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ENVIRONMENTAL GROUPS CHEER INDIANA DUNES EXPANSION BILL

On May 1st the House of Representatives passed legislation adding threatened dunes and wetlands to the Indiana Dunes National Lakeshore. On March 28 the House Interior Committee added significant acreage to separate bills introduced by Congressman Pete Visclosky (D-IN) and Congressman Jim Jontz (D-IN) sponsored amendments to add key areas. The final Interior Committee version of H.R. 3209 includes 3,400 acres, including corridors and study areas long sought for addition to the Lakeshore by environmental groups.

The most controversial addition was Crescent Dunes, an area now owned by Northern Indiana Public Service Company (NIPSCO). The original bill would have allowed NIPSCO to build luxury townhomes on this 35 acre site in exchange for donating the beach and beach access to the Lakeshore. The bill now extends the Park Service's option to purchase the parcel or establish an agreement with NIPSCO which would protect the area.

Environmental groups, led by Sierra Club and the Save the Dunes Council worked to persuade Visclosky that full protection of Crescent Dunes was critical to the Lakeshore. Sierra Club Dunelands Group representative Dave Canright said, "This is a great step toward protecting the dunes and satisfying the original intent of Congress. We thank Congressman Visclosky for his willingness to listen."

No senate legislation has been introduced.

GREAT LAKES GROUPS CALL FOR MORE LAKES FUNDING

On March 21, the Northeast-Midwest Institute, the Sierra Club and four other organizations released

a report calling for increased federal funding for the Great Lakes. The report noted that federal funding for most Great Lakes water resource protection has declined about 11% in real dollars since 1981, with a precipitous plunge of 45% in wastewater treatment funding over the same period. President Bush's proposed budget for fiscal year 1991 proposes another \$131 million in cuts or a 17% drop from fiscal year 1990 levels for a group of Great Lakes environmental programs, according to the report (See *Report, February 14, 1990*).

The report contends that the budget reduction would eliminate sea lamprey control in Lake Erie, eliminate 20 percent of the U.S. Fish and Wildlife Service's research expeditions in the Lakes and cut 41 positions among the Great Lakes programs. Besides restoring programs such as the above, the report recommends increasing funding for sewage treatment plant construction from the requested \$582.4 million to \$883.5 million in fiscal year 1991 and adding \$8.9 million to EPA's budget to address the question of poison runoff.

At the report's release, Rep. Henry Nowak (D-NY), Chairman of the Water Resources Subcommittee of the House Public Works and Transportation Committee, noted that "Funding for sewage treatment and non-point source runoff programs is a cost-effective investment when you consider the consequences of no action." He added, "Our remedial work on the Great Lakes cannot progress if we don't stem these basic pollution sources." Nowak had just released his own bill which would provide new funding for remedial activities in the Lakes (see *Great Lakes Water Quality Improvement Act*, below).

The 20-page report is called *Funding for Federal Great Lakes Environmental Programs: A Reference Guide*. It is available for \$7.00 from Northeast-Midwest Institute, 218 D Street, S.E., Washington, D.C. 20003. Other organizations endorsing the report include Center for the Great Lakes, Council of Great Lakes Governors, Great Lakes Commission, Great Lakes United and Lake Michigan Federation.

GREAT LAKES WATER QUALITY IMPROVEMENT ACT AND OTHER WATER RESOURCES BILLS MOVE

Water Quality Agreement Codification

On March 20, Rep. Henry Nowak (D-NY) introduced H.R.4323, the Great Lakes Water Quality Improvement Act of 1990, aimed at implementing some aspects of the Great Lakes Water Quality Agreement and cleaning up water pollution in the ecosystem. The Water Resources Committee of the House Public Works and Transportation Committee, chaired by Nowak, hearings were held on the bill and other Great Lakes Water Quality issues on May 2.

The Nowak bill would amend the Clean Water Act to:

- require states to develop the Remedial Action Plans required by the Great Lakes Water Quality Agreement by June 1994;

- mandate EPA and the states to complete the Lake Michigan lakewide management plan by June 1995;

- require EPA to issue Great Lakes-specific water quality criteria within three years for adoption by states within an additional three years.

