THE GREAT LAKES UNITED

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Great Lakes United Goes To Washington

by David Miller, GLU Executive Director

On February 29th through March 4, 30 Great Lakes activists will converge on Washington, D.C. to discuss natural resource issues during the third annual Great Lakes Week in Washington. Hosted by Great Lakes United and the Sierra Club, planned activities include meetings with top E.P.A. officials, briefing sessions with members of Congress, a House Subcommittee hearing on contaminated sediments, a reception at the Canadian Consulate, and a U.A.W.-sponsored dinner with a U.S. Senator.

All of these activities provide a backdrop for the coming months of hard work to increase public and federal awareness of the serious environmental problems facing our Great Lakes Region. Through discussions and fact sheet distribution, participants will educate Washington policy makers about such key issues such as:

- the federal budgetary support of Great Lakes programs;
- the impact of airborne toxic pollution on the Great Lakes;
- contaminated sediments and related problems in toxic-spots across the Basin;
- land use programs to protect sensitive shoreline environments, including coastal barriers.

Jane Elder of the Sierra Club states, "Our goal is to elevate Great Lakes environmental issues on the national agenda and to provide a forum for Great Lakes citizen leaders to learn first-hand how activities in Washington, D.C. affect our region."

This year's message is as follows:

Budget — The Great Lakes – St. Lawrence River System is an invaluable resource, with recognized natural resource protection needs under current international agreements, federal legislation and regional compacts. However, for the United States to succeed in the proper management of the Great Lakes and live up to its obligations under international accords, adequate federal dollars and programs are necessary. In 1988, the federal government must appropriate the full $11 million earmarked for new Great Lakes programs under the 1987 Clean Water Act. Federal Great Lakes research institutions must be given sufficient funding, with increases for inflation rates and equipment depreciation.

Participants will also review how the Great Lakes can be assured of their fair share of national programs to protect our water, land and air resources.

Air Toxics — Airborne toxic pollution accounts for 25 percent of the toxic pollution entering all the Great Lakes. In Lake Superior, airborne toxic fallout contributes up to 90 percent of the toxic pollutants present. As documented in past reports, including *Toxic Air Pollution in the Great Lakes Basin, A Call for Action*, an aggressive federal program is needed to control these toxic air pollutants at their source. Great Lakes Week participants will be briefed on the toxic air pollution control provisions in pending Senate Clean Air legislation S. 1894. Leadership is needed on this issue in the House of Representatives, and Congress needs to re-authorize the Clean Air Act with toxic air pollution provisions in 1988.

Contaminated Sediments — There are 42 toxic hot-spots (Areas of Concern) designated by the International Joint Commission in need of remedial action funds from local, state and federal governments. The majority of these areas are faced with sediments on their river, harbor or bay bottoms that are coated with toxic compounds. These toxic compounds are contaminating fish and wildlife and disrupting future beneficial uses of the resource for their host communities.

A national program, similar in scope to the Federal Superfund Law for clean-up of toxic waste sites, needs to be considered to address this underwater reservoir of toxic pollutants. Difficult ecological and treatment issues must be assessed and demonstration projects established. A clean-up program needs to understand how these contaminants re-suspend into the water column and travel up the food chain, causing potential fish tumors and bird deformities. A Congressional hearing on the subject is scheduled with representatives from the E.P.A. and Great Lakes Week participants.

Coastal Zone and Lake Level Issues — While lake levels have dropped an average of 2 feet in the last year, continued coastal zone management and shoreline protection is needed to prevent future property damage from lake storms and fluctuating levels. In addition, coastal barriers must be protected from development and degradation of sensitive environmental habitats. The participants will provide protection of coastal barrier islands in the Great Lakes, and land use programs and economic incentives to prevent building in flood sensitive areas.

The Third Great Lakes Week in Washington Project promises to be another successful event. The participants hope that, through this effort, Washington leaders will deliver the necessary actions to adequately protect the Great Lakes — St. Lawrence River System. □

Will Erie Become New Area of Concern?

by Dick Kubiak, Penn. Sportsmen Federation & Bruce Kershner, Lake Erie Coordinator

It would be the first newly-designated Great Lakes Area of Concern in three years — and the first in Pennsylvania. That's what Lake Erie advocates want to achieve for the City of Erie's Presque Isle Bay.

Although Pennsylvania has the second shortest Great Lakes coastline (44 miles), the toxic contamination at Erie, Pa. is as bad as, or worse than, conditions at existing Areas of Concern. Despite this, the Commonwealth of Pennsylvania has not supported its recognition as an Area of Concern.

In 1986, Great Lakes United held one of its 19 Basin-wide citizens' hearings in Erie. GLU, together with the Erie County (Pa.) Environmental Coalition (see separate aritcle) and some members of the International Joint Commisson (IJC), decided that designation of Erie's harbor as an Area of Concern would add impetus and support to the cleanup of its waters.

GLU adopted a resolution in May, 1987 for the IJC to designate it as an Area of Concern. Because Pennsylvania's support was required, the IJC referred GLU's request to the state's Department of Environmental Resources (DER) and to Gov. Bob Casey.

In July, 1987 the DER stated its opposition, claiming there was insufficient water quality evidence that Erie deserved such a designation. One of the figures they used to support this was that the incidence of fish cancers "was *only* 11% of fish sampled" (italics ours) and doubted whether this "indicate(s) a real problem." Instead, they supported the passive view of Erie's harbor only as "an emerging issue."

However, the facts demonstrate that Erie is already fully "emerged" as an issue. In 1984, bay fishermen reported skin and lip tumors on brown bullheads. A U.S. Fish and Wildlife Service study that year collected 46 bullheads and five bluegills afflicted with a wide array of skin abnormalities, including lesions and tumors. The next year, 40% of brown bullheads had visible skin abnormalities. Furthermore, fish samples exceeded National Academy of Sciences (NAS) criteria for toxaphene, chlordane and dieldrin, and PCBs far exceeded NAS criteria and FDA Action Levels, as well as Great Lakes WQ Agreement objectives.

Other evidence of the severity of Presque Isle Bay's contamination are:

- There are three Superfund sites near the Bay, and two proposed Superfund sites. Their contaminants include chloroform, benzene, toluene, trichlorethylene and heavy metals.
- Bay sediments are high in PAHs, PCBs, arsenic, cyanide, zinc and cadmium, with

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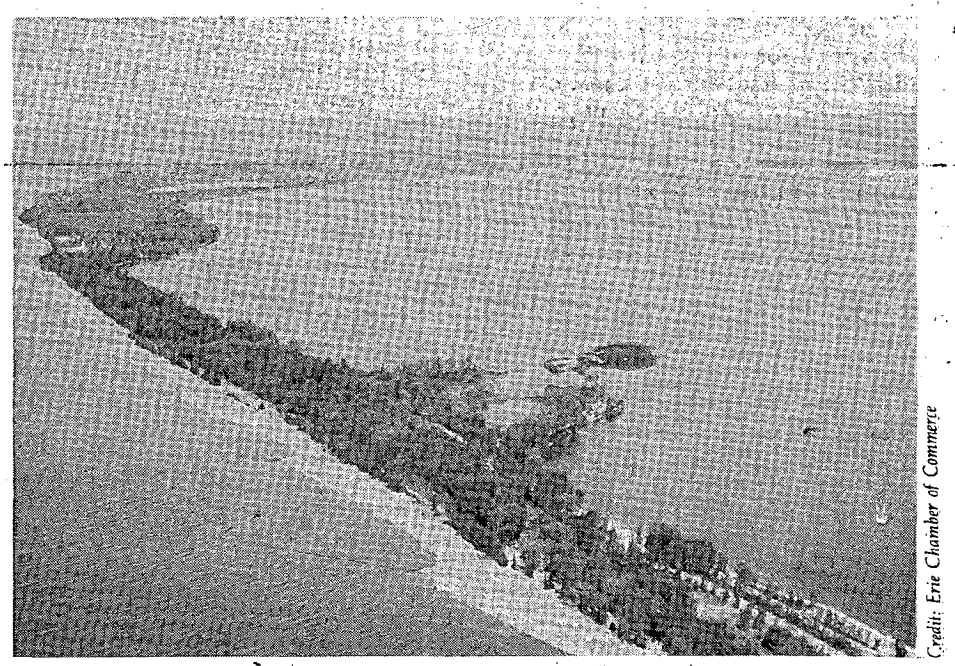

Credit: Erie Chamber of Commerce

Presque Isle Peninsula and Bay off Erie, Pa. Great Lakes advocates are working to get this toxic hot-spot designated as an Area of Concern.

Toxics Report Stirs Debate

A heated controversy continues to surround a report by two Environment Canada researchers that finds links between toxic chemicals and human health threats in the Great Lakes.

Toxic Chemicals in the Great Lakes Basin Ecosystem: Some Observations (51 pp.), by economist Thomas Muir and sociologist Anne Sudar, was released in November 1987 by the authors, after Environment Canada refused to endorse the findings or release it as an official agency report.

