

Water Conservation and Efficiency Goals & Objectives

Date: May 12, 2009

Subject: Issues Related to Water Conservation & Efficiency Goals & Objectives based on Comments Received by April 10, 2009

Attached is the above-referenced document for your review. The draft Goals & Objectives should be considered preliminary and incomplete. The general public is invited to email their comments to: compactcoordinator@dnr.state.oh.us

**ISSUES RELATED TO WATER CONSERVATION & EFFICIENCY
GOALS & OBJECTIVES BASED ON COMMENTS
RECEIVED BY APRIL 10, 2009**

Compiled by staff with the ODNR, Division of Water
May 6, 2009

**CONTEXT FOR DEVELOPING WATER CONSERVATION GOALS &
OBJECTIVES AND A WATER CONSERVATION & EFFICIENCY PROGRAM**

Section 4.2 of the Great Lakes-St. Lawrence River Basin Water Resources Compact (the Compact) requires each Great Lakes state, by December 2010, to develop Water Conservation & Efficiency Goals & Objectives, and to develop and implement a Water Conservation & Efficiency Program for all (including existing) water users within the Great Lakes Basin. Thereafter, each state is required to annually assess its program in meeting its Goals & Objectives.

Pursuant to Section 4.2 of the Compact, each state is committed to promote environmentally sound and economically feasible water conservation measures, such as: (a) measures that promote efficient use of water; (b) identification and sharing of best management practices and state of the art conservation and efficiency technologies; (c) application of sound planning principles; (d) demand-side and supply-side measures or incentives; and, (e) development, transfer and application of science and research.

Ohio Revised Code (ORC) §1522.05 prohibits the Governor, the Ohio Department of Natural Resources (ODNR), or any other state agency from adopting rules or implementing any mandatory program governing water conservation & efficiency pursuant to Section 4.2 of the Compact unless the General Assembly enacts legislation authorizing the implementation of the program or adoption of rules. The Governor, the ODNR, or any other state agency may adopt rules concerning and may implement voluntary water conservation & efficiency programs without authorization from the General Assembly. Such voluntary programs can not include any mandatory requirements.

The Advisory Board, created pursuant to Section 3 of Am. HB 416, has been convened for the purpose of developing recommendations for legislation necessary to implement and effectuate the requirements and purposes of the Compact. The Board's recommendations are to address (among other things) the establishment of conservation objectives with respect to the Compact and the development of the state's water conservation & efficiency program.

Based on the comments received, there are several issues related to water conservation on which there appears to be general agreement. Also, there seems to be a general reluctance to discuss the Goals & Objectives outside the context of the activities that will comprise the program to be developed and implemented pursuant to the Goals & Objectives. Discussion regarding the development of the Water Conservation &

Efficiency Program will, therefore, be incorporated into the discussion regarding the development of Goals & Objectives.

Issue 1: Ohio's Lake Erie Basin Water Conservation & Efficiency Goals & Objectives should be more specific than the Regional Goals & Objectives and should set out specific activities that will be part of the implementation plan.

Comments were received recommending that worthy-sounding but vague Goals & Objectives should be avoided; instead, they should be specific, measurable, achievable but challenging, realistic, and bound to specific time frames. They should take into account the unique nature of Lake Erie. They should recognize differences among water use sectors and acknowledge that a "one size fits all" approach is not appropriate. They should be specific enough and clear enough to allow a jurisdiction and its public to assess whether its program is really working, and should include provisions for periodic review and evaluation to ensure that conservation measures and other program elements are cost effective and provide actual benefit.

Issue 2: Ohio's Lake Erie Basin Water Conservation & Efficiency Goals & Objectives should acknowledge the importance of promoting economic development in balance with resource protection.

Comments were received recommending that the Goals & Objectives should emphasize the promotion of environmentally sound and economically feasible water conservation measures as referenced in Section 4.2 of the Compact. They should acknowledge the importance of facilitating economic development & agriculture and protecting private water use rights. They should serve to encourage ongoing sustainable economic investment by utilizing Ohio's abundant water in a manner that protects the resource and promotes our water resource as a competitive advantage to encourage companies to move here. They should acknowledge the need for Ohio to remain economically competitive, attracting new jobs and retaining existing jobs while protecting our water resource.

Issue 3: Ohio's Lake Erie Basin Water Conservation & Efficiency Goals & Objectives should acknowledge the role of science and recognize the need for improved water planning, monitoring, and information collection, enhanced research activities, and expanded technology transfer.

Comments were received recommending that the Goals & Objectives should include consideration of how water is used, consumed, and recycled. They should promote flexibility in identifying, encouraging, and implementing appropriate conservation measures in various water use sectors. They should acknowledge the "place-based" nature of water use (i.e., that withdrawals from different sources have different impacts). They should acknowledge the need to identify appropriate methods for determining sustainable levels of water withdrawals, focused on maintaining Lake Erie levels and/or baseline flows in streams and levels of inland lakes and wetlands. They should acknowledge the need to formulate a plan for sustainable water use, including actions needed to adapt to climate change (given the uncertainties of the current climate models,

the plan should be flexible in order to respond to future findings relevant to climate change). They should provide for reliable mechanisms to measure the effectiveness of conservation measures and ensure they are useful, efficient, and cost effective.