- consult with Canada and the states and "develop consistent methods of reporting water quality data required to be submitted to the International Joint Commission;"

- authorize \$30 million annually for fiscal years 1992 to 1997, to carry out the act.

Much of the bill's language is consistent with the Great Lakes Critical Programs Act, S. 1646, introduced by Senators Carl Levin (D-MI), Herb Kohl (D-WI) and John Glenn (D-OH) in September 1989 (See *Report 10/10/89*). This Senate bill has been referred to the Senate Committee on Environment and Public Works.

The concepts in these two bills represent a plank in the Sierra Club's *Great Lakes Federal Agenda for the 1990s* which was released the same day as the Nowak bill, during Great Lakes Washington Week.

Great Lakes Fish and Wildlife Restoration Act

During Great Lakes Washington Week, Rep. Nowak also introduced the Great Lakes Fish and Wildlife Restoration Act of 1990 to augment the resources of federal agencies providing services to assist fisheries management in the Great Lakes. The bill would provide a total of \$7.5 million annually to the U.S. Fish and Wildlife Service, Environmental Protection Agency and Army Corps of Engineers and establish two new Fish and Wildlife Service offices in the Great Lakes.

The bill has been referred to the House Merchant Marine and Fisheries Committee.

Onondaga Lake Restoration

On March 22, the Water Resources Subcommittee of the House Public Works and Transportation held hearings on H.R. 2068, a bill to restore Onondaga Lake, a very polluted Finger Lake which flows through the Oswego River to pollute Lake Ontario. Senator Daniel Moynihan (D-NY) is taking the lead with a similar bill in the Senate. The Water Resources Subcommittee is also planning hearings on Coastal pollution and contaminated sediments during May.

COASTAL LEGISLATION UPDATE

Three pieces of coastal legislation advanced through several House Subcommittees and Committees in March and April. On April 18, the House Merchant Marine and Fisheries Committee marked up a reauthorization of the Coastal Zone Management Act, additional authorizations for the National Oceanic and Atmospheric Administration and Rep. Gerry Studds' (D-MA) Coastal Defense Fund bill which was then referred to the House Public Works Committee. All three of these measures would initiate or change coastal protection policies and programs affecting the Great Lakes. The *Report* will analyze this legislation in a future issue.

House Congressional Resolution 69, introduced by Rep. Claudine Schneider (D-RI), expresses the need for a national oceans and Great Lakes policy. It was also marked-up by the House Merchant Marine and Fisheries Committee on April 18 and is expected to reach the House floor in May.

IJC REPORT REFLECTS BASIN-WIDE ACTIVITY

Editor's note: "The Fifth Biennial Report on Great Lakes Water Quality, Part II" was released as the last issue of this publication went to press. In our April 12 issue, we neglected to give ordering information, namely that free copies of both Part I and Part II may be obtained from the International Joint Commission Great Lakes Regional Office, 100 Oulette Avenue, Windsor, Ontario N9A 6T3; 519-256-7821 or P.O. Box 32869 Detroit, Michigan 48232; 313-226-2170.

The *Fifth Biennial Report on Great Lakes Water Quality* continues to draw comment, particularly on the proposal to designate Lake Superior as a demonstration area for zero discharge where no point source pollution of any persistent chemicals is allowed. It is a recommendation to the governments of Canada and the United States and has no deadlines for action. Official comment from either the U.S. or Canadian government was unavailable at press time.

Phil Weller, Executive Director of Great Lakes United, commented that the proposal was a "fantastic idea," but he cautioned that "it is easier to implement on Lake Superior than elsewhere."

Gail Coyer, President of the Upper Peninsula Environmental Council (UPEC) in Michigan commented on the Lake Superior proposal, "I think that this kind of proposal is directly in line with what we've been fighting for." UPEC has been working with Friends of the Land of Keewenaw to protect the Peninsula and the Great Lakes from environmental degradation from a what is proposed to be the largest paper mill in the world, on the shores of Lake Superior. The development of this project is currently on hold for lack of an interested paper company.