Environment Canada claimed their findings are based on circumstantial evidence and speculation, and do not scientifically prove cause and effect. The authors and their supporters counter that the correlations are too numerous and serious to dismiss as mere coincidence, and that their report, by synthesizing data from 323 studies, was able to obtain an overview of basin-wide trends that a conventional scientific analysis would miss.

The report found that:

- Fish and birds which live in or near contaminated parts of the Great Lakes system generally have higher concentrations of persistent toxic substances in their tissues than those in less contaminated areas.
- Human cancer mortality rates are high in the same locations where high rates of fish and whale cancer have been measured.
- Cancer and disease rates of humans appear to be higher from west to east, and upstream to downstream in eastern North America, suggesting a flow of toxics through air and water that are impacting human health.
- Reproductive failures and birth defects of insects, birds, whales, and humans in some areas of the Great lakes had peaks and lows during the same periods that toxic contamination showed rises and declines.
- Levels of toxic substances in tissues of fish, birds, farm animals, and humans reflect similar peaks and declines as do toxic chemical levels in water sediments of the basin.
- Toxic chemicals in the Great Lakes Basin are hurting both wildlife and

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WQ Agreement Signed at Toledo Conference

by Tim Eder, GLU Field Coordinator

It was a mixed bag of optimism and frustration for citizen interests last November in Toledo. This is where over 500 people converged for a week of meetings on the Great Lakes at the International Joint Commission's Biennial Meeting on Great Lakes Water Quality and Forum II for Remedial Action Plan Coordinators.

One of the frustrations felt at the meeting by the public and environmental groups was in not being able to interact more directly with the IJC. The optimism at the meetings was because of these positive results:

- The U.S. and Canada signed amendments (called a "protocol") to the 1978 Great Lakes Water Quality Agreement (GLWQA). GLU and several other environmental groups hailed the amendments in a joint press statement, because they reflect the concerns and priorities of the public and reinforce efforts to achieve the Agreement's goal of zero discharge and virtual elimination of persistent toxic substances.
- Governments at all levels repeatedly voiced commitment to developing RAPs to clean up the Basin's 42 Areas of Concern. Government rhetoric showed a growing recognition of the need to include the public and citizen groups to ensure full implementation of RAP's.
- Largely under the GLU umbrella, groups were better organized and able to make their presence felt. Besides GLU, other attendees included Greenpeace, the Sierra Club, the Lake Michigan Federation and the Ohio Environmental Council. Others included people from the north shore of Lake Superior, Erie, Pa. and the Akwesasne Mohawk nation on the St. Lawrence River.

The shortcoming in the amendments to the GLWQA is the gap between well-intended pledges and action. GLU has maintained that an excellent Agreement has existed since 1978 that has not been implemented. U.S. EPA Administrator Lee Thomas fueled skepticism that these amendments could be ignored by governments when he stated at the signing ceremony that the bulk of funding for implementation would have to come from sources other than the federal government.

Despite being more unified, public interests were unable to crack through what one reporter described as "an invisible wall (separating) the Commission from the public." For instance, GLU Vice President John Jackson had to wait through two days while a moderator channeled questions and answers to the commissioners. When it ended, he still had not gotten the chance to plead the public's case. "The public involvement process was a sham," GLU Executive Director David Miller, told reporters about the way interaction with the commissioners was filtered through the moderator a la Phil Donahue style. (Miller has sent a two-page memo suggesting improvements on the format to the IJC.)

Jackson wanted to address the IJC about a petition signed by several participants requesting that the IJC allow more direct access to advice from the public on Great Lakes water quality issues. The request, which has been sent to Canada, the U.S., the IJC and the Co-Chairman of the Water Quality Board, asks the IJC to establish an independent citizen advisory board and to appoint non-government representatives to the Water Board. No response has been given yet.

There is a strong public sentiment that Water Quality Board reports and advice to the IJC would be more aggressive and proactive if the public were represented on the Board. Current membership is made up only of government agencies.

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Agenda Set To Save Our Bays

They came to the shores of Narragensett Bay from Snohomish, Wa., and Wa., D.C.; from Buffalo, N.Y. and Padre Island, Tx. One visitor is a regular environmental writer for the prestigious New York Times and Sports Illustrated magazine. Another, a feisty shellfisher from Stump Sound, N.C., who took the first plane trip of her life to meet with 65 of her colleagues.

The occasion? A first-ever, national conference for coastal activists, "Saving our Bays, Sounds and the Great Lakes," held at Warwick, R.I. last October 19-23. It was a landmark gathering of the keenest fighters against coastal pollution, who represented over 8 million members of their varied organizations.

The conference sponsored by the U.S. Environmental Protection Agency (EPA) and The Beldon Fund, and hosted and organized by Save the Bay, an environmental group based in Rhode Island.

Many of the EPA's leading officials, including Deputy Administrator James Barnes, and Tudor Davies, Head of the EPA's Marine and Estuarine Programs, were on hand to observe and learn about the concerns of the environmentalists, expert advisory personnel and keynote speakers as they churned through a week of workshops.

"This conference is a brilliant mission," said keynote speaker Dr. Noel Brown of Jamaica, North American director of the United Nation's Environmental Programme. Dr. Brown presented R.I. Senator Claiborne Pell with one of their prestigious Global 500 awards for international work at protecting the environment.

The participants kept up a furious pace throughout the week, even cutting short evenings of entertainment on Newport's waterfront to get to the task at hand. The three primary work groups on issues that affect water quality and marine life — Improper Land Use, Water Pollution and Coastal Habitat Loss — identified high priority issues within those areas, and with the assistance of moderator J. Michael Keating, a legal mediator at the Providence law firm of Tillinghast, Collins and Graham (and a Save the Bay board member), turned those concerns into a national agenda for saving America's estuaries.

"Twenty-five years ago, Rachel Carson wrote 'The Silent Spring,' one of the key environmental statements of this century. But we are no longer content to be silent. We must act now — forcefully and immediately — to save America's bays, sounds and Great Lakes, or the only thing we will hear in the future are the sounds of silence. The silence of our estuaries dying."

Trudy Coxe, chairperson of the first national conference of coastal activists, "Saving Our Bays, Sounds and the Great Lakes," made that statement in announcing the national agenda created by the group, which comprised 65 representatives of organizations nationwide. The recommendations, aimed at political leaders, environmental regulators and the general public to stop the wholesale destruction of America's estuaries, revealed five major points:

— *"Subsidy Busters."* — The group called for a stringent review of all government subsidy programs which ultimately adversely affect coastal waters. "We've got to stop buying the rope to hang ourselves," said Coxe.

— *"Source Reduction Legislation."* —Instead of arguing over *where* Americans can get rid of their wastes — both household and hazardous — programs should reduce the production of those wastes. Federal and local legislative measures will be encouraged to eliminate all waste that is either non-recyclable or non-reusable.

— *"Law and Order."* — Citing existing laws which are in place but not properly enforced, the conference attendees called for strict enforcement and implementation of existing governmental regulations, and encouraged the idea of citizen "coastwatchers" which would actively involve the public in protecting America's estuaries."

— *"Save, Don't Pave."* — Rescuing America's wetlands, which are critical habitats for many important species was deemed a necessary step throughout the country. Environmentally sensitive areas are to be protected at any cost from development.

— *"Aquafund."* — "Measures and regulations must be created to prevent the sins of the past from haunting people living today," said Coxe. "From the hundreds of thousands of tons of toxic contaminants we've put in our bays and sounds and lakes, we need a national clean-up effort, comparable or greater than the Superfund to clean them up."

The long range goals of the landmark, week-long conference are to continue information and skill-sharing within the coast protection community, and to create task forces to focus upon the key recommendations the group arrived during the week. The conference has produced the groundwork for increased cooperation among many groups.

(Adapted from the publication of Save the Bay, a Rhode Island-based group.) □

From the President

by Frederick L. Brown, Ph.D.

Negotiations have been completed. Agreement has been reached. We have a new international Water Quality Agreement with specific and critical additions. WILL IMPLEMENTATION FOLLOW?

GLU now concerns itself with this implementation, a task which will be long range, much more complex and much more difficult than action to date. However, component parts can be singled out for specific and intense activity.

In 1986 GLU catalyzed Basin citizenry reaction to the then existing Agreement. In 1987 we published that reaction and catalyzed public involvement in the negotiation process. Now we set out to catalyze public scrutiny of — and public involvement in — actions mandated by the new Agreement.

There is significant new emphasis on persistent toxics; their source, interactions, multi-media dispersion, food chain magnification and impact on Basin populations. Non-point runoff and atmospheric deposition are given special attention. Lake-wide management plans for critical pollutants and Remedial Action Plans for Areas of Concern are given new emphasis and definition. Sediment "dynamics" is recognized as a major factor in both present and future water quality degradation.

Obviously, GLU cannot be directly involved in all concerns all around the Basin, but GLU will be involved at both planning and project specific levels and GLU will monitor compliance with the Agreement's requirements. GLU has already committed the equivalent of 1½ full time staff to work directly with local, on-going projects and an additional staff person is being recruited. Progress will depend on careful coordination of GLU support with local efforts. The combination proved very effective over the last two years and will now be expanded.

