

THE GREAT LAKES NEED

GREAT LAKES UNITED, SUNY COLLEGE AT BUFFALO, CASSETY HALL, 1300 ELMWOOD AVENUE, BUFFALO, NY 14222

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(716) 886-0142

CANADIAN ADDRESS: P.O. BOX 548, WINDSOR, ONTARIO N6A 6M6

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Citizens Build Great Lakes RAP Network

By Bruce Kershner, GLUI Field Coordinator

Seventy people converged on Niagara Falls recently for the largest gathering of RAP citizen representatives ever held. Nearly every RAP, from Duluth, Minnesota and Thunder Bay, Ontario to the St. Lawrence River, was represented.

The occasion was the 'RAP Revival: A Citizens Workshop on Remedial Action Plans' held February 9-11, 1990 in the Center of Renewal north of Niagara Falls, NY.

The conference was arranged to enable citizen members of Remedial Action Plan (RAP) Public Advisory Committees (PACs) to share ideas, learn new solutions to common problems and to strengthen citizen influence in our efforts to clean up each Area of Concern (AOC).

The meeting was also an opportunity for people to meet fellow citizens who are devoting their time to RAPs but in

widely scattered cities. One of the most common remarks was "I thought we were the only one facing that problem. We're not alone. I needed to know that."

One major result of the conference came out of work sessions that explored ways to expand the networking between citizen RAP members. The result, which crystallized in the final session, was the agreement to expand citizen networks within GLUI, but with a specific focus on RAPs. A steering committee was formed to begin the process of building this RAP network, and to identify the need for funding, newsletter, staffing and so on.

GLUI Executive Director Philip Weller opened the conference by describing the barriers that citizens have encountered in developing and implementing RAPs. These ranged from lack of funding from agencies to lack of effective technologies to carry out cleanups; RAP committees that exclude citizens from having influence, to laws

and regulations that are inadequate to enforce clean up.

"What do we want a good RAP to contain?" Four groups grappled with that question. They felt that all RAPs must adopt and incorporate the principles of the Agreement. The Ecosystem Approach must tie together all water, air and geographic processes, but also political systems and ecotoxics. Zero discharge must be a written goal of every RAP, just as it is a goal of the Water Quality Agreement that created RAPs. Zero Discharge of toxic

chemicals means "zero"; however, it may be phased in over time, as Best Available Technology and permit processes take ever-tightening steps toward zero, the conferees agreed.

RAPs, the group felt, must commit to cleanups that restore all beneficial uses. Contaminated sediments are clearly the most intractable problem. RAPs should require "cradle to grave" tracing of chemicals.

Public participation must not only be an integral part of the RAP process, but a record of this participation must be kept to judge if it has been sufficient.

In addressing "How to Achieve Community and Committee Relationships that Obtain Our Goals," the next session pointed out that developing public out-

reach is beneficial, not just because it gains community support and puts pressure on politicians for cleanup. It also obtains funding, educates the public and identifies new environmental leaders. However, government must not run the public outreach program — it must be a partnership with the citizens. Government often does not know how to truly communicate with the public and can not distinguish between public participation and public relations.

A wide range of methods to communicate with the public was devised.

Participants found that there is a very wide diversity of PAC structures, sizes, funding, power and effectiveness, especially between Canada and the U.S. But they all agreed in the government must not run the PACs and that the citizens' power of dissent is vital and must be exercised aggressively. Membership on PACs should be based more on enthusiasm and commitment than on mere representation and credentials. PAC facilitators must be independent and selected by the PAC. The agency must fund, but not control, the facilitator.

"How to Effectively Implement RAPs" was seen as something that must be addressed early, long before the RAP ac-

continued on page 3



Citizens from both Canada and U.S. RAPs learned how much they had in common at GLUI's RAP Workshop.

Opening MISA Doors to Public

By Marcia Valente, Canadian Institute for Environmental Law and Policy

What happened to the principle of public participation in Ontario? Is environmental decision-making in the province still an "old boys club" between industry and agency staff? These are questions environmental groups are asking as Ontario continues its programme to revamp its water quality laws, known as the Municipal Industrial Strategy for Abatement (MISA).

Since its inception 18 months ago, the MISA initiative has focused on the development of monitoring regulations for the ten industrial and municipal categories of polluters discharging directly into Ontario waterways. Over the next three years or so, the Ministry of the Environment (MoE) will be using the monitoring data to develop technology-based effluent limits. These limits, the first regulation of which will be released for comment in the fall of 1990, will define enforceable effluent standards based upon the "best available control technology economically available" for each sector.

While it was assumed the MoE was still focused on the monitoring phase, the environmental groups became aware that the Ministry was proposing a

"issues resolution" process for the development of the effluent limits phase of MISA. This process would define important concepts and select operating principles generic to all of the forthcoming industrial and municipal effluent control regulations. Among the 18 issues were "how should terms such as 'virtuous elimination,' 'best available control technology,' and 'economically achievable' be defined? What should be the form of the regulations, that is, should they be based upon production rates, concentrations, absolute loadings? What is meant by compliance and who should enforce these regulations? How often should these technology-based regulations be reviewed?"

How these questions are resolved will largely determine the success of MISA and the degree to which the program complies with the requirements of the Great Lakes Water Quality Agreement. Despite their crucial importance, the MoE had intentions of virtually excluding all public input into the resolution of these generic issues. Even worse, the proposed issue resolution process was to be an essentially negotiated one between the regulators and industry.

