

## Lake Erie water bill vetoed by governor

### Kasich says measure lacks clear standards

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Gov. John Kasich says House Bill 231 does not allow for sufficient monitoring of withdrawals or usage of Lake Erie water.

COLUMBUS -- Gov. John Kasich Friday rebuffed fellow Republicans and some of the business people who make up his base of support as he exercised the first veto of his administration, killing a bill that would have substantially increased unregulated water withdrawal from Lake Erie.

The governor urged the players involved to go back to the drawing board to address issues raised by other Great Lakes states, two former Ohio governors, members of Congress, and an array of environmental organizations.

"Lake Erie is an incredible resource that demands our vigilant stewardship to maximize its environmental, recreational, and commercial potential for Ohioans," Mr. Kasich said.

"While most of [House Bill 231] fulfills Ohio's obligations without concern and helps meet the needs of Ohio's industrial, energy, and agricultural water users, portions of it must be improved," he said. "Namely, Ohio's legislation lacks clear standards for conservation and withdrawals and does not allow for sufficient evaluation and monitoring of withdrawals or usage."

The bill was pushed to his desk almost exclusively with Republican votes and with the backing of groups like the Ohio Chamber of Commerce that have been strong Kasich supporters. It was even backed by Mr. Kasich's own Department of Natural Resources.

The measure spelled out how Ohio would live up to its part of the Great Lakes-St. Lawrence River Basin Water Resources Compact approved by Ohio, seven other states, two Canadian provinces, and Congress.

Ohio had proposed the highest water-withdrawal thresholds of any Great Lakes state before a user must receive a permit. Power plants, steel mills, major manufacturers, farms, and municipal water companies

could have withdrawn up to 5 million gallons a day if taken directly from the lake, 2 million if taken from ground or other inland sources elsewhere within the watershed, and 300,000 gallons for streams already designated as high quality.

By comparison, the current limit is 2 million gallons of net water usage, the amount of water taken from anywhere within the watershed that is not later returned to the watershed.

Michigan's new threshold is 2 million gallons a day. Indiana's threshold for direct withdrawals from Lake Michigan is 5 million, but it has lower thresholds than Ohio for elsewhere in the watershed.

"Thank you, Gov. Kasich, for not being afraid to do the right thing," said Kristy Meyer, of the Ohio Environmental Council. "It was a sad day when such an unbalanced bill got all the way to the governor's desk. But it's a brighter day now that Gov. Kasich has flashed his veto pen."

Both chambers could conceivably vote to override the veto. Sixty representatives originally voted for the bill in the House, the exact number needed for an override, and 28 senators supported it in the upper chamber, where just 20 are needed.

But Senate President Tom Niehaus (R., New Richmond) sounded a conciliatory note after first voicing disappointment that members of the Kasich administration who were at the table as the plan was developed had not raised red flags sooner.

"We are prepared to go back and work with the governor and business community to address any lingering issues and pass a bill that not only protects Lake Erie, but also allows us to use this great natural resource to attract business and grow jobs," he said.

Jen Klein, director of energy and environmental policy for the Ohio Chamber of Commerce, said the business coalition was disappointed with the veto.

"We certainly recognized that there was a plethora of articles misrepresenting parts of the legislation, which would have complied with the compact, was protective of the resource, and still allowed for job creation and economic development," she said. "We still believe that."

The compact started out as a way for the region to join forces to prevent other parched areas of the nation or countries from diverting or removing Great Lakes water for their purposes. It gave each state leeway, however, to develop its system for governing internal use of water for industrial, municipal, and other purposes.

In recent days, Mr. Kasich heard increasingly from other states that raised concerns that the high water thresholds and a lack of emphasis on water conservation would undermine interstate cooperation and potentially lead to litigation.

Two former Ohio Republican governors, Bob Taft and former U.S. Sen. George Voinovich, had urged the state to slow down, noting that it doesn't face a deadline for action until late 2013, when the compact's default threshold limit of 100,000 gallons per day would kick in.

Rep. Dennis Murray (D., Sandusky), who has offered his own bill containing lower thresholds, applauded the veto.

"I think big business pushed this under the cover of the budget, which is essentially the cover of darkness," he said.

"I knew, if the particulars of the bill were thoroughly vetted by the General Assembly, they would recognize that it doesn't comply with the compact. They figured there wouldn't be sufficient time for people like Voinovich and Taft and governors of neighboring states to analyze it and weigh in on it.

"But they picked up the ball quickly and did what I was trying to do, let the governor know this didn't comply with the compact," Mr. Murray said. "Their strategy almost worked."

Rep. Lynn Wachtmann (R., Napoleon), the bill's sponsor, could not be reached for comment.

But Sen. Tim Grendell (R., Chesterland), sponsor of a similar bill in the Senate, expressed deep disappointment in the loss of two years of work.

House Bill 231 "truly is a 'jobs bill,' " he said.

"Indiana allows businesses to drain up to 5 million gallons per day from Lake Michigan without being subject to permitting requirements. Representatives of ODNR and the Kasich administration were included in the legislative process. I do not understand where this went off track."

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