As the IJC and federal, state and provincial jurisdictions address the mandates of the new Agreement, their activities (or lack of same) will be subjected to on-going scrutiny and that monitoring will be reported regularly. Public response will be solicited. We have achieved our first goals —now the tough job starts. I hope that, together, we will mount the effort necessary to implement. □

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What's New In The Great Lakes WQ Agreement

by Ron Shimizu, Great Lakes office, Environment Canada

On November 18, 1987, Canada and U.S. signed the new amendments to the 1978 Great Lakes Water Quality Agreement during the International Joint Commission's Biennial meeting on Great Lakes Water Quality in Toledo, Ohio. The adoption of the amendments was the culmination of a comprehensive eight-month review involving Canada, the United States, the Provinces of Ontario and Quebec, the eight Great Lakes States, as well as non-governmental organizations, such as Great Lakes United, and private citizens.

The new amendments strengthen the accountability of each signing party through a) a formal obligation to hold biennial meetings to coordinate implementation; b) explicity outlining reporting timetables for each pathway of pollution into the Great Lakes.

Ranking of Critical Pollutants:

The Parties have agreed to develop a process to rank chemicals in a priority for action. A bilateral task force of scientific experts will be established to recommend the appropriate criteria for the development of the lists. Adoption and review of objectives will be discussed at newly instituted biennial meetings between Canada and the U.S. in cooperation with other state and provincial agencies.

Development of Lakewide Ecosystem Objectives:

An ecosystem objective is adopted for Lake Superior of a balanced and stable oligotrophic ecosystem with lake trout as the top aquatic predator. The parties made an explicit commitment to develop such objectives for the other lakes when available knowledge permits.

Remediation of Areas of Concern:

The designation of Areas of Concern and the Remedial Action Plan process are *formally* integrated into the Great Lakes Water Quality Agreement.

Development of Lakewide Management Plans:

Specific substances causing severe lake-wide pollution will be designated as Critical Pollutants. The parties are committed to develop and implement lake-wide management plans in order to schedule loading reductions for these chemicals. A Canada-U.S. work group is already working on the development of a toxics management plan for Lake Ontario.

Remediation of Point Source Impact Zones:

The Parties must identify, by September 1989, those areas adjacent to a direct point source discharge where water quality objectives are not being met. The status of these zones will be reported every two years, with the goal of reducing their size in accordance with the policy of virtual elimination of persistent toxic substances.

EPA Administrator Lee Thomas and Environment Canada Minister Tom MacMillan sign Great Lakes Water Quality Agreement in Toledo, Ohio.

Watershed Management Plans and the Protection of Wetlands:

Watershed management plans will be developed to reduce pollution from non-point sources. For the first time, these will include wetlands threatened by urban and agricultural development and waste disposal activities; only wetlands threatened by dredging were protected under the 1978 Agreement. Environment Canada and Agriculture Canada, in cooperation with the Province of Ontario, are implementing a large nonpoint source control program in the Lake Erie Basin.

Clean Up of Contaminated Sediments:

Contaminated sediment problems are to be identified, and criteria be developed by which juridictions can assess their environmental impact, both as a source of and a result of pollution. Reports on the progress of these measures will be made to the IJC by December 1988. The Canadian government has already committed $1.25 million toward a $4.4 million project to clean up contaminated sediments in Windermere Basin, near Hamilton, Ontario.

Management of Airborne Toxic Substances:

A surveillance network will be created to acquire information on the amount and nature of toxic substances falling out of the atmosphere. The parties agree to measure toxics deposition into the Great Lakes. Environment Canada is already setting up a monitoring network to do this. The Parties agree to develop controls to eliminate significant sources of airborne persistent toxic substances.

Management of Groundwater Contamination:

The Parties recognize the need to solve this problem systematically by identifying sources of contaminated groundwater, then documenting its extent and specifying controls. Work will begin with the identification and mapping of sources of contaminated groundwater entering the lakes.

Coordination of Research:

There will be a concerted effort by both parties to identify the areas of research most necessary to move ahead the cleanup of the lakes. There is a recognition that research supports the management of Great Lakes water quality by not only disclosing environmental problems but also by offering solutions. Joint research projects and opportunities will be discussed twice a year as part of a strengthened approach to Great Lakes cleanup. □

New WQ Agreement: Stronger Citizen Role

by Thomas W. Daggett, Associate Regional Counsel, Environmental Protection Agency, Region V

The 1987 amendments to the Great Lakes Water Quality Agreement signed in November, 1987, establish a framework for restoration of the Great Lakes in which citizen involvement plays an integral role. For some environmental issues, citizen involvement by national level public interest groups is sufficient. But, for at least one important aspect of the Agreement, the Area of Concern/Remedial Action Plan process, it must have the active involvement of local citizen groups, such as many of the member organizations of GLU.

The 1987 amendments added two specific provisions on citizen involvement to the Agreement. The first was in a new "Specific Objective Supplement" to Annex 1. In response to concern that the Specific Objectives established in the 1978 Agreement had proved cumbersome to update, this Supplement establishes a systematic biennial review and update process. It also states: "The parties, in cooperation with State and Provincial Governments, shall ensure that the public is consulted in the development and adoption of the Specific Objectives." *Annex 1 Supplement, Paragraph 2(a).*

An identical provision appears in the new "Annex 2: Remedial Action Plans and Lakewide Management Plan," except that the matters in which the public is to be consulted are "all actions undertaken pursuant to this Annex." *Annex 2, Paragraph 2.* Actions under Annex 2 include Remedial Action Plans and Lakewide Management Plans, the designation of Areas of Concern and Critical Pollutants, and review of their implementation.

I am confident that the active involvement of large citizen groups that was so evident during the renegotiation process will continue and thus fill certain citizen roles under the new Agreement. While these large organizations can effectively work on lakewide or basinwide activities under the Agreement, however, they alone cannot provide the level of local citizen involvement necessary to make the Remedial Action Plan process work in individual Areas of Concern. Here, local citizens' organizations must play a primary role.

The steps of the Remedial Action Plan process are set out in some detail in the new Agreement. After study and definition of the problems in an Area of Concern, and an evaluation of alternative remedial actions, the process will get to "a selection of additional remedial measures to restore beneficial uses and a schedule for their implementation." *Annex 2, Paragraph 4(a) (v).*

This is a crucial decision point. Alternatives will often be expensive and controversial: various alternatives will place burdens on different entities, each of which shall favor solutions that place the burden elsewhere. If this decision point is reached, and no local constituency has organized, educated itself and the community, and worked to develop support for an effective Plan, there is a significant risk that the remedial measures may be inadequate, and the area may never be restored. The agencies preparing the Plans can define the problems, evaluate their sources, and develop effective alternative remedies, but they will have trouble selecting remedies that are controversial or commit substantial resources without strong public support.

I have spoken with several GLU members who argue that the Agreement has the force of domestic law, since it was specifically mentioned in the 1987 amendments to the Clean Water Act. I recognize that nothing short of a judicial interpretation will dissuade some of you on this point. Articulation of the contrary legal arguments is beyond the scope of this article.

It is crucial, however, that you not let a hope that the courts will force modification of inadequate RAP's in any way lull you into putting off active involvement in the Remedial Action Plan process in your local Area of Concern. For if you develop effective citizen involvement and the Agreement is eventually held to have domestic legal effect, the local citizen support can only help. However, if you rely on an active judiciary and thus neglect development of local consensus at the crucial decision point, and the courts then determine that the Agreement does not have force of domestic law, there will be neither the political support nor the legal recourse necessary to make the Remedial Action Plan process work.

This article has not been reviewed by the U.S. EPA and does not purport to represent proposed or existing EPA policy. Opinions expressed are solely those of the author. □

Water Quality Agreement Signed

Continued from page 2

Both the Water Quality and Science Advisory Boards formally presented their biennial reports to the IJC in Toledo. The Water Quality Board report assessed the status and trends in Great Lakes water quality. Its major findings include:

- Unlike the 1970s and early 1980s, toxic contaminant levels in the Great Lakes have levelled off and are no longer declining.
- Lake Ontario is now the most polluted with toxic contaminants of the five lakes.
- Governments must increase funding to ensure that comprehensive RAP's are developed and to foster broad community participation in plan development. (All Areas of Concern, except Waukegan, Il. and the six in New York State, pledged plan completion dates in the report.)
- Current approaches to managing toxic substances are inadequate, particularly pretreatment programs, waste disposal solutions, contaminated sediment problems and research on toxic effects on human health.

The Boards' reports and appendices are available from the IJC's Regional Office at 100 Ouellette Ave., Windsor, Ontario, N9A 6T3. □

Activists Shape Lake Ontario Agenda

by Tim Eder, GLU Field Coordinator

Immediate action toward the goal of achieving zero discharge of persistent toxic substances was among the principles of a citizen's agenda for cleaning up Lake Ontario. These principles were spelled out at a GLU Regional Meeting in Niagara Falls, N.Y., last December. A 14-member steering committee for the newly-formed Lake Ontario Organizing Network (LOON) has met since then to begin developing the principles into a series of concrete steps tied to timelines for government action. Leaders plan to mobilize other groups to ratify the document in about six months.