In response to this proposed process, John Jackson, on behalf of GLUI and four

continued on page 2

How "Green" Are Green Products?

By Bob Kasarda

Consumers in the US and Canada will have the opportunity beginning this year to use their shopping dollars to support a healthier environment. By the time this article appears, products should have begun appearing on store shelves throughout Canada bearing an Environmental Seal of Approval. A similar program is due to kick off in the U.S. on Earth Day, April 22.

The seals are being introduced as a way for consumers to identify products that have been judged the least harmful to the environment, according to David Collins, acting executive director of the Alliance for Social Responsibility. The group operates the program in the U.S.

But critics question just how effective experts will be at properly evaluating the environmental impact of a product. The science of assessing environmental impact is still relatively new, and there is disagreement over the definition of "how safe is safe?" The introduction of biodegradable plastics is a good example of this uncertainty.

At first, biodegradable plastics were embraced by many as being environmentally friendly. But, after the long-term effects were studied, Canada's Pollution Probe and others denounced the plastic as harmful to the environment. Another concern is that, if use of the seal increases sales as expected, what is to keep corporate greed from misdirecting the goals of the programs? There is fear that large companies will monopolize the program with their financial influence. There is nothing to stop them from labelling a product as "environmentally friendly," regardless of its true impact on the environment.

In defending their work, those involved with both programs said their

efforts were modeled after West Germany's successful "Blue Angel" program. The 12-year-old program was the first of its kind in the world.

From this research, those in the United States designed a three-tier system of evaluation, according to Collins. The job will begin with an overall investigation of the company's environmental record, he said. The company will also be rated on its level of social responsibility, which will include its efforts in areas such as the advancement of the rights of women and minorities.

"Individual products will be judged on the environmental impact of their production, content and packaging," he pointed out. The evaluation will then be reviewed by a panel of experts composed of environmentalists, scientists, ethics professors and others.

Initially, only one seal will be used, Collins said, so as to introduce the public without causing too much confusion. But, as the program progresses, it is likely that different types of seals will be used to represent varying levels of environmental impact.

"I think the seal will get tougher over the years," he commented. There are also plans to release the criteria on which all evaluations are based, he said, in an effort to avoid any confusion or disbeliefs. "The Canadian program will also evaluate products from a 'cradle-to-grave' view," said Jack Poon, project manager of Canada's Environmental Choice Program.

The plan is to develop guidelines for eight categories of products, including fine paper, sanitary paper, newsprint, water-based prints, cloth diapers, refined oil, construction materials made from wood-based cellulose fiber and

continued on page 2



Will Army Corps Make the Great Leap?

By Philip Weller, Exec. Director, GLU

Building wetlands, undertaking remedial actions in Areas of Concern, and monitoring Great Lakes environmental factors are not activities that immediately "leap" to mind when one thinks of the U.S. Army Corps of Engineers. However, under a new proposal developed by the Corps—called Great Lakes Environmental Action Program (Great LEAP)—these and other activities designed to protect and rehabilitate the environment would become a central part of the Corps mission.

During the past six months, environmental agencies, legislators and environmental groups have received presentations from the Corps on their newly found environmental awareness. In September 1990, now retired Division Chief General Vander Els told representatives of EPA, U.S. Fish & Wildlife Service, state environmental officials, GLU and the Lake Michigan Federation, "We the Corps believe we can take positive steps by using our expertise as a construction agency to enhance the Great Lakes environment." This could be done, explained the General, by modifying [Corps] operation and maintenance activities, or initiating new construction to help the Great Lakes

environment."

Specifically, the Corps wants to expand its mandate in the Great Lakes to include "habitat enhancement and wetlands creation." The proposal is modeled on a joint program the Corps undertook with the U.S. Fish & Wildlife Service on the Upper Mississippi River which involved creating new wetland habitat as part of a mitigation project. In addition to wetlands creation, the Corps wants to cooperate with other agencies to use its dredging and construction experience to undertake remedial actions in Areas of Concern. Development of a Great Lakes computer Geographic Information System is the final cornerstone of the Corps greening proposal.

The expansion of the Corps responsibilities to include these activities requires revision of their Congressional mandate. Congressman Henry Nowak asked the Corps in November, 1989 to draft legislation that would expand its mandate to include these activities. Legislation proposed by the Corps is now being examined in Congress.

Response to the "Greening of the Corps" has been mixed. The U.S. Fish and Wildlife Service has embraced the concept and has even begun developing

"a wish list" of projects that could be undertaken. Other state and federal officials have remained optimistic and supportive of the concept but have privately expressed concern about the need for oversight of Corps responsibilities. "We are glad the leopard is changing its spots" but we need to know what it's going to look like when the transformation is over."

Despite skepticism of the new environmental attitudes of the Corps, there is recognition that, if proper oversight and direction was provided, Great LEAP could be an effective way to unleash Corps expertise on ecosystem improvement.

The legislation proposed by the Corps to Rep. Nowak suggests that, "The planning, design, and construction of measures for fish and wildlife habitat enhancement, including restoration of degraded habitat and creation of wetlands, could be undertaken by the Corps in consultation with the Secretary of the Interior, the Administrator of the US

EPA, the Under-Secretary of Commerce for Oceans and Atmosphere, and the Great Lakes States."

A more appropriate mechanism to determine projects, however, would be to have the Corps undertake the activities at the request of these agencies. A formal mechanism of public review of project proposals should be incorporated.

