, 6 were retracted by the applicant, and the other 4 SSRs are still pending.

Milne shared graphs showing cumulative trends over time. It takes an average 7.3 business days to complete an SSR. Eighty-four percent of SSRs are completed within 10 business days. Timeliness trends are leveling off but hopefully those trends will continue to improve after the vacant positions are filled and new staff is brought up to speed.

Eight depleted WMAs are currently in Zone D. Recently, multiple WMAs have been added to this list due to index flow reviews which have found less flow than the tool predicted. Milne shared a table that showed an allowable depletions column illustrating the maximum allowable depletions based on the stream temperature classification. For example, 4% of the index flow for a cold-transitional stream and 24% of the index flow for a warm stream. This information was current as of April 5, 2021.

Milne shared compliance metrics figure totals for the period between January 2021 and the end of March 2021. He noted amended registrations are for LQWs that were installed and/or operated differently than were authorized by the WWAT or SSR where there was stream flow available to authorize the as built/as operated LQW. After the fact registrations are issued when there is enough stream flow available to authorize unregistered LQWs after the fact. Missing pump information compliance communications are sent for well logs that are missing pump information, usually because the property owner installs the pump sometime after the well was completed (e.g., horizontal wells). Differences between Ohio and MI regulations and the advantages to businesses in Ohio v. the focus on the protection of natural resources in Michigan were also noted and discussed.

Compliance Communications

- Amended registrations 91
- After the fact registrations 41
- Missing pump information 37
- Registration install verification 13
- First Violation Notices 11
- Second Violation Notices 0
- Violations Closed 3
- Complaints Received 2

Hamilton asked how many total violations are outstanding, what are the nature of the violations and how are they closed? Examples of violations include pumping more than authorized, unregistered withdrawals that cannot be authorized, withdrawal and operation not as authorized, failure to report water use, and adverse impacts. Arnett reported the current total number of violations is approximately twenty-two. Most are resolved by a reduction in pumping schedule or people quit using the well, so they are abandoned.

Jill Van Dyke performs pre-screening reviews (basically SSRs) for EGLE Drinking Water and Environmental Health Divisions for proposed new or increased Type 1 Municipal Water Supply capacity. The Safe Drinking Water Act requires new or increased Type 1 water supplies to also meet the Part 327 standards for not causing adverse resource impacts.

Statistics for January through March 2021:

- Passed: 9 Pre-screening requests
- Denied: 0 Pre-screening requests
- Retracted: 0 Pre-screening requests

Five of the pre-screening reviews were Zone A, 3 were Zone B, and 1 was Zone C (Village of Kaleva, Manistee County).

As part of his responsibilities, LeBaron has issued one Part 327 permit between January and March 2021 for construction dewatering for a sewer project on 14 Mile Rd. in Salem Township. Part 327 permits are required for new or increased LQWs > 2 MGD. Additional data:

- Pigeon River, WMA 15183, Ottawa County
 - USGS gage at 120th Ave.
 - Miscellaneous measurements upstream of gage
- Michindoh Aquifer
 - Branch, Hillsdale, & Lenawee Counties
 - USGS Ohio study
 - Coordination w/ USGS MI & OH, MGS
 - Legislative funding

USGS installed a stream gage at the 120th Avenue crossing at the mouth of WMA 15183 in 2017. Summer low flows dropped below the level where an ARI is likely in 2017-2020. WRD staff collected miscellaneous stream flow measurements at multiple road crossings upstream of the 120th Avenue gage in 2020. Staff will return to collect additional miscellaneous stream flow measurements again in 2021. WRD has ongoing efforts to bring multiple violations of Part 327 back into compliance.

The Michindoh Aquifer is a glacial aquifer underlying portions of Branch, Hillsdale, and Lenawee Counties, and extends into portions of northeast IN and northwest OH. Artesian of Pioneer had proposed installing high-capacity wells in the Michindoh Aquifer in Ohio to provide drinking water to some of the Toledo suburbs. This proposal is currently inactive. USGS Ohio staff have federal funding to install monitor wells, conduct aquifer testing, and collect groundwater elevation data in monitor wells in Indiana, Ohio, and Michigan. Michigan's legislature has also

appropriated funding for additional data collection in Michigan. EGLE, USGS Michigan and Ohio and the Michigan Geological Survey have begun meeting to coordinate our data collection efforts. Michigan's funding will likely be spent over 2-3 years. The scope of work may include some or all of the following: drilling monitor wells, aquifer testing, geophysical surveys, geologic mapping, and stream flow measurements. USGS may also create a groundwater model for the Michindoh Aquifer.

Milne shared a slide showing USGS Gage 04108862 Daily Discharge for the Pigeon River at 120th Avenue. The index flow is 6 cfs (median flow value during the lowest flow month, typically August or September). In this reach, the Pigeon River is a warm stream, so the allowable depletion is 24% of the index flow. Stream flow below 4.56 cfs (76% of the index flow) indicates a possible adverse resource impact. The stream gage was installed in 2017. The flow dropped below 4.56 cfs in the summer months from 2017-2020.

As indicated on the slide 37, thirty-nine road crossings were identified in WMA 15183. The USGS stream gage is located at the 120th Avenue crossing shown as number 6 on the map shared in the PowerPoint. Staff collected miscellaneous stream flow measurements when there was sufficient flow, took photographs, and documented the site conditions. EGLE staff will continue collecting miscellaneous stream flow measurements between April and October 2021.

The Michindoh Aquifer boundaries, as delineated in an application for a sole source aquifer designation, were shown on slide 38 in red. USGS has some stream gages located just over the border in Ohio in Maumee River tributaries whose headwaters originate in Michigan. The location of one existing USGS monitoring well is also shown.

Campbell asked why and how long do the SSRs not done in 10 days take? Joupperi said this is being reviewed and this metric can be provided. Campbell said it would be helpful in figuring out ways to move these forwards. Eggers asked why six applications that were withdrawn and were they withdrawn for similar reasons? Joupperi said usually they are retracted because they are likely to be denied. One applicant submitted two requests for same withdrawal. In another example a son took over farm and decided to reregister all the withdrawals his father had registered resulting in duplicate registrations. Milne said the information can be compiled and shared. Lusch asked if there has been any movement in locals creating water user committees. Staskiewicz shared that Ottawa County has created a groundwater board but the mission is currently unclear. First meeting is scheduled for April 30.

Teresa Seidel asked in the chat "Jim can you show the graph of over time the reduction in time to complete SSRs.? A few years back it was taking EGLE 60 + days on average to complete SSRs. In a few years, and additional staff, EGLE now is routinely, 84% of the time, meeting the statutory 10-day timeframe." In response, Milne reviewed SSRS graph.

Lusch asked if it is clear from the four years of data shown in the waterfall graph what the total cumulative reduction in pumping would have to be in order to eliminate adverse resource impact? Milne referred to slide 29 and indicated he does not believe at this point there is an answer. LeBaron noted the theoretical number could be calculated using the same methodology used in the tool. It could be recomputed backwards to come up with a theoretical ARI threshold. Lusch suggested doing the computation in advance of potential inquiries.

9. Next Meeting Dates and Formats

Eggers noted the next WUAC meeting will be held on Teams on June 8, 2021. Additional 2021 WUAC meetings will be held on August 10, October 12, and December 14.

10. Open Comments (3 Minute Limit)

There were no comments.

11. Motion to Adjourn

It was MOVED by Needham and SUPPORTED by Ettawageshik to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

DRAFT