In a distinct but related action, the four governments around Lake Ontario (New York, Ontario, Canada, and the U.S.) released their plans in a draft Lake Ontario Toxics Management Strategy on January 29th. The governments are seeking public input on their plan from those at the GLU Regional Meeting and the general public.

More than 60 individuals and leaders of conservation, environmental, sportsmen's, religious, and labor organizations from New York and Canada attended the Lake Ontario Regional Meeting. The event was organized by Great Lakes United and the Ecumenical Task Force of Niagara Falls and co-sponsored by five Canadian and U.S. groups.

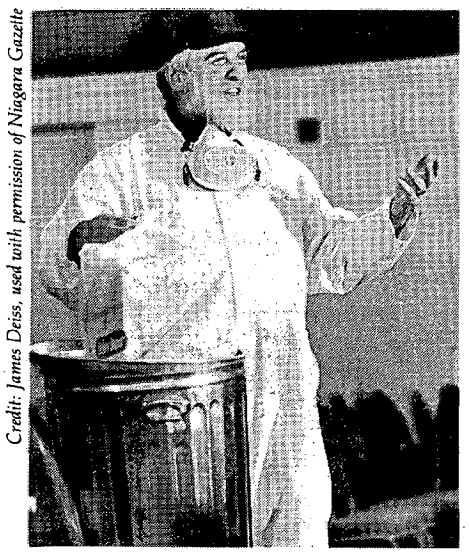
The principles of the action plan include:

- A focus on immediate steps that governments must take to stem the tide of toxic chemicals contaminating Lake Ontario. Speakers like Marguerita Howe from Niagara-on-the-Lake, Ontario, decried government pledges, plans, reports, and promises: "They know what the sources of pollution are. We have enough information and there is no reason not to act *now*!" There has been too much hand-wringing and too little actual clean up of dumpsites like Hyde Park and Love Canal.
- The region's residents demand that health and scientific research begin immediately to confirm or refute recent reports linking toxic substances in the Great Lakes ecosystem to human health problems. The evidence suggests that human health effects from toxic chemicals are felt more severely by residents of the Lake Ontario basin than the other Great Lakes.
- Zero discharge and virtual elimination of persistent toxic substances, the policy which is the backbone of the International Great Lakes Water Quality Agreement and the Four-Party Agreement on the Niagara River, must be implemented through a new Lake Ontario Toxics Management Plan and Remedial Action Plans to clean up the Lake's six toxic hot-spots plus the Niagara River.
- Fundamental to achieving zero discharge is a focus on *source reduction*. Rather than arguing over where and how to burn or bury solid and hazardous wastes, reduction and substitution of waste-producing processes and materials are required.
- Governments must employ an ecosystem approach when cleaning up Lake Ontario. This approach recognizes that actions taken on land, air, and water are interconnected and that the political boundaries separating Ontario, New York, the U.S., and Canada are artificial.

The final plan will be a blueprint for a coordinated, bi-national program of citizen action. Leaders hope that citizens from all across the basin will be able to use the plan to organize direct political action and to assess government proposals and reports.

Mobilizing the broad base of popular support for environmental cleanup was a central theme of the discussions on Saturday. Pam Millar of Pollution Probe, a Toronto-based environmental group said, "We realize we have to stop preaching to the converted."

The first meetings of the LOON steering committee were held in January. "We encourage others to contact us, give us their input, and help finalize the document," said Tim Eder of Great Lakes United. In addition to Millar and Eder, the members of the LOON steering committee are Tony Luppino of Citizen Action of Western new York; Karen Blake of HELP (Help Eliminate Lawn Pesticides); Paul Muldoon of Energy Probe; Sarah Miller of the Canadian Environmental Law Association; Dr. Katherine Davies of the Toronto Department of Public Health; Jack Keefer of the Ecumenical Task Force; Madelyn Webb of the Centre for the Great Lakes; Vanessa Alexander of Pollution Probe; Lewis Steele, a Buffalo-based attorney; and Charles Tebbutt of the Atlantic States Legal Foundation. □



Credit: James Deiss, used with permission of Niagara Gazette

Dr. Garbage, AKA Rev. James Breister, disposing of bad waste habits at the Niagara Falls Lake Ontario meeting.

Canada Report Stirs Debate

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humans, as well as the social and economic welfare of basin residents.

Environment Canada withdrew its support after a panel advised the agency not to endorse it because of misleading observations and tenuous conclusions. The agency did agree, however, to pay for printing and distribution of the report to anyone who asks for it.

The authors' "way of demonstrating the significance of toxic chemicals is not only extremely weak, it is scientifically indefensible," states the agency. "(Its) information on human health is too often used uncritically."

Some critics also questioned how an economist and a sociologist could feel qualified to make judgments on human health concerns.

Dr. Keith Rogers, chairman of the Report's Review Committee and Senior Resource Management Advisor to Environment Canada's National Water Resources Institute, was equally critical. "Their report is no 'Silent Spring'. It has many inaccuracies and does not really add to our understanding of the problem. Theirs was not a total literature approach; they were selective in what they chose to illustrate their point."

"How can a few people set the standard for scientific research for everybody else?" co-author Tom Muir wonders. "I invite the critics not just to say we're wrong, but to do as much work as we did. They should present their own thesis and then disprove us with facts, not opinions."

"There is too much emphasis on analysis, breaking things into bits and pieces," Muir continues. "But somewhere along you have to put all the pieces back together again. What we did was synthesis, an equally valid scientific approach. This is where major progress comes from."

Dr. Jack Vallentyne, chair of the IJC Science Advisory Board's Canadian Section, agrees with Muir. "As 'whole-brained' scientists, they know that intuitive knowledge can be just as valid and reliable as rational thought based on experimental studies of cause-and-effect relationships...There is no such thing as objective, value-free science unshaped by human perception."

Dr. Andrew Hamilton, environmental advisor to the IJC's Canadian Section, points out that by restricting scientific research to "rigid discipline boundaries, as most scientists do, findings can lead to a sort of unreality because the larger view is missed. The Muir/Sudar report, however, cut across these lines and made a very positive contribution." He adds, "Most scientists don't do well in asking the *real* questions that society calls upon them to ask, but these authors filled a niche by doing it...As a result, they made clear that humans *are* a part of the Great Lakes ecosystem."

At the very least, the report generated a vigorous discussion about the real question: the effect of toxic chemicals on humans and the Great Lakes ecosystem. But its effects will go further than that. Environment Canada announced, *in response to the questions raised by the report*, it has begun two multi-agency reports that will review all current data on chemical pollution and the effects of toxic chemicals in the Great Lakes ecosystem. They are due out January 1989. □

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Ontario Pollution Unchanged

The Ontario Ministry of the Environment's 1986 updates of industrial and municipal discharges to Ontario waterways show little improvement over last year's results.

The report found that 101 out of 154 industrial dischargers did not meet Ministry requirements during one or more months of 1986. In 1985, 98 of 147 sources monitored exceeded Ministry limits during one or more months.

The 1986 results showed that, overall, industrial dischargers exceeded individual monthly limits 963 times out of 9,372 monitored, or 10.3% of the time.

Sixty-six (17%) of 385 municipal treatment plants (STPs) reporting failed to meet annual effluent requirements for at least one of the three applicable provincial guidelines: phosphorous, suspended solids and biological oxygen demand. In 1985, ninety-nine (26%) STPs of 383 were out of compliance.

Phosphorous loadings are also compiled on a monthly basis for the 258 STPs discharging into the Great Lakes Basin, to meet International Joint Commission reporting requirements. In 1986, 126 STPs (49%) were out of compliance in one or more months, compared to 138 (53%) in 1985. Of the 126 STPs out of compliance last year, 82 met the phosphorous guideline in nine or more months of the year.

Sixty-seven of the 154 industries monitored in 1986 also failed to meet annual average limits. The 1985 report found that 59 of the 147 dischargers did not comply with annual requirements.

Most of the Ministry requirements are in the form of unenforceable guidelines. This system is in the process of being replaced by legally enforceable regulations under the MISA (Municipal-Industrial Strategy for Abatement) program.

MISA will address a broader range of contaminants than are reflected in the industrial discharge report. MISA's pollution abatement regulations for all industrial sectors, as well as the municipal sector, are expected to be in place in 1990.

"In the next few years, our demands for good performance from [sewage treatment] plants will increase dramatically as MISA requirements add a number of toxic substances to the narrow range of contaminants we now test for," states Environment Minister Jim Bradley.

Under MISA, a new municipal monitoring regulation is scheduled for 1988, with a discharge limit regulation planned for 1989. □

Buffalo RAP Progressing

Just over a year ago, Buffalo's civic, environmental, sportsmen, union, city council, and state legislative leaders joined together to call upon the State of New York to establish a citizen advisory committee for the Buffalo River Remedial Action Plan. Since then, much progress has been made and Buffalo's public participation program is viewed as a model for other parts of the basin.

While the final RAP is scheduled to be submitted to the International Joint Commission at the end of 1988, a 21-member citizen advisory panel has held ten meetings, held Buffalo River boat tours and walks, hosted three public meetings, and produced a professionally taped slide show. The committee, in conjunction with subcommittee work and the State Environmental Department's leadership, has completed the sections of the Remedial Action Plan that deal with the data base, problem definition, impaired beneficial uses, and pollution sources.