Interestingly, the Corps' proposed legislation does not deal very strongly with support for Remedial Action Plans. The use of the Corps for some of these efforts could prove beneficial to many Areas of Concern. The Objectives and Concepts paper on contaminated sediments supported by GLU and other Great Lakes groups advocated expanding Corps dredging activities to areas outside navigation channels. Once again, this activity should only be done after extensive public comment through the Remedial Action Plan process.

The greening of the Corps would bring new resources to solution of Great Lakes problems. If the Corps is made responsive to a board proposing projects, with proper public input, it would build environmental support for both the Corps and its Great LEAP. □

Green Seal of Approval

continued from page 1

plastics that use recycled plastics.

According to Poon, the work will be done by a board of experts, and the public will have 60 days to comment on each category. Only the latter three categories listed above are expected to be done by the beginning of this year, however, because of the detailed work involved. "It's a long process," Poon said. "It would take several to eight months to get one guideline done if everything goes well."

Like in the United States, the goal of the Canadian program will be to get progressively tougher with the guidelines. The hope of each program is that, as consumers become more aware of corporate practices, companies become forced to re-evaluate their priorities and respond with more environmentally-sane procedures.

The programs have already stirred up interest among industries, many of which have taken the attitude that "if you can't beat them, join them," according to Poon.

However, since a favorable rating by the programs has the potential of boost-

ing the sales of a product, officials are taking steps to ensure that all companies, despite their size, have equal influence and chance of participation.

"In Canada, this is being done by basing the annual participation fee on a company's annual sales figure," Poon said. This fee is expected to range from \$1,000 to \$5,000. Companies in Canada will also pay a one-time fee for product evaluation. A cost and participation limit is being used by the US to prohibit larger companies from monopolizing the program, according to Collins. Details will be released later this year with a complete explanation of the program.

Creators of both programs have worked long and hard in hope of avoiding the pitfalls pointed out by critics, and only time will tell just how effective their efforts have been.

The true test, however, will take place in the store aisles, where consumers will decide whether or not to reach for a better environment. □

Journalist Kanada is active in People Against Hazardous Landfill Sites (PAHLS) and Downtown Recycling, both in northwest Indiana.

Opening MISA Doors?

continued from page 1

other groups, drafted a letter in December to the Minister of the Environment, requesting a meeting with Environment Minister Bradley and a briefing on the issues resolution process. In response, the Ministry met with five environmental groups and industry. The groups listened to, but refused to endorse, the Ministry's proposal. Instead, they drafted a response asking that industry be excluded from the negotiations with the Ministry. Instead, the process should be opened for all parties to comment on in an equal way.

The underlying principle is simply one of fairness — the public should be given the same opportunities to provide input on important decisions as provided to industry. The exclusion of the public from this important process demonstrates that MoE does not understand or has forgotten about this basic principle. It is ironic that, while environmental groups are excluded from meetings with the MoE and industry, the MoE requested industry to attend a meeting requested by, and arranged for, the environmental groups.

Despite the advances the Ministry has made in opening up the environmental decision-making process to all interests, this episode has turned the clock back to closed-door environmental politics which Ontarians had to endure for decades. As soon as the Ministry found itself under a time constraint, the first component to be eliminated was public participation.

In upcoming months, the public will be monitoring MISA to ensure it lives up to the principles of fairness and commitments under the WQ Agreement. □

GREAT LAKES UNITED

State University College
at Buffalo
215 Cassedy Hall,
1300 Elmwood Avenue
Buffalo, NY 14222
(716) 886-0142
Canadian Address:
P.O. Box 548 Station A,
Windsor, Ontario N9A 6M6

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From the President

By John Jackson

Two and a half years ago, Great Lakes United held the first Basin-wide meeting of citizens involved in RAPs. At that time, we focused on the struggle to get a powerful role for citizens in the development of RAPs. We have made substantial progress in our push for serious public involvement.

But, as was evident at the second Basin-wide workshop of citizens on RAPs held this February, a whole new set of challenging questions has arisen. They focus on the question: Will the RAPs make a real difference?

Our past experience gives us a clear answer to that question. Government and industry will not implement RAPs unless there is the driving force of persistent citizens' groups.

Many excellent ideas were developed at the February workshop aimed at ensuring the implementation of RAPs. These are outlined in the RAP article on page 3. GLU's report detailing the discussions at that workshop will soon be available.

The main message from the RAP

weekend was the need for citizens around the Basin to work together to ensure the implementation of RAPs. We need continued communication and more opportunities to strategize together. In this way, we will gain the combined strength to ensure that RAPs achieve their potential to dramatically improve the condition of the Great Lakes. □





Toronto Waterfront Gets Royal Attention

By Sarah Miller, Canadian Environmental Law Association

The name of the Royal Commission on the Future of Toronto's Waterfront conjures up pictures of H.R.H. Queen Elizabeth II donning her Wellington boots and mucking about in colonial waters. In Canada, Royal Commissions have traditionally been used by the government to undertake a special examination of problems that society has been unable to resolve. Recommendations by Royal Commissions can lead to major reform or they can collect dust on shelves after spending lavishly from the public purse.

Distinguished personages are usually invited to head up these commissions. In this case, former Toronto Mayor and federal Cabinet Minister David Crombie was given a three-year mandate, starting in March 1988, to examine numerous jurisdictional disputes on Toronto's waterfront. Mr. Crombie was charged to "make recommendations regarding the future of the Toronto waterfront and to seek the concurrence of affected authorities... to enhance the physical, environmental, land legislative framework for the use, enjoyment and development of the Toronto waterfront and related lands."