Issue 4: There appears to be considerable disagreement regarding whether the Goals & Objectives and the subsequent implementation program should include mandatory water conservation measures.

One comment received noted that voluntary measures will be more acceptable to the public and the business community, particularly if appropriate incentives can be identified to encourage the use of such measures. Several others recommended clearly and forcefully that the Goals & Objectives should reflect a program comprised expressly and exclusively of voluntary measures.

Other comments received recommended that the Goals & Objectives should adopt targets for reducing water use and improving water loss rates by specific percentages within specific time periods, both for water use overall and for each water use sector, as well as “best management practices for conservation & efficiency” for each water use sector to be employed by water withdrawers.

ORC §1522.05 prohibits the adoption of rules or the implementation of any mandatory program governing water conservation & efficiency pursuant to Section 4.2 of the Compact without additional authorizing legislation, but allows for the adoption of rules and the implementation of voluntary water conservation & efficiency programs that do not include any mandatory requirements.

The Advisory Board will be presenting its final recommendations by June 2010. Ohio is required to develop Goals & Objectives and implement a Water Conservation & Efficiency Program for the Lake Erie Basin by December 2010. In the absence of legislation enacted prior to December 2010 that directs otherwise, it is ODNR’s intention to proceed with the development of its initial Goals & Objectives and Water Conservation & Efficiency Program based on the existing statute (i.e., as a voluntary program only, with no mandatory requirements).

The Advisory Board will need to further discuss whether it should recommend legislation authorizing mandatory water conservation measures and programs.

PRELIMINARY GOALS & OBJECTIVES FOR A LAKE ERIE BASIN WATER CONSERVATION & EFFICIENCY PROGRAM

Consistent with the comments received, proposed preliminary Goals & Objectives for Ohio’s Lake Erie Basin Water Conservation & Efficiency Program have been reformulated entirely and not based on revisions to the Regional Goals & Objectives. Consistent with the current statute, the proposed Goals & Objectives reflect a voluntary

water conservation & efficiency program. As such, they are subject to revision should additional legislation be enacted based on Advisory Board recommendations.

Along with proposed Goals & Objectives, suggested “actions” have also been included for the objectives listed, in order to facilitate discussion and provide focus on how each objective may translate specifically into an implementation program. In the completed plan for an implementation program, these actions should include a time component (i.e., the time frame within which the action is to be completed). It should also be recognized that many of these actions may require public funding that has not yet been obtained or requested, though this should not necessarily preclude the Advisory Board from recommending them if they are considered appropriate.

The following list should be considered preliminary, incomplete, and in need of considerable additions and revisions.

Proposed Preliminary Goals & Objectives

Goals

1. Promote environmentally sound and economically feasible water conservation measures to protect Lake Erie Basin water resources while facilitating economic development
2. Develop and implement education programs related to water conservation
3. Incorporate water conservation elements into the state’s regional water planning program
4. Expand research and information sharing efforts related to water conservation

Objectives

Identify and promote practices that result in more efficient use of water

Action: Identify and develop lists of conservation measures and best management practices related to improving water use efficiency appropriate for each water use sector

Action: Construct a water conservation webpage on the ODNR website, include the lists of conservation measures and best management practices on the website, and promote the website to water withdrawers and the general public

Action: Identify and share on the website reports of innovative technologies for water conservation and reuse; promote other water conservation & efficiency websites

Action: Conduct presentations in collaboration with professional organizations to promote identified water conservation and efficiency practices and technological applications

Educate and increase awareness regarding the importance of water, water use, and conservation

Action: Continue the Ohio Project WET Program and certify an additional 10 Project WET facilitators each year

Action: Continue the Ohio Healthy Water, Healthy People Program and certify an additional five Healthy Water, Healthy People facilitators each year

Action: Conduct an Advanced Project WET workshop on water conservation, providing the Conserve Water Guide

Action: Update and expand the Water Conservation Works ODNR publication and promote it as an adult education tool to environmental educators and the general public

Update the analyses needed to support a Lake Erie Basin Regional Water Management Plan, in order to encourage the orderly development, management, and conservation of water resources

Action: Formulate long-term water use forecasts for the various use sectors, determine potential water supply deficits, and identify potential water supply development and/or conservation projects

Action: Assess the potential for conserving and managing existing water sources so as to delay the need for developing additional supplies

Action: Incorporate climate change elements into the Regional Water Management Plan, and formulate alternate water use forecasts based on climate change scenarios

Encourage research, development, and implementation of water use & efficiency and water conservation technologies

Action: Encourage the Great Lakes Protection Fund to provide funding for research designed to strengthen scientific understanding of the linkages between water conservation practices and ecological responses