Beth Fitzgerald of the Greenpeace Great Lakes/St. Lawrence Campaign was "disappointed [that the *Biennial Report*] doesn't apply to all the Great Lakes," but noted that the *Biennial Report's* authors, the International Joint Commission "obviously did listen" to the citizen outcry at the Commission's most recent Biennial Meeting in Hamilton last October (See *Report, November 14, 1989*, for details). The Commission cites the widespread calls for action voiced at Hamilton as one of the compelling reasons for their recommendations to the U.S. and Canada to

invigorate their respective programs to protect the Lakes.

Three related stories from around the Great Lakes basin and Washington reflect a cross section of the issues actually involved in meeting the goal of zero discharge for the Great Lakes.

Dioxin Regulations

In Washington on April 30, the Environmental Protection Agency announced that it is taking action to develop regulations to reduce dioxin contamination in waterways and soil caused by the manufacture of chlorine-bleached paper and pulp. The action was required by a 1988 consent decree with the Environmental Defense Fund and the National Wildlife Federation requiring the Agency to set a schedule for findings on the need for regulation of dioxin. Dioxin is a generic term for a group of 75 related chemical compounds known as polychlorinated dibenzo-p-dioxins. It is a unwanted by-product created by the manufacture of some chemical products, by certain combustion processes and by treating wood pulp with chlorine bleach to make white paper. The pulp and paper industry is the largest source of dioxin pollution in the Great Lakes, and one form of dioxin, a persistent, bioaccumulative and highly toxic carcinogen has been specified as a critical pollutant by the International Joint Commission.

EPA committed to revising National Pollution Discharge Elimination System permits under the Clean Water Act for chlorine-bleaching pulp and paper mill effluents by June 4, 1990, with compliance to revised permits by at least June 1993. The Agency also will develop standards, using a combination of the Resource Conservation and Recovery and Toxic Substances Control Acts to address the risks associated with sludge from wastewater treatment in paper and pulp mills, some of which is used as soil conditioner. EPA also asked the Food and Drug Administration to formally take responsibility for managing risks from dioxin in paper cartons, coffee filters and other food contact papers and proposed a dioxin pollution prevention initiative addressing the uses of organochlorines, in general. This latter measure is outside the consent decree and involves dialogue with Canada and European nations who have some success with such measures.

Greenpeace's Fitzgerald asserted that the EPA-FDA plan was inadequate, based on insufficient assessment of risk by the agencies. "Reading between lines [of EPA's announcement], what I see is they're not basing the decision on science,

but on political considerations. They're trying to minimize our perception of the problem," she said. Reducing additional pollution is not enough. Emissions have to be zero," she continued.

A paper industry spokesman quoted in the Washington Post said that control technology to meet the new EPA regulations would cost \$20 million per facility.

OTHER NEWS FROM IJC

New Commissioners

The Governments of Canada and the United States have each appointed a new Commissioner to the International Joint Commission.

The new American Commissioner is Mrs. Hilary Paterson Cleveland, confirmed by the Senate on March 7. Cleveland presently teaches at Colby-Sawyer College in New London, New Hampshire, where she has been employed as an Associate Professor of History and Political Science since 1955. She has held a variety of positions with organizations active in civic affairs at both the national and state levels. She was the New Hampshire Finance Chairperson of the George Bush for President in 1980 and a member of New Hampshire Finance Committee in 1988.

On February 6, Canada filled its vacancy on the Commission with appointment of Claude Lanthier of LaSalle, Quebec. Lanthier is an engineer and, from 1988-84, was a Member of the House of Commons, where he chaired the Standing Committee on Labor, Employment and Immigration. He is also an arbitrator and Board Chair of a wine and spirits marketing firm.

On February 6, E. Davic Fulton became Chairman of the Canadian Section of the IJC. He had been Acting Chair since October 1989.