To date, close to seventy-five citizens have been directly involved in the development of the remedial action plan. Over four hundred people received the committee newsletter and plans for a Buffalo River Week this May will foster further interest in this exciting project. This summer, public hearings will be held to receive public comments on the Draft Remedial Action Plan of the state and committee.

The most exciting aspect of the whole process is that the New York State Department of Environmental Conservation and the Citizen Committee have become equal partners in this process. It's an example of good government. □

A Not-So-Scenic Tour of Lake Erie

by Bruce Kershner, Lake Erie Coordinator

It's been slow but sure progress for Lake Erie ever since it was pronounced dead in the '60's. Enforcement and legislative advances during the Environmental Decade, the 1970's, brought the lake "back to life", but not "back to health". Very gradual improvement has continued into the 1980's.

In 1985, a new approach was taken when the International Joint Commission's Water Quality Board adopted a system of tracking and measuring progress in Areas of Concern. As a result of this sytem, the eight Great Lakes states and the Province of Ontario committed themselves to developing a Remedial Action Plan (RAP) for every Area of Concern.

So, how far have we gotten since then, at least for Lake Erie?

The overview shows a mixed record, with some RAP processes still at early stages (Ashtabula, Cuyahoga, Wheatley Harbour, Black River), others at an intermediate stage (Maumee, Buffalo Rivers) and one, River Raisin, at an advanced stage.

Each has its own unique character and problems, and each will undoubtedly have a different set of approaches to the solutions.

Our RAP tour of Lake Erie will begin at the only Canadian Area of Concern on Lake Erie, Wheatley Harbour, 20 km. east of the Detroit River inlet into Lake Erie. Used by the fishing industry, the small harbor has PCB, nutrient enrichment, dissolved oxygen depletion, and organic contamination problems.

The RAP public participation process began last fall, and a questionnaire survey is about to be distributed to identify citizen perceptions and goals. The first public meeting is planned this spring, and the role of the public in the RAP committee is still unclear. Shortly after the meeting, RAP preparation will begin with a goal of completing the Draft RAP by fall, 1988. According to Ontario's Ministry of the Environment RAP coordinator Doug Huber, summer 1989 is the target date for submittal of the Final RAP to the IJC's Water Quality Board. Improved sludge treatment and land use practices that reduce phosphorus and chemical runoff will be part of the remedial measures.

Sixteen miles south of the Detroit River mouth, on Michigan's southeast corner, is the River Raisin. Problems in this Area of Concern include heavy metals and PCB contamination of the sediments, water and carp. Its toxic sources include six sites on Michigan's Act 307 Priority List, that state's equivalent of the "Super fund".

The River Raisin's RAP process is far ahead of the other Areas on Lake Erie, as well as most on the other Great Lakes.

"Maumee is a rare case of a plan that is ahead of schedule."

In October, 1987, its Final RAP was submitted to the IJC's Water Quality Board for their review. Only 22% of all 42 Areas of Concern have reached this stage. The Water Quality Board is still reviewing it, and Michigan DNR RAP coordinator Scott Cornelius hopes for a response no later than this spring. "We expect a generally favorable reaction but will probably have to improve certain areas."

Eighteen miles southward along the shore lies the Maumee River Area of Concern at Toledo, Ohio. As the largest tributary load of suspended sediments and phosphorus into Lake Erie, this Area is contaminated with heavy metals, fecal coliform bacteria, arsenic, PCB's, cyanide, phthalates, and PAH's.

The Maumee RAP appears to be progressing well. After completion of the background report, the Toledo Metropolitan Area Council of Governments became the lead agency. They predict their Final RAP will be submitted to the IJC's Water Quality Board by this July 1, 1988. This is one of those rare instances when the schedule for a government plan was actually *speeded up*, since the Ohio Governor's original completion deadline was January 1989!

"Our RAP subcommittees will begin meetings this February," notes Ed Hammet, the RAP Coordinator. "We also expect several remedial actions to occur in 1988." These include upgrading of the Toledo Wastewater Treatment Plant and compliance of the NPDES permit.

About 75 miles eastward in Lorrain-Elyria, Ohio, the political waters are as muddy as the Black River. This Area of Concern has sediments highly polluted with heavy metals, PAHs, and grease, while the waters contain phenol, cyanide, excessive BOD, fecal coliform bacteria and phosphorus. Combined sewer overflows, and PCB and PAH contamination of fish are serious problems.

The political turbidity is associated with the city government. "Lorain just approved a new marina at the river mouth where all of the toxic sediment and fish tumors are concentrated," remarks Steve Sedam, Ohio Environmental Council director. In addition, one city has prohibited access by EPA to a Super fund Site that the city purchased from a steel company.

On the optimistic side, the consultant's Final Background Report for the Black River Area of Concern has been completed. Preparation of the Draft RAP will begin this year and January 1990 is the projected time for completion of the Final RAP and submittal to the IJC Water Quality Board.

Positive remedial efforts are projected for 1988. Upgrading of two sewage treatment plants are scheduled and a new one will be built. In 1989, PAH-contaminated sediments will be dredged by USX and relocated on their property.

Eastward another 18 miles is the Cuyahoga River Area of Concern at Cleveland. While the once-flaming river doesn't draw national attention anymore, its pollution problems include cyanide, heavy metals, phenol, and fecal coliform bacteria in its water column. These, as well as phosphorus, oil and grease, PCBs, PAHs, and DDT, exist in its sediments. PCBs contaminate the fish, which sometimes possess tumors and deformities. Industrial dischargers and municipal combined sewer outflows have been the main sources.

The Cuyahoga is unique because of its political complexity. The City of Akron as well as Cleveland are major stakeholders as well as several regional sewer and planning agencies. It remains unclear which or how many should take the lead in the RAP and its implementation.

The RAP process has taken off to a good start. A just-formed RAP organizing committee will soon create the task force that will devise the RAP in earnest. The public participation process, which began last fall, has been well-attended and GLU coalition members such as Sierra Club, Ohio Environmental Council, UAW, and League of Women Voters have been active.

The Cuyahoga RAP coordinator is Robert Wysenski, a water quality specialist jointly under the Governor's newly created Lake Erie office as well as Ohio EPA. He has expressed his commitment to a timely RAP with good public participation.

Despite the momentum, the complexity of this Area assures a long process. The Governor's original RAP completion date of 1989 has been pushed back to January 1991.

Up the coast 62 miles to the northeast is the Ashtabula River Area of Concern. It has two distinct contaminated sediment areas. Fields Brook, a tributary to the Ashtabula, is a Superfund site whose channel is heavily contaminated with PAH's, PCBs, heavy metals, phthalates, and chlorinated benzene compounds from 18 industries. The lower Ashtabula channel includes TCE, pesticides, heavy metals, arsenic and HCE, and PCB levels in fish samples have led to a fish consumption advisory.

The Fields Brook and Ashtabula River sites have totally different histories. Superfund investigation, remedial plans, and state enforcement have been ongoing for many years for Fields Brook. But public participation has been limited to the public meeting format, not citizen involvement on a Task Force. In contrast,

"The political waters at Lorain, Ohio, are as muddy as the Black River."

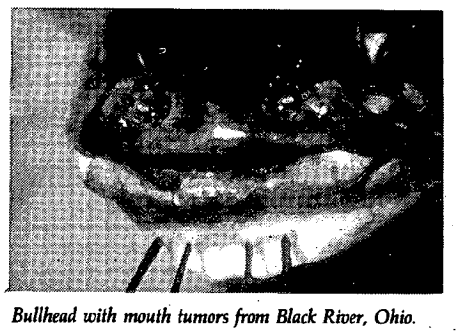
planning and field investigation of the lower Ashtabula started only recently. The background report was only completed last fall, the same time when the first public meeting was held. Unlike Fields Brook, public participation is likely to be more intensive.

A separate matter is the Army Corps of Engineers' plan to dredge the Ashtabula to assist navigation. The dredging has been held up by toxic sediment questions and opposition to the choice of a local disposal site. It appears the Corps may dredge before the Fields Brook site is cleaned up, even though recontamination has not been ruled out.

Ohio EPA has indicated its agreement that citizens should have input to the RAP process beyond just public meetings. Preparation of the RAP has not yet begun, though its completion is projected for August 1989.

At the eastern tip of Lake Erie, 120 miles northeast of Ashtabula, is the Buffalo River Area of Concern (see separate article). Its problems are contaminated sediments, fish tumors, abandoned waste sites and nonpoint pollution.

This has not exactly been a "scenic" tour of Lake Erie. The question, though, is whether the RAP process will proceed unimpeded. And after the RAPs are completed, will they be able to successfully remedy the problems they address, rather than become one more "paper exercise?" The answer depends partly on whether the community is tapped through public involvement, so that a support base will enable funding to be obtained. The vision is that, decades from now, this could one day indeed become a scenic tour of Lake Erie. □



Bullhead with mouth tumors from Black River, Ohio.

Erie As New Area of Concern?

continued from page 1

"hotspots" inside two marinas.