The "crisis" which led to this daunting undertaking was the transformation of Toronto's waterfront into a fortress of high-rise development. The public's protest at being cut off from its waterfront led the city to freeze developments already approved and sold.

This imbroglio was just one of many conflicts involving some 18 agencies, each pursuing its own waterfront mandates, often contradictory or overlapping. The public and the integrity of the ecosystem were usually not influential factors in the outcome of this fragmented decision-making. In placing Mr. Crombie into this fray, the federal government demonstrated its serious intent. During his term as Toronto's Mayor, Crombie turned the tide of rampant development of the 1970s, in favour of neighbourhood preservation and development restrictions.

During the first year of the Crombie Commission, work was carried out by committees which prepared reports on Environment and Health; Housing and Neighbourhoods; Access and Movement; Parks, Pleasures and Public Amenities; Jobs, Opportunities and Economic Growth; the Future of the Toronto Harbour Commission; and the Future of the Island Airport. In January 1989, public hearings were held on these reports, and in summer 1989, Crombie issued his first interim report.

In many ways this report echoes

public concerns and makes strong initial recommendations in the public interest. Crombie has admittedly been swayed by public concern to focus his future examinations on Health and the Environment. Citing Great Lakes United's *A Citizen's Agenda for Restoring Lake Ontario*, Crombie concludes that governments should act to protect human and wildlife health without waiting for scientific verification of the impact of toxics on our lakes and our health. He states: "Empowerment -- the ability of people to use information and power to make choices and influence -- is widely recognized as an important factor in promoting good health." He recommends that the four levels of government fund a Waterfront Advocacy Centre to represent the public's interest in the waterfront. One of his strongest recommendations is that the water's edge "be in the public domain. To achieve this goal, public ownership should be a non-negotiable feature of all future development on the waterfront."

In examining processes that address waterfront decision-making, Crombie found many weaknesses. Most waterfront projects have been exempted from the provincial *Environmental Assessment Act*. He cites testimony from a federal official that the federal government's assessment of a contentious Toronto Harbour Commission on Marina Development had no impact at all on the outcome of that project, which went ahead without the necessary city zoning approvals. Crombie recommends that "The Planning Act be reformed to include environmental considerations to avoid similar situations. He also recommends that the governments take the remedial action planning (RAP) process seriously. This, he states, means current waterfront planning should include RAP goals. Implementation of RAPs should not be left until plans are completed, but should be ongoing."

The mandate of the Toronto Harbour Commission (THC) was examined by the Commission. The THC has evolved over the years into an autonomous agency with extensive influence over land use in the harbour because of its ownership of important harbour lands, which it created by lake-filling. Crombie recommends that the THC be limited to port operations and that THC lands come into the public domain. He also recommends a moratorium on the practice of lake-filling until its long-term impacts are assessed.

In a surprise move after the release of the Royal Commission's Interim Report, Ontario Premier David Peterson announced that the Province of Ontario was embracing the Royal Commission's recommendations and expanding its

purview to examine issues of special provincial interest. To do this, he placed a development freeze on the port industrial area of the eastern harbour, requiring an environmental audit to determine their future use. As well, the Premier expanded the scope of the Crombie Commission's examinations to extend from Toronto to Burlington and Oshawa. At the same time Premier Peterson announced "a green strategy" to physically link the waterfront in these areas to the river systems, stressing the need to preserve these headwaters, which are under as much development pressure as the shoreline.

Will all these grandiose gestures

amount to anything? While the Commission first seemed to be a golden opportunity to explore waterfront problems without political encumbrances, things are again fast becoming political. The City of Toronto views the Commission and the provincial freeze as interference in its affairs and has taken an official position of ignoring the Commission's work. The public might indeed be better off if there were still a monarch in Canada who could make the Royal Commission's recommendations the law of land and water. Time will tell if Crombie's strong stewardship of the ecosystem will emerge as the winner in this tumultuous tale.



The future of Toronto's waterfront?

Survey Finds Public Wants Zero Discharge

By Craig Boljarek, Pollution Probe

Within ten years, Canadian and American citizens living near Lake Ontario want to see tighter environmental laws to achieve zero discharge of the most dangerous toxic chemicals into the lake. This is one of the major findings of a Lake Ontario Organizing Network (LOON) Decima poll released just before the recent International Joint Commission (IJC) meeting in Hamilton, Ontario.

"If government policy reflected public priorities, we'd be seeing legislation to keep persistent toxic chemicals out of the lake completely," says Pamela Millar of Pollution Probe, a Toronto-based environmental group which commissioned the study on behalf of LOON. "In other words -- zero discharge."

The principle of zero discharge first appeared in the Great Lakes Water Quality Agreement, which was signed by the governments of Canada and the U.S. in 1978, and renegotiated in 1987. According to this principle, both countries are committed to virtually eliminating the discharge of persistent toxic chemicals to the Great Lakes (including Lake Ontario). But 80 percent of the people polled by Decima rated government performance as only fair or poor in meeting these environmental commitments.

Other notable responses in the poll include:

- residents closely link the quality of their personal health closely with environmental problems in and around the lake;
- 74 percent of people think that industry already has the resources and capacity to help realize zero discharge;
- these problems should be of high priority to governments, who were seen as protectors of the environment;
- governments must regulate these health risks by introducing and enforce-

ing laws, even if the risks have not been clearly identified or demonstrated or even if the consequences for human health are not fully understood;

• people are willing to pay higher taxes (7 of 10) and/or consumer prices (86%) if the money goes directly towards reducing pollution.