ZEBRA MUSSEL INVASION PROMPTS LEGISLATION

In early March Senator John Glenn (D-OH) and Congressman Henry Nowak (D-NY) introduced in the Senate and House respectively, the "Nonindigenous Aquatic Nuisances Act of 1990" a bill to contain the spread of the Zebra Mussel (*Dreissena polymorpha*), and to prevent the inadvertent introduction of new exotic species to U.S. waters via ballast water exchange. The bill,

S.2244 and HR.4214, is designed to:

- Require the Coast Guard, NOAA and the Fish and Wildlife Service to collaborate to set ballast water management requirements for any ship entering a U.S. port;

- Set a "zero tolerance" level, since ballast water from even one ship can introduce a new species;

- Require that the Fish and Wildlife Service be permitted to conduct random testing of ballast water for biological content; and

- Establish an enforcement mechanism, including fines or a mandatory return to deep sea ballast exchange areas.

The proposed legislation also calls for the establishment of research programs to develop control methods, study basic Zebra Mussel biology, monitor distribution, investigate impacts on the health of humans and indigenous species and explore possible beneficial uses of the mussel. Emphasis would be placed on non-chemical, environmentally safe control methods.

These mollusks, indigenous to Europe, were introduced into the U.S. via ballast water exchange, probably sometime in 1986. They have since become established and have spread from the Lake St. Clair system into Lake Erie toward Lake Ontario, to the detriment of native species and the frustration of water utilities. The mussels attach themselves to objects in strong flowing currents, making water intake pipes ideal habitat. Their prolific reproduction is choking water supplies in several Lake Erie cities and threatening to displace native species and their food supplies. Zebra Mussels are eventually expected to infest some two-thirds of the continental United States.

S.2244 has been referred to the Committee on Environment and Public Works. The Senate Great Lakes Task Force, under Senator Moynihan, is expected to request a field hearing in the near future. In the House, the bill has been referred to three subcommittees of the Committee on Merchant Marine and Fisheries. They are: the subcommittee on Coast Guard and Navigation; Fisheries and Wildlife Conservation and the Environment; and Oceanography and Great Lakes.

A second piece of legislation was introduced by Merchant Marine Committee members Congressmen Dennis Hertel (D-MI) and Bob Davis (R-MI) to provide funds for research into

zebra mussel control measures. The House Merchant Marine Committee is supporting a \$4.5 million budget request for fiscal 1991 targeted for Sea Grant and the Great Lakes Environmental Research Laboratory.

ADMINISTRATION RESPONDS TO GREAT LAKES CHARGES

The Bush Administration has responded to environmentalists' charges in a January letter that the Great Lakes Water Quality Agreement has not been effectively implemented. On March 30, Environmental Protection Agency Administrator William Reilly, deflected the environmentalists' call for an overall "reassessment" of the U.S. role with regard to the International Joint Commission, but agreed to several elements of a five point outline for improving compliance with the Agreement. The reply was in the form of a letter to the chief executives of ten large environmental organizations, including the Sierra Club, who jointly conveyed their concerns on January 10. Reilly wrote on behalf of himself and Secretary of State James Baker.

Reilly said that the Administration had "no objection" to the environmental leaders' recommendation that citizens be added to the IJC's Water Quality Board. Environmentalists have long criticized the Board composition which is entirely composed of federal, state and provincial officials. The Board that makes recommendations for implementation by the same governments represented by these officials. Reilly also noted the recent formation of a new structure, the U.S. Policy Committee. The Policy Committee, chaired by EPA, includes both government and public members and its functions would include the role of recommending regulatory changes needed to comply with the Agreement and enhancement of inter-agency co-operation, as requested by the environmentalists.

Reilly disagrees with the environmentalists recommendation that a central Great Lakes data base be established in the IJC Great Lakes Office. His letter maintains that data is best managed by the Parties (U.S. and Canada) to the Agreement.

Reilly also responded to the environmentalists plea--made in January before the Clean Air Act went to the Senate floor--that the Administration supports strong Great Lakes air toxics controls.

He said that "the toxic air provisions of the Senate compromise bill will significantly benefit the Great Lakes."

Melanie Griffin, Sierra Club Associate Representative, acknowledged that specific provisions to control seven persistent chemicals identified by the IJC as critical have not been stripped in the compromise between the Senate leaders and the Administration. She noted, however, that the Administration supported several other provisions like the thirty-year exemption on second round residual risk regulation for coke ovens, a major polluting industrial process in the Great Lakes. As well, said Griffin, "we heard not a word from the Administration as Rep. Gerry Sikorski (D-MN) fought, since last October, to extend the controls in the Senate bill to the House."