- More than half of the Army Corps' sediment sampling sites in the bay were classed as moderately or heavily polluted with arsenic, cyanide and heavy metals.
- Presque Isle State Park, U.S.'s third most heavily visited park, has had repeated closings of its beaches because of bacterial contamination and swimmers' gastroenteritis.

Despite DER's previous opposition, one good sign is a change in DER's top administration last spring. Because of this, GLU and Erie's Coalition have requested a meeting with Commissioner Arthur Davis to seek his support toward making Erie a new Area of Concern.

Another favorable opportunity is a change in the Great Lakes Water Quality Agreement between the U.S. and Canada. Previously, Area of Concern nominations had to come from the states or provinces, such as Pennsylvania. The new 1987 Agreement now allows the IJC Water Quality Board to directly nominate Areas of Concern also. GLU has just requested the Board to consider such a nomination at their next meeting.

GLU and the Coalition are now preparing to hold an all-day workshop of the Science Advisory Board on how to get the harbor cleaned up within 20 years. The February workshop, as well as a press conference, are expected to increase community awareness and support.

Pennsylvania may have one of the shortest coastlines, but that is even more reason for it to be proactive in restoring and enhancing such a limited resource. If an Area of Concern designation is ultimately achieved, it will clearly accelerate the process of cleaning up Erie's Presque Isle Bay. □

New GLU Member Group Honored

The "Conservation Organization of the Year" Award was given to the Erie County (Pa.) Environmental Coalition by the Pennsylvania Sportsmen Federaton at a banquet this January. One of GLU's new coalition members, they themselves are a coalition of environmental, ecumenical, sportsmen and civic groups that has worked tirelessly advocating protection of Erie's water quality and shorefront.

The coalition was founded by GLU board member Dick Kubiak and is chaired by Sister Pat Lupo. She said, "We are very honored to receive this award. An award like this gives the group even more energy and commitment to continue our work."

Their issues have included working to gain Area of Concern designation for Erie's harbor, the Erie Waste Energy Plan, litigation with the DER to remove polluting sand mound facilities from Presque Isle State Park, and shorefront development issues. □

Federation's Aim: To Save A Great Lake

Alice Q. Hargrave

Federation board member Tom Murphy, a DePaul University chemist, samples Waukegon Harbor.

by Glenda Daniel, Lake Michigan Federation

From steelworkers in northwest Indiana, a call comes to the Lake Michigan Federation's Chicago office on a Thursday afternoon in January. An accidental spill at Bethlehem Steel Co., reported to the state as "a few gallons of wash water," has produced a major fish kill. Among the victims are more than 5,000 alewives as well as such top predator species as brown trout, smallmouth bass, channel catfish and walleyes. The Coast Guard hasn't been alerted. Can anything be done?

Later the same day, a housewife from Michigan phones in to report that a proposed new development near Little Traverse Bay on Lake Michigan's eastern shore includes a mile and a half of pristine dunes, wetland and forest. Can we intervene to ask that this portion of the shore be excluded from the development package?

In Chicago, Loyola University announces a major new expansion project that requires building a landfill out into Lake Michigan. State approval will be needed, because the state owns the lake bottom, but the university thinks it can get it. A newspaper reporter records the Federation's concern that such "land grabs" by private landowners set a dangerous precedent.

Like most environmental organizations, the Lake Michigan Federation spends a great deal of time responding to such emergency requests from its network of activists and observers in the four states around Lake Michigan.

The requests do not signal isolated events, however. From such valuable local sources, combined with information from broader regional organizations such as Great Lakes United, the Federation gets a clearer picture of the most persistent, overriding concerns in its Lake Basin. From these concerns, it develops each year's major programs.

In 1988, for example, the Federation's program focus will include: a handbook for citizens and a follow-up conference (with Great Lakes United) on contaminated sediment disposal; a continuation of work ongoing to organize citizens in Lake Michigan Areas of Concern; a regional leadership retreat to be co-sponsored with GLU and Sierra Club on air toxics; and continuing informational efforts on effective shoreline management.

In addition, the Federation hopes to initiate a pilot study on the effectiveness of wetlands mitigation, a new environmental education effort at public schools in several cities, and the production of a booklet on lake ecology and shoreline natural areas to be distributed at highway waysides along a scenic highway route, the "Lake Michigan Circle Tour."

In cooperation with Great Lakes United, the Federation also plans to host a meeting of Lake Michigan activists in Michigan City, Indiana on Saturday, April 16. (See separate story this issue).

The Federation maintains offices in Chicago and Green Bay and hopes to establish a third office this spring in Milwaukee as well. The Milwaukee effort, to be supported with start-up funds from the Atlantic States Legal Foundation and the American Clean Water Project, will focus on building public support for cleaning up and finding innovative new uses for the Milwaukee River and Harbor. For this effort, we will be drawing heavily on the experience of citizens working on the Buffalo River Remedial Action Plan as well as from our own experience in Green Bay, Wisconsin, and on the Grand Calumet River in Indiana.

The Lake Michigan Federation was founded in 1970 in the wake of concern over the impending "death" of Lake Erie and the widespread fear that "our lake" would succumb next. Its work expanded soon to include a focus on toxic chemicals. Early successes included securing phosphate bans in the city of Chicago and in several states, defeating a proposal to build a nuclear power plant on the lakeshore in northwest Indiana, and helping to secure bans on U.S. use of such toxic chemicals as PCBs and toxaphene. The Federation also worked with citizens who became the Grand Cal Task Force in northwest Indiana to secure interagency cooperation (federal and state) on development of the first "Master Plan" for clean-up of the Grand Calumet river and Indiana Harbor Canal. That plan eventually became a model for the idea of "Remedial Action Plans" in the 42 Great Lakes Area of Concern.

We try to have fun along the way, of course. The Federation sponsors at least two "moonlight sails" each summer. Flotillas of sailboats, owned and crewed by Federation members and supporters, carry four to eight guests per boat for a two-hour sail by sunset and full moon. Gourmet box dinners and drinks are provided. Receptions at local yacht clubs provide a chance for participants to socialize for awhile before each sail. Theater benefits, picnics, river- and lakeside litter clean-ups and other events are also sprinkled on the organization's calendar throughout the year.

We've been hearing a lot of concern from members lately about new incinerators proposed for their communities; people are also becoming increasingly skeptical about the safety of local drinking water. What are you hearing on the environmental grapevine? Please let us know. To share your ideas — and hopefully to become a member — please write or call: The Lake Michigan Federation, 8 S. Michigan Avenue, Suite 2010, Chicago, IL 60603. Phone 312-263-5550. □

Lake Michigan Activists To Meet

by Cameron Davis

A summit for Lake Michigan activists is now in the works for this spring by the Lake Michigan Federation and Great Lakes United. The meeting will address subjects relevant to Lake Michigan water quality.

The meeting is planned for Friday and Saturday, April 15 and 16, and is scheduled to take place at Barker House, a private estate now owned by the Indiana Nature Conservancy, in Michigan City, Ind. Major Lake Michigan issues to be discussed include contaminated sediment problems, atmospheric pollution abatement, Remedial Action Plans for Areas of concern (and possibly a Lake Michigan lakewide management plan) and wetlands/coastal barriers preservation. Ideas for additional topics are welcome.

The conference will be designed to inform those who influence the lake's water quality, including professionals and volunteers, with a special orientation toward abatement strategies. The Lake Michigan Federation and GLU have limited scholarship money for those who wish to attend and need assistance to do so.

Those interested in attending should contact Glenda Daniel at the Lake Michigan Federation, (312) 263-5550, 8 S. Michigan Ave., Suite 2010, Chicago, IL 60603 or Tim Eder at Great Lakes United, (716-886-0142). □

Wisconsin Campaign For Clean Water Launched

A coalition of nine environmental groups launched the Wisconsin Campaign For Clean Water in January and announced a four-part agenda for 1988. The state is holding public hearings this winter on three items of the four-part agenda. The coalition includes Great Lakes United, the National Wildlife Federation, the Wisconsin Wildlife Federation, Citizens For A Better Environment, the Kettle Moraine and John Muir chapters of the Sierra Club, Wisconsin's Environmental Decade, the Lake Michigan Federation and the Milwaukee Audubon Society.

The coalition urges that Wisconsin state government take the following four steps in 1988: adopt and enforce a strict "anti-degradation" rule to prohibit additional pollution of pristine waters; adopt and implement strict new administrative rules to enforce the water quality standards and antidegradation rule; and issue new permits to forty major pulp and paper mills containing tough toxics limits.

"1988 is a critical year for Wisconsin's lakes and rivers," said Mark Van Putten of the National Wildlife Federation. "It's the last chance for state government to adopt strict controls on toxic water pollution in Wisconsin before the federal government is forced to step in."

Environmental groups have sued to force the U.S. EPA to revoke the Wisconsin Department of Natural Resources' $2 million per year pollution program because Wisconsin has failed to limit toxic discharges. Achievement of the four-part agenda will obviate the need for the revocation suit.