At the IJC conference in Hamilton, the poll provided concrete evidence of public opinion to back up environmental groups' protests to the committee. It also served to increase awareness of LOON in general to groups all around the Great Lakes. It was referred to in at least four separate presentations, and requests for copies came from the public, governments, the IJC and academia. Each Remedial Action Plan director has also received a copy.

In the longer term, the poll should help to change governments' and industry's beliefs that the public is indifferent towards concrete, far-reaching action without the luxury of "further study" where the evidence may not be overwhelming. In the future, LOON will continue to pursue these objectives with one thing in mind -- there's no time to waste!

LOON was formed late in 1987 as a network of citizens from around Lake Ontario. A "People's Agenda for Action" was set out in LOON's early stages to publicize and stress the need for concerted citizen action towards stopping the flow of pollutants into Lake Ontario and cleaning up the ones already present.

The following summer, LOON sponsored a caravan that stopped at cities around the lake, informing the public of LOON and gauging their feelings on issues of concern. Human health and the danger and uncertainty of toxic inputs into the lake seemed to be an overriding concern. This poll was commissioned to properly quantify these concerns.



Citizen Report at RAP Event

continued from page 1

actually reaches that stage. To ensure that an Oversight Committee can effectively get the RAP implemented, its tasks, powers, priorities, the agency's work must be defined early and clearly. This committee must be composed of citizens and must work closely with agency officials actually directing the cleanup.

The workshop identified ways to ensure accountability, i.e. that cleanup will be fully carried out. The agency's work must be scrutinized and compared to the original RAP goals and recommendations as well as those of the Great Lakes Water Quality Agreement. It must be held tight to published deadlines. If implementation is not satisfactory, the committee must use media publicity to get appropriate action. Politicians must be held accountable at election time.

Litigation is only a last resort.

Other ways to get RAPs implemented were discussed. Strategies for attracting funding were examined. Methods to incorporate RAPs into existing Canadian and U.S. laws and regulations were analyzed.

One unique way to communicate was found by two citizens, one from Lake Superior's north shore (Canada), one from its south shore (U.S.). They are both Ham Radio operators and will now "build a bridge across the lake" by conversing over the radio.

Even though everyone came from far-flung locales, the sense of rapport and camaraderie was strong. A Basin-wide citizens' network of RAPs will further cement the RAP-RAP relationships as citizens apply the Ecosystem Approach to their collective efforts.

Ohio Gets Poor Grade on Great Lakes

By Stephen Sedam, Director, Ohio Environmental Council

The State of Ohio gets poor grades on its commitment to carrying out objectives of the Great Lakes Water Quality Agreement. This finding is in a soon-to-be released white paper by the Ohio Environmental Council. The Council is a GLU member and a coalition of 92 organizations.

The report, *An Examination of Ohio's Commitment to the Great Lakes Water Quality Agreement*, evaluates Ohio's use of the Agreement as a tool for upgrading its environmental programs which impact the health of the Great Lakes ecosystem. To do this, it examines Ohio's government structure, laws, regulations, policies and funding.

Legally, the State of Ohio, in cooperation with the federal government, is responsible for carrying out most of Ohio's programs which address the goals and objectives of the Agreement. Ohio's actions are a key link to the success of the Agreement in resolving Great Lakes pollution problems.

OEC Executive Director Steve Sedam states, "Ohio inconsistently recognizes the Agreement as a document to direct water quality improvements which may benefit the lakes. This pattern will continue indefinitely until political will changes in Ohio or until the federal government begins to enforce the Agreement's provisions."

Ohio EPA has taken positive steps that recognize, however inadvertently, the provisions of the Agreement. Ex-

amples are the State's early funding of Remedial Action Plan advisory councils, State appropriations for the Ashabula dredging project, expansion of the air toxics monitoring program, and creation of a pollution prevention office.

Ohio Governor Richard Celeste made a philosophical commitment to the goals and objectives of the Agreement by signing the Governor's Great Lakes Toxic Substances Control Agreement and by creating the Lake Erie Office.

However, that commitment has been meagerly fortified by Ohio's agencies. Key agency staff are dramatically unaware of the Agreement's terms, the report found. It also found a glaring lack of interest by the Ohio legislature, as evidenced by funding priorities and the nearly absent effort to expand statutory authority.

Water quality standards, non-point source pollution control, and recognition of the Ecosystem Approach are key inadequacies in Ohio's commitments to the Agreement.

The report points out that the goals of the Agreement are congruent with goals of the Clean Water Act in that both seek to prohibit the discharge of toxic pollutants in toxic amounts. The Agreement also expresses a goal of virtual elimination of persistent toxic substances.

Thus, the State's actions under the Clean Water Act could be used to fulfill the Agreement's goals and objectives. However, in practice, Ohio's underlying philosophy toward water quality standards differs from the Agreement's in that Ohio's standards are often less stringent

than the Agreement's Objectives.

The recent adoption of new water quality standards was a tremendous lost opportunity by the Ohio EPA to incorporate the Agreement's objectives. The ways in which the new standards conflict with the Agreement are described in the adjoining article.

Non-point pollution is a significant source of phosphorus to the Lake Erie basin. State programs are supposed to address the pollution but have so far been ineffective, the report points out.

