

Kasich signs law requiring permit for withdrawing Lake Erie water

Measure limits amounts businesses can draw

AARON MARSHALL
Plain Dealer Bureau

COLUMBUS — Gov. John Kasich signed legislation Monday establishing the first permitting program for water withdrawals from Lake Erie.



Kasich

Monday's action ends a long voyage for the Lake Erie water usage bill, which lawmakers battled around for months last year before sending to Kasich, only to have the Republican governor issue a rare veto.

GOP lawmakers went back to square one this year and eventually found common ground with Kasich by lowering the amount of water needed to trigger permits. But environmentalists, charter boat captains and angler groups said the bill still does too little to protect the warmest and shallowest of the Great Lakes and could end up being harmful. Kasich's autograph on House Bill 473 means that in 90 days, Ohio law will limit the amount of water businesses can draw from the lake or its tributaries without a permit.

Businesses that want to make withdrawals exceeding 2.5 million gallons a day from Lake Erie, 1 million gallons a day from rivers and streams feeding the lake and 100,000 gallons a day from streams defined as "high-quality" will have to obtain permits.

SEE WATER | A4

WATER

FROM A1

Kasich signs Lake Erie bill

Those thresholds are lower than those in the bill rejected by Kasich, which had limits of 5 million gallons for Lake Erie, 2 million gallons for rivers and streams and 300,000 gallons for high-quality streams.

Kasich quietly signed the bill Monday without a public ceremony and, in an unusual move for a bill of this importance, his office issued no statement, directing reporters to an Ohio Department of Natural Resources fact sheet summarizing the legislation. The summary says the bill takes "a strong approach to protecting Lake Erie waters" and sets "environmentally responsible" permit thresholds.

Ohio needed to pass a program establishing withdrawal limits by a December 2013 deadline to comply with the multi-state Great Lakes Compact, which is designed to manage withdrawals from the fresh water lakes and limit the export of water outside the region.

Most majority-party Republicans supported the legislation in both the House and the Senate.

But some environmentalists and Lake Erie fishing groups said Monday that Kasich was wrong to

sign the legislation.

"Unfortunately, mining, drilling and bottling companies have undermined the interests of millions of anglers, boaters and the countless fish and wildlife that depend on a healthy Lake Erie," said a statement from Kristy Meyer, director of agricultural and clean water programs at the Ohio Environmental Council. "The Great Lakes Compact constructed a roadmap for the states to follow its protective directions, but Ohio has chosen a troubling detour."

Critics are particularly concerned that recreational users have no right to appeal a business' water use permit and that the thresholds that trigger the permits are measured with 90-day averages instead of daily averages. They see that as a loophole that would allow industrial users such as oil and gas drillers to withdraw millions of gallons over a few days without needing a permit.

Supporters have countered that the legislation requires the natural resources department to monitor water levels and look for adverse effects before they occur.

Former GOP governors Bob Taft and George Voinovich weighed in recently on the right-to-appeal issue, sending a letter to lawmakers urging them to give recreational users a voice in the water permitting process. Republicans said the provision

was designed to head off unnecessary lawsuits.

"A healthy Lake Erie and its rivers are vital to my livelihood," said a statement from Rick Unger, president of the Lake Erie Charter Boat Association. "The rivers provide critical habitat for prized sport fish. By not protecting the rivers from significant impacts there will be less walleye, steelhead and other prized sport fish for my customers to catch."

The bill's main sponsor, Rep. Lynn Wachtmann, a Napoleon Republican, has drawn controversy for sitting on the board of directors for the International Bottled Water Association and owning a bottled-water company that uses water from Lake Erie tributaries.

When he testified for the bill in March, Wachtmann said that significant compromises had been made since Kasich vetoed the first bill.

"It provides the strong protections we all want for the Lake Erie watershed," he testified. "At the same time, it ensures that our businesses can still grow and create the high-paying jobs associated with steel plants, utilities, farms and the many factories along Ohio's hard-hit industrial corridor."

To reach this Plain Dealer reporter:
amarshall@plained.com,
1-800-228-8272