For fact sheets on each of the four agenda items and information on the upcoming public hearings, contact the Wisconsin Campaign for Clean Water, Suite 303, 647 West Virginia St., Milwaukee, WI. 53204. □

Lake Diversion EIS Planned

A Draft Environmental Impact Statement is due in April 1988 for a proposed diversion of Lake Michigan water at Chicago. The project would divert Lake Michigan water into the Illinois Waterway (up to 10,000 cfs) when 1) the Lake is above its average level, 2) no flooding is occurring on the Illinois or Mississippi Rivers, 3) when Great Lakes/St. Lawrence Seaway navigation depths would not be affected. No public scoping meetings are planned. Send comments to Keith Ryder, US Army Corps of Engineers, Chicago Dist. Envir. Branch, 219 South Dearborn St., Chicago, IL 60604. □

Contaminated Sediment Task Force Formed

At the December GLU Board of Directors meeting, a contaminated sediment task force was formed. GLU President Frederick L. Brown stated, "along with airborne toxic fallout to the Great Lakes, contaminated sediments pose the most complex natural resource problem we face today. The interactions of these sediments, the repartitioning of pollutants into aquatic organisms and water column, the input of toxic material into our waterways, and the sedimentation process itself must be addressed."

The Task Force will review current technical data on the subject, advocate demonstration projects to solutions and devise a regulatory strategy for implementation. It is hoped that GLU and the Lake Michigan Federation can obtain government grants to host an international conference on contaminated sediments this fall.

To be involved in this exciting endeavor, contact Glenda Daniel, Lake Michigan Fed., 8 S. Michigan Blvd., Suite 2010, Chicago, Il., 60603 or David Miller at the GLU office. □

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In The Public Interest:

by Richard J. Lippes, Esq. and Paul Muldoon

Q. Could I recover damages under my homeowner's insurance policy in the event that the nuclear facility near my home has an accident or a radioactive release?

A. Almost invariably, insurance policies for homes, automobiles, and property have a "nuclear exclusion' clause, denying insurance coverage in the event of loss due to radioactive contamination. Hence, chances are that your primary recourse is found under the *Price-Anderson Act* in the United States or the *Nuclear Liability Act* in Canada.

The U.S. *Price-Anderson Act* creates a pool of money, currently about $700 million (comprised of contributions from the utilities, private insurers, and the Federal government), which represents the ceiling on the total amount payable for all damages resulting from the accident. The ceiling can only be raised by an emergency act of Congress. In Canada, the liability limit is set at $75 million. As in the U.S., it is up to the federal government to decide whether to provide additional funds. It can also establish a Nuclear Damage Claims Commission to hear the claims. Under either law, once the total damage amount exceeds the allotted funds, the claimants have to pro rate their losses. For years, many have complained that the liability limits are too low and, in effect, create a subsidy to the utilities by not holding them liable to the full amount of the losses that may result from a nuclear accident. For example, it has been estimated that a Chernobyl-like nuclear accident in Canada would result in claimants receiving less than a cent on the dollar of damages incurred.

The Canadian Act is automatically triggered once there is a "nuclear accident." In such an event, only the utility is held responsible since the *Nuclear Liability Act* specifically exempts all others from liability, including suppliers or manufacturers of faulty equipment or negligent engineers.

The U.S. *Price-Anderson Act* is triggered only if the Nuclear Regulatory Commission determines that the accident is an "extraordinary nuclear occurrence." If the NRC decides that the nuclear occurrence is not "extraordinary," (as the study did for the Three Mile Island accident), claimants are not limited to the liability ceiling. However, since the Act removes most defenses from the nuclear facility operator to establish essentially a "no fault" insurance plan, claimants in a "non-extraordinary" accident situation would then have to prove some party was at fault or negligent. However, for the most part, many well-established rules of law assist in overcoming this obstacle.

Both the U.S. and Canadian statutes require that the claim be brought within a certain time period (20 years in the U.S. and 10 years in Canada). These limitations clauses, however, do not take into account the long latency of radiation-related illnesses, such as cancers and genetic defects in generations following radiation exposure.

If a nuclear accident in one country affects the health or environment of another, foreign claimants will have the same rights and remedies as citizens of the country where the accident occurred. However, it should be kept in mind that the liability ceiling applies to all claims, including those from other countries.

Should you need further information with respect to these statutes, contact:

Keiki Kehoe, Environmental Policy Institute, 218 D Street, N.E. Washington, D.C., 20032. 202-544-2600 □

Shoreline Bills Introduced

A pair of bills were introduced recently to the Michigan legislature to combat Great Lakes shoreline problems. The proposed legislation amends the Michigan Shoreland Protection and Management Act of 1970, adding new safeguards to protect homeowners from property loss caused by high water levels and shoreline erosion. Introduced by Sen. William Sederburg (R-East Lansing) and Rep. Ken DeBeaussaert (D-New Baltimore), the bills were developed with the assistance of the Office of the Great Lakes' Shoreline Advisory Committee, consisting of shoreline community officials, residents, technical experts and legislative staff.

Sen. Sederburg's bill would establish a mandatory set back from the Great Lakes shoreline for all non-movable structures to be built on non-bedrock soils. A 45-feet setback from a bluff line is required for permanent structures under 3,500 square feet. Structures with a foundation over 3,500 feet or that contain more than four separate living units must be set back 90 feet. Local governments are free to set greater setbacks if conditions warrant. The DNR believes this effort will reduce future property damage caused by high water levels and erosion.

Rep. DeBeaussaert's bill would require written notice from a seller of property to a prospective buyer that the land has been designated a high risk erosion area by the DNR. The bill would ensure that purchasers of Great Lakes shoreland property will be informed of serious erosion problems prior to purchase.

Letters of support should be addressed to: Sen. Sederburg, P.O. Box 30036, and Rep. DeBeaussaert, P.O. Box 30014, both in Lansing, MI 48909.

Michigan Rep. Charlie Harrison, Jr. has introduced a bill that would establish a DNR-administered grant program for clean up projects in the Great Lakes and its major tributaries. The program would provide grants to eligible community organizations to fund up to 50% of the cost of projects to clean up Great Lakes shorelines and major tributaries.

Eligible projects would focus on such things as clearing debris from shorelines, river bottoms or beaches; building or restoring structures for public enjoyment; preventing bank erosion; or other low-cost clean up efforts. The maximum grant award is $25,000. Cities, villages, townships, watershed councils, or DNR-approved community organizations along the shoreline or a major tributary would qualify.

Initiated by the office of the Great Lakes, if the program is established it will build on the successful community clean-up projects on the Rouge River and stimulate similar efforts across the state. Governor James J. Blanchard has requested an appropriation of $100,000 for this program.

Letters of support should be addressed to Rep. Charlie Harrison, Jr., P.O. Box 30014, Lansing, MI 48909. □

Lake Level Update

The decline in Great Lakes water levels continued for all the lakes. January 22, 1988 levels recorded by Dept. of the Army were:

	Change from record January high		Since last January 22, 1987
Lake Superior	-19 inches	(1986)	-12 inches
Lake Michigan-Huron	-23	(1987)	-22
Lake St. Clair	-20	(1986)	-18
Lake Erie	-20	(1987)	-20
Lake Ontario	-25	(1946)	-18

Join Us!

United! Together we can protect and promote our common treasure — the Great Lakes Basin.

Name _____

Organization: _____

Address: _____

State/Province: _____ Zip/Postal Code: _____

Phone: ( ) _____

□ Individual Membership ($15.00)

□ Organizational Membership ($100.00)

Information Request:

□ By-Laws □ Member Organizations

□ Resolutions □ Other (Please Specify)

Would you be interested in volunteering for Great Lakes United?

□ Yes □ No

Time Available? _____

Please return this form with checks payable to:

Great Lakes United
24 Agassiz Circle
Buffalo, New York 14214

For additional information, send request to the above address or contact:

David J. Miller, *Executive Director*
(716) 886-0142

Michigan Council Booklets Target Nonpoint Pollution

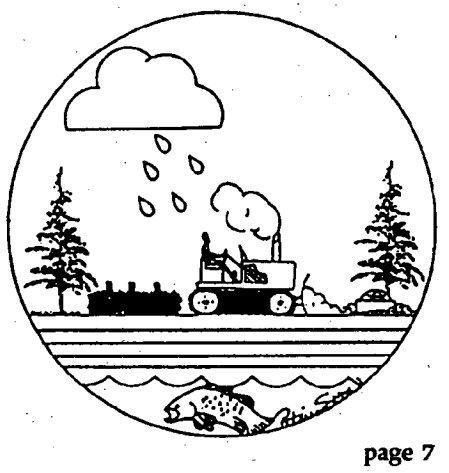
Rainwater and snow melt, flowing off paved streets, sidewalks, parking areas, and large expanses of roof, carry a variety of chemicals, salt, sediment, and trash into lakes and streams. This is referred to as nonpoint pollution and is distinguished from point source pollution which is the direct discharge from industries and municipal sewage plants.