The Agreement's adoption of the Ecosystem Approach is one of its most innovative and potentially effective ideas for long-term control of water pollution. But there is very little recognition by the State of this approach.

The Ecosystem Approach requires formal coordination between agencies and programs. Despite the creation of an Ohio Lake Erie Office, coordination between federal and state agencies is sorely lacking in Ohio.

Instead, Ohio agencies typically rely on a project-by-project or case-by-case approach to addressing pollution problems, rather than a regional, multimedia or ecosystem approach. This lack of coordination can be seen in Remedial Action Plan and Lakewide Plan development, monitoring under the Great Lakes International Surveillance Program and the cleanup of contaminated sediments.

Toxics control programs are rarely coordinated with federal and other State governments and rarely follow the Agreement's requirements.

The report recommends how Ohio can begin to more fully recognize its place in the Great Lakes ecosystem. The basic nature of many of the recommendations indicates how far Ohio has yet to go in showing its commitment to the Water Quality Agreement. Only until then will Ohio become an effective partner in resolving water quality issues which affect the entire Basin. □

Legal Action Taken to Enforce Zero Discharge

By Patricia Hartig, Environmental Lawyer

Legal Action has been taken against the State of Michigan in what could be a precedent-setting attempt to enforce the Great Lakes Water Quality Agreement's goal of "zero discharge." Three legal actions have been filed, one by Great Lakes United, one by GLU board member Rick Coronado and another citizen, and one by National Wildlife Federation and Mich. United Conservation Clubs. The legal actions are against the Michigan Water Resources Commission over the new discharge permit issued to the Detroit Wastewater Treatment Plant that allows unlimited discharge of persistent toxic chemicals.

The Detroit River makes up the lower 51 km of the channel connecting Lake Huron to Lake Erie and comprises the international boundary between Canada and the U.S.

The International Joint Commission designated the entire Detroit River as an Area of Concern because of its severe environmental quality problems.

The Detroit Wastewater Treatment Plant is the largest publicly-owned wastewater treatment plant in North America. Effluent from the plant discharges a volume of water equal to that of all the tributaries flowing into the Detroit River.

On October 19, 1989 the Michigan Water Resources Commission issued a new NPDES permit to the treatment plant. The new permit allows the plant to discharge certain persistent toxic substances without limits, requiring only monthly monitoring.

The lack of effluent limits for persistent toxics is of concern because the *Upper Great Lakes Connecting Channel Study* states that more needs to be done to control persistent toxic chemicals.

The Channel Study identified the plant as the single largest source of persistent toxics, i.e. PCBs, mercury, lead and cadmium to the Detroit River. Based on the Channel Study, sediments along the Michigan shoreline exceed dredging guidelines for PCBs, mercury, lead, arsenic, cadmium, zinc, nickel, and other heavy metals. In addition, carp in the lower Detroit River exceed the U.S. FDA action level and the Water Quality Agreement objective for PCBs, and there is a fish consumption advisory on carp due to PCB contamination.

The Channel Study concluded that there were no data on the percentage of industries that are complying with Detroit's Industrial Pretreatment Program. Persistent toxic substances come from industries that discharge into the

treatment plant system. Its system is not capable of treating persistent toxics; therefore the industries must pretreat before discharging to the system. Further, the Channel Study recommended that compliance with, and effectiveness of, Detroit's Industrial Pretreatment Program should be assessed.

Combined sewers discharge 284,000 cubic meters/day of industrial wastewater directly to the Detroit and Rouge Rivers when the capacity of the system is exceeded. Enforcing Detroit's Pretreatment Program and upgrading Detroit's sewer system are essential to controlling these toxic loadings.

These concerns would be addressed if the Water Quality Agreement was enforced. The petitions assert it is an Executive Agreement that supersedes state law. The key issue in the petitions are that the goals of the Agreement should be applied in determining effluent limits for persistent toxic chemicals into a boundary water connecting channel.

In Michigan, the application of Rule 57 allows the channel's voluminous flow to dilute the effluent at the mixing zone, the area where the effluent goes into the channel. Article V of the Agreement prohibits the use of dilution in determining effluent limits.

While Rule 57 is effective in determining effluent limits in slow-moving streams, it is inappropriate for a boundary water channel. Because the flow in the Detroit River is so great, by applying Rule 57, many persistent toxic chemicals are released into the river untreated.

"Virtual elimination of persistent toxic chemicals" or "Zero Discharge" is a goal embodied in the Water Quality Agreement in Article II. The application of Rule 57 will never reach that goal as long as dilution is an element.

Recently, the Channel Study recommended that Michigan and Ontario incorporate the Agreement's goal of virtual elimination of all persistent toxic substances into their respective regulatory programs.

Patricia Hartig, a Michigan environmental lawyer who is preparing one case pro bono, says that environmentalists have a strong case. If they win, it will transform the way the states do business regarding discharge permits.

"The federal government intends the Agreement to be an enforceable document. Because they have delegated their authority to the states to issue permits, they must also enforce it," she says. "The Detroit Plant is probably the biggest point source polluter to the Great Lakes. It, of all sources, should be required to meet the 'zero discharge' goal." □

Good & Bad News On WQ Rules

By Tim Eder, National Wildlife Federation

Environmentalists are pleased with Indiana's newly-adopted water quality standards and pollution control regulations for toxics in the Great Lakes and other waters, but we are disappointed with Ohio's new rules. Minnesota's proposed rules -- which are superior to any of the Great Lakes states -- are under attack from industry.