The House Committee on Energy and Commerce addressed this issue in early April by passing a bill that would require controls on about 190 chemicals, including the seven critical ones, for both major polluters and 90% of pollution from area sources (smaller polluters). The Senate bill requires only a listing of categories of area sources that EPA determined present a health or environmental risk. (For more information on the Clean Air Act, see *Report, April 12, 1990*, and *Clean Air House Debate Eminent* in this issue.)

Environmental organizations signing the January 10 letter are continuing to work with EPA, the State Department and other agencies to achieve the objectives specified in the letter.

Erie Harbor

In other IJC-related news, the Commission recommended on February 28 that Erie Harbor be designated as the 43rd Area of Concern under the Great Lakes Water Quality Agreement. Annex 2 of the Agreement provides for designation of areas of concern in geographic areas that fail to meet Agreement objectives when and where impairment of beneficial water uses has resulted or is likely to result. According to Tom Teets, Chairman of the Erie County Environmental Coalition, "Certain elements in Erie are opposed to the designation because they think that it will have a detrimental effect on the tourist trade." Teets sees pressure being put on the Pennsylvania Department of Environmental Resources to oppose the designation as a result. Teets added that "a lot of the existing forty-two Areas of Concern, rely on tourist trade now."

CLEAN AIR HOUSE DEBATE EMINENT

The House Rules Committee is expected to complete action on the Clean Air Act rule within the next several weeks, setting the stage for the House floor debate. The bill as reported by Energy and Commerce Committee on April 5 contains compromise language on the three major planks of the legislation: smog (auto emission controls), acid rain, and toxic air pollution.

One provision of the Committee bill has sparked particular concerns in among environmental leaders. The "permits and enforcement" sections are left over from the original Bush administration bill. Environmentalists warn that if the bill is not changed the Clean Air Act could be re-written by states with virtually no oversight from the federal government.

According to Carl Zichella, Associate Midwest Representative, "EPA would not be allowed to revoke permits with standards weaker than federal law. Rather, EPA would have the option to initiate a lengthy process to revoke permits, replete with hearings, that permittees could later challenge in court." Environmental groups fear EPA would seldom if ever avail itself of the revocation option, which could take years, and could be inundated by the thousands of permits from states. The

potential for abuse is great, they argue, as some states might be tempted to write permits with lax standards for some industries, creating a competitive advantage that other states would feel compelled to match.

Another criticism of the existing language has been raised regarding the "shield" provisions. Once issued a permit industries would be shielded from lawsuits by citizens, thus voiding what environmental groups believe to be one of the few truly effective provisions--citizen suits--in existing law. Finally, the provisions encourage the sort of patchwork regulation that federal legislation is intended to eliminate.

As of this writing it is unclear what amendments will be offered on the House floor. Discussions continue among Energy and Commerce Committee members seeking to resolve some of the issues they did not address before reporting their bill to the Rules Committee. There will definitely be a "committee amendment" addressing those issues agreement is reached upon, and perhaps as many as six environmental amendments. Likely topics include air toxics (minimum technology standards, accident safety board); alternative fuels (fleets, fuel standards, production and sale of clean cars); coastal protection (extending the Great Lakes/Chesapeake Bay language to all coastal areas and controlling pollution from offshore oil rigs and ships); and CFCs (graduated phaseout of the most damaging of the CFCs by 1998).



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In This Issue:

Environmental Groups Cheer IN Dunes Expansion
GL Groups Call for More Lakes Funding
GLWQIA Resources Bills Move
Coastal Legislation Update
IJC Report Reflects Basin-Wide Activity
Zebra Mussel Invasion Prompts Legislation
Administration Responds to GL Charges

A summary of news about U.S. federal action affecting Great Lakes environmental quality, published as a service to Sierra Club leaders and the public. Subscriptions at \$10 a year are available by sending payment to "Sierra Club Great Lakes Project" at the above address.