The West Michigan Environmental Action Council has published six booklets aimed at reducing urban nonpoint source water pollution. Funded by the C.S. Mott Foundation, the booklets profile the number and types of urban nonpoint sources. They introduce the community to the problem and encourage a change in business or personal practice, by describing impacts and best management practices for each major land use. They are:

1. *Reducing Nonpoint Pollution From Construction Sites — What Site Designers and Erosion Control Inspectors Can Do* (5"x8" 16 pp.)
2. *Reducing Toxics Runoff From Construction Sites — Impacts and Best Management Practices* (5"x8", 11 pp.)
3. *Reducing Sediment Runoff From Construction Sites — Impacts and Best Management Practices* (5"x8", 9 pp.)
4. *Environmental Management Practices to Reduce Industrial Nonpoint Pollution: A Summary of Best Management Practices* (8"x11" 29 pp.)
5. *Reducing Polluted Runoff From Commercial/Institutional Areas — Impacts and Best Management Practices* (8"x11", 30 pp.)
6. *Homeowner Guide to Reducing Water Pollution* (5"x8", 27 pp.)

Communities and industries have spent millions of dollars to clean up point sources of pollution. Still, in most urban areas, water quality goals have not been reached. Toxic and conventional pollutants are still entering lakes and streams from nonpoint sources. WMEAC research shows there is no one predominant source in an urban area which contributes a large percentage of the total stormwater pollutant load, but the sum effect of all the sources results in degraded water quality in, and downstream from, an urban area. Further improvement in urban area lakes and streams will depend on the commitment of the individuals in a community to promote use of best management practices for all land uses.

Single sets or individual copies are available free of charge. Make request to Shari Schaftlein, WMEAC, 1432 Wealthy S.E., Grand Rapids, MI, 49507, 616-451-3051. Please include postage, $1/set, $.75/8x11, $.40/5x8. □



THE GREAT LAKES UNITED

Linking Ecology and Economy Is Good Policy

Editor's Note: The Great Lakes United editorial policy is to provide a forum for government leaders in the Great Lakes Basin to specify their plans and goals for addressing the ecological problems of the system. Our hope is that our membership/readership will get involved to ensure strong pollution control and socially responsible programs are implemented which promote a better quality of life throughout the basin.

Too often, environmental protection discussions are framed in either/or terms or as a struggle between the "Forces of Good and Evil."

A more enlightened view links the ecology and economy of an area, a region, and even the world, as noted by the World Commission on Environment and Development last year.

This view of sustainable development recognizes it is impossible to separate economic development from the natural resources base. It is an especially appropriate view for the Great Lakes also is embraced by organizations such as the Center for the Great Lakes which is trying to bring together business, environmental and governmental interests.

It isn't always that way, especially for those of us in public life, because conflict sometimes makes good politics and always makes good headlines. But conflict may not be good public policy and/or make good environmental sense.

I campaigned on a platform of economic development. It's a theme Great Lakes Governors of both parties have advanced on their own, and one that we are focusing on as a region. Each Governor has economic development success stories, and job development seems to be in the headlines each day. But the headlines often put jobs against the environment without addressing the whole story — the story of balancing sound economic policy with sound environmental policy. The decisions are often difficult ones and require cooperation in pursuit of mutually laudable objectives.

I am proud of the fact that Wisconsin was able to work cooperatively with the U.S. Environmental Protection Agency and the state's major industrial and municipal water dischargers to fashion a comprehensive strategy for dealing with toxic discharge.

I am proud of Wisconsin's environmental record. Our accomplishments in wastewater cleanup, solid waste management, reforestation, fisheries management. Others look to us for leadership in non-point source pollution control and wasteload allocation along industrial rivers.

I am proud Wisconsin has been recognized by The Fund for Renewable Energy and The Environment and that we were the first state to meet the 1983 fishable-swimmable deadlines set by the Clean Water Act.

Some naysayers might find it strange that a Republican Governor committed to economic growth is boasting about environmental programs.

Well, when it comes to the environment, stereotyping doesn't work. Why not?

First, governors that are concerned about jobs are also concerned about the environment. That's good policy and good politics. I often hear my business friends talking about the outdoors — fishing, hunting, boating and the like — and how they want to "do what's right" for environmental protection. Indeed, many times Wisconsin industries have gone beyond regulatory requirements.

Second, environmental protection is something that the marketplace cannot do alone. Government helps with technical decisions and assures a "level economic playing field." So I support necessary regulations and investments, just as other Wisconsin governors have done before me.

Third, Wisconsin public officials realize that protecting the environment and managing the Great Lakes depends on cooperation. For example, Wisconsin has environmental agreements with Quebec, has long played an active role in multi-state Great Lakes water quality discussions and has committed millions of state and local dollars to wastewater treatment.

And how do I feel personally about this effort?

It's worth it!

It's worth it because it is the right thing to do. And it is the best thing to do for economic development, too.

Along the Great Lakes shore, cleaner water has meant millions of dollars in new construction, new marinas, new tourist trade and new businesses linked to the recreational and aesthetic values of Lakes Superior and Michigan.

And throughout Wisconsin, the feeling that we are a state with clean water, beautiful landscapes, abundant fish and wildlife, popular parks and alluring forests gives us an important "quality of life" asset that allows us to compete for the high quality economic endeavors that have workers who place a special value on quality living.

So, given this, what are the questions I face as Governor and we face as Great Lakes residents?

Most importantly, we must care for the goose that lays the golden egg. We must develop wisely. We must protect, for example, irreplaceable estuaries.

We need to tackle problems we have some control over — like toxic pollution from within our region. The control of toxics — especially with the scientific uncertainty that makes regulatory and business decisions so tough — is the biggest in-region problem the Great Lakes face. If we do it right, we can also enhance the productivity of our industry.

And we need to stick together. As partners — public and private, Canadian and American, state and local — we need to act as one.

If a major share of the toxic loading to the lakes comes from outside the region as atmospheric deposition, we must work with those responsible to find solutions. We also need to find ways to finance certain lake projects.

And if our national capitals fail to nurture regional cooperation, we need to assert ourselves on behalf of the resource that defies political boundaries.

Last summer, as state government was "moved" for a week to the Lake Superior region, I experienced what the lakes mean to people who live near the shores. I was most impressed with what the City of Superior has done with a former industrial site, converting it to a first-class marina and recreational complex — Barker's Island.

I did not grow up on the lakes, but I recognize the importance of the Great Lakes to Wisconsin. They provide incomparable natural beauty and unparalleled economic opportunity. We must be diligent in protecting and enhancing the natural and economic opportunities the lakes afford us and I look forward to working with my counterparts in that effort.

Tommy G. Thompson
Governor, State of Wisconsin

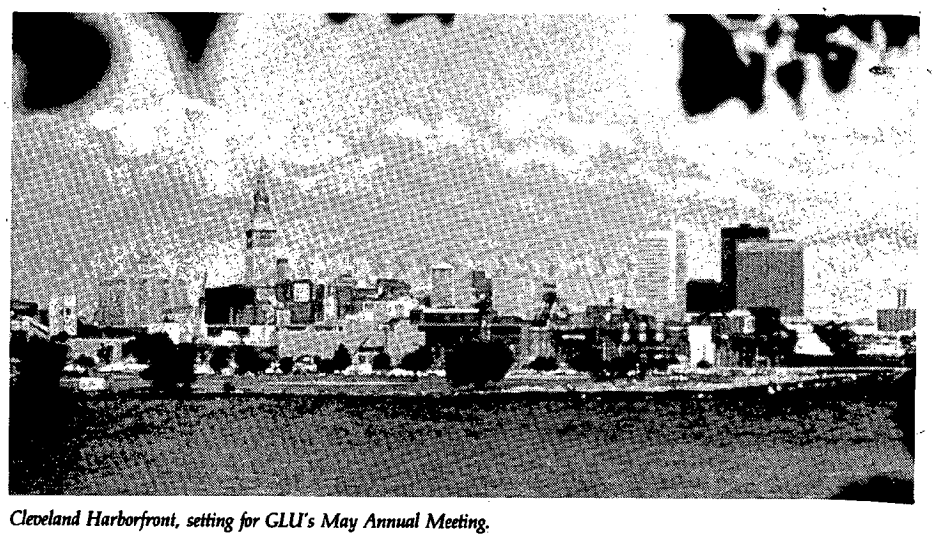
Cleveland to Host GLU Annual Meeting

On May 6, 7 and 8, 1988, Great Lakes United's Sixth Annual Meeting will be held at the Bond Court Hotel in downtown Cleveland, Ohio. Invited speakers include Governor Richard Celeste, Congressman Dennis Eckhart, OEPA Commissioner Richard Shank, and other governmental and citizen leaders from Canada and the United States.

Friday afternoon will be an opportunity for participants to share material at our registration area, enjoy a boat cruise on the Cuyahoga River, and relax during an evening reception. Lodging will be in the Bond Court Hotel.

On Saturday, panel discussions will focus on critical Great Lakes issues, such as implementation of our new Water Quality Agreement, contaminated sediments, and newly discovered threats to our fish and wildlife. Saturday afternoon will include GLU Task Force sessions with emphasis on important policy resolutions for Sunday's General Membership Meeting.

Great Lakes United urges all of you to attend another exciting, productive and enjoyable Annual Meeting. Mark down May 6, 7 and 8 on your calendar now, and expect to receive a registration form shortly. □



Cleveland Harborfront, setting for GLU's May Annual Meeting.

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