Ohio Ignores Environmentalists

Ohio EPA has promulgated new water quality rules that environmentalists have little to rejoice over. In testimony at a hearing on Ohio's rules, Ray Hunt of the League of Ohio Sportsmen listed three of our strongest objections: Ohio allows polluters to dilute their wastes and use mixing zones to meet criteria, even for the dumping of persistent toxic substances into lakes; Ohio fails to provide added protection when more than one carcinogen or other pollutant is present; and, Ohio failed to adopt criteria to protect wildlife, including Lake Erie's fledging bald eagle population. The new rules do contain a unique biological criteria procedure, but we are skeptical that it can be successfully used to regulate industrial and municipal dumping. NWF joined forces with GLU, League of Ohio Sportsmen and the Ohio Environmental Council to object to the rules unless they are improved, but Ohio EPA was unable to withstand the pressure from Ohio polluters and failed to adopt any of our suggestions.

Indiana Improves Rules

Indiana's rules were the result of nearly two years of work on the part of

the Izaak Walton League, NWF, Indiana Wildlife Federation, Hoosier Environmental Council and others. The groups enlisted the aid of Gov. Evan Bayh and staved off several attempts by polluters and legislators to weaken the rules.

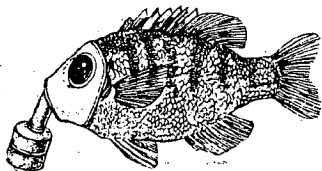
The rules prohibit the use of mixing zones and dilution for dumping into lakes, including Lake Michigan. The rules protect Lake Michigan by recognizing the goals of the Great Lakes Water Quality Agreement and designating it a "State Resource Water."

The job is far from over in the Hoosier State, however. The ammonia rule was deferred because of objections from municipalities. Also, environmentalists already have a list of items for the next revision that they had to compromise on, including dealing with combinations of toxics, protecting wildlife, and no dilution for any dumping of persistent, bioaccumulative toxins.

Minnesota Needs Support For New Rules

Minnesota is proposing to adopt wildlife criteria, and they don't allow dilution in lakes. Minnesota's proposals are unique among the Great Lakes in other respects as well: they protect anglers by assuming they eat about one meal of fish per week, rather than the one meal every five weeks assumed in some other states; they assume that combinations of pollutants act in an additive manner, thereby lowering allowable discharge levels; they protect against bioaccumulation through a fish's food chain as well as bioconcentration; and they recognize that people are exposed to toxics through a variety of sources (inhalation, workplace, diet other than fish) thereby lowering the amount the State allows in water.

NWF urges Great Lakes advocates to support the Minnesota rules: the State is under intense pressure from industry to weaken them. For information, contact us at (313) 769-3351. □





Clean Recycling, Not Just Any Recycling

By Paul Baumgart, Clean Water Action Council of N.E. Wisconsin, and Rebecca Leighton, Lake Michigan Federation

Life can be confusing. We environmentalists promote recycling and we fight pollution. But now recycling advocates must make sure to promote *clean* recycling, not just any recycling. This is because recycling processes can produce more pollution if pollution control measures are not included during production of the new product. And this is necessary because industry puts toxic chemicals into the original products. Such is the case of the Fort Howard Paper Company of Green Bay, WI.

Fort Howard and "Dirty Recycling"

The Fort is one of the few mills which recycles "post-consumer" waste paper—paper actually used by consumers that is then collected for recycling. Most other recycling mills take largely "pre-consumer" waste paper—the trimmings from virgin paper mills and other sources, such as large printing operations or book binders. Even many of the other post-consumer mills take only high-

grade office papers which are easily recycled.

This is important. When the public sees the label "100% Recycled" on a product, they assume it was made from post-consumer waste. This is frequently untrue. If we hope to promote recycling and reduce solid waste, *true* recycling must become more common. We also need to recognize potential drawbacks and prepare to fight for *clean* recycling—while keeping our messages straight.

Waste paper is contaminated with toxics. Many of the inks and dyes used in our disposable society contain trace toxic chemicals like PCBs, cadmium and lead. Bleached virgin paper processes yield products contaminated with dioxins and other chlorinated organics. Glossy coatings on magazines and cereal boxes consist of thin layers of clay or plastic. Recycling mills must somehow remove these contaminants, until manufacturers stop creating such difficult paper products in the first place. (We need to work on this.)

Fort Howard uses aggressive chemical de-inking and laundering, allowing it to recycle virtually any kind of waste paper. The patent has made them one of

designations as a "hot spot" Area of Concern requiring a Remedial Action Plan. The river sediments are now a constant source of resuspended PCBs flowing into Lake Michigan at a rate of 800-1,200 lbs. per year. PCB discharges from Fort Howard changed very little from 1974-1985, despite the company's claim that they worked steadily to reduce PCBs. Since then, they've reduced their discharge by 75 percent but still contribute more than 95 percent of all new PCB discharges to the Fox River.

However, this amount is still enough, theoretically, to contaminate 4.5 to 7 million lbs of fish to exceed the FDA health risk standard—an indication of this chemical's toxicity. If Fort Howard were serious about pollution control, new systems could be in place right now to achieve even better treatment.

Fort Howard uses only basic forms of water pollution control—biological treatment, aeration, and settling. They don't employ filters or other advanced treatment.

Dr. Richard Dobbs, a research chemist with EPA's Water Engineering Research Lab in Cincinnati, Ohio, recently stated that the type of wastewater discharged by Fort Howard, with large quantities of suspended clay particles, could be cost-effectively removed by a "rapid sand filter." Company officials say that's not practical, because the filter clogs with clay. However, this is just an indication of its effectiveness. Dr. Dobbs said such clogging requires a simple cleaning procedure. Other paper mills are already installing this equipment.

The combination of extra clarification, settling and sand filtration at Fort Howard would provide a vast improvement in PCB removal, since most of the remaining PCBs (and other toxics) are attached to the fine clay particles.

Wis. DNR Gives Permit to Increase Pollution

Unfortunately, Fort Howard got a new pollution permit from the Wisconsin Dept. of Natural Resources (DNR) and U.S. EPA allowing PCBs in their wastewater at levels higher than the company claims to be discharging now. The EPA denied the permit initially, but Fort Howard and the DNR negotiated for final approval. Their PCB limit allows a 57% increase over their current discharge. Four years from now, the DNR says they'll have to meet a 17 ppb limit (5 lbs/year) however, a clause in the permit indicates a potential loophole, depending on the outcome of further studies to be conducted by Fort Howard. This is a seven-year delay since their permit first expired in 1986, and in any case, would still allow a significant

discharge.

This permit may not be legal, since the EPA rejected those portions of Wisconsin's rules dealing with PCBs, giving the DNR until the end of 1990 to modify that section. The DNR wrote separate criteria for the different Aroclors of PCBs, defining Aroclor #1242 discharged by Fort Howard (and other recyclers) as a non-carcinogen for humans and, therefore, requiring less stringent controls. The PCB criteria were based in part on a Fort Howard consultant's study. This permit would allow four times as much PCB to be discharged than allowed on a clean river, according to Wisconsin Rules.

Many scientists ridicule this Aroclor standard as nonsense. Aroclors are commercial mixtures of 209 different kinds of PCBs, identified roughly by the chlorine percentage of the mixture. These mixtures are not uniform, and they change when released into the environment. The most toxic PCBs are present in all Aroclors, though it isn't known precisely which cause human cancer. Research on individual PCBs is scarce. Therefore most regulators restrict total PCBs until better data are gathered.

PCBs aren't the only toxics Fort Howard contributes to the waters of the Fox River and Green Bay. The company also discharges ammonia, chlorine, phosphorus, cyanide, arsenic, chloroform, toluene, silver, antimony and zinc.

Fort Howard is a major source of toxic air pollutants as well, emitting sulfuric acid, chloroform, cumene, naphthalene, xylene, methyl chloroform, trimethylbenzene and ammonia—some of these in large quantities. These chemicals can cause cancer, birth defects, respiratory problems, or nerve, liver or heart effects. Sulfuric acid contributes to acid rain, and methyl chloroform contributes to ozone depletion. The company recently began a large shredded tire incineration program using its own power plant boilers, to help the DNR deal with millions of waste tires accumulating throughout Wisconsin. The air pollution resulting from this hasn't been thoroughly studied.

In addition, Fort Howard's 293-acre sludge disposal lagoons have been nominated for Superfund status because of PCBs, dioxin, solvents and toxic metals. Groundwater is also contaminated. Now, they are investing in a new sludge "recycling" facility to make 400 tons of sludge pellets per day for sale to agricultural chemical suppliers. They will be used as a carrier for pesticides and herbicides, to be applied on farm fields despite their likely contamination by toxic chemicals!

Recycling is a good activity that we should still promote, but now we need to pay attention to the process itself—to require that proper pollution controls be used.



Toxic discharge pipe into Waukegan Harbor, IL. (Alice Hargrove/Lake Michigan Fed.)

Citizen Success: Illinois Agrees To Begin Waukegan RAP

By Cam Davis, Lake Michigan Federation

The Lake Michigan Federation (LMF), with support from GLU, recently prevented bad precedent from being set for Great Lakes remedial action planning and citizens' participation.

For over one year, LMF and GLU had tried to get the Illinois Environmental Protection Agency (IEPA) to commit publicly to developing a Remedial Action Plan (RAP) and appointing a Citizens' Advisory Committee (CAC) for the Waukegan Area of Concern (AOC) just north of Chicago. IL's Waukegan Harbor is one of the most toxic sites in the Great Lakes, with extremely high levels of PCBs in the sediments and fish

consumption advisories.

Despite Great Lakes Water Quality Agreement requirements that each state develop RAPs for their respective Areas of Concern and despite the Agreement's as well as the Clean Water Act's requirements that substantive and thorough public participation be "provided for," the IEPA had at one time stated that a RAP might not be developed at all. That statement suggested the first time a Great Lakes jurisdiction would have willingly ignored its RAP responsibilities under the Agreement.

Nevertheless, after our efforts failed to persuade the IEPA to publicly reverse its position, LMF formally requested the International Joint Commission it to ad-

vise the State of Illinois of its responsibilities to develop a RAP and allow public participation. LMF also notified the Illinois media of the IEPA's precedent-setting failure to commit to a RAP.

The media and the IJC attention finally worked. Within three weeks, the IEPA publicly committed to doing a RAP with full public participation, and to form a CAC. And the IJC declared that all governments must carry out a RAP process. LMF is now soliciting citizens interested in serving on the CAC.

For more information, contact Cameron Davis, Lake Michigan Federation, 39 East Van Buren, Suite 2215, Chicago, IL, 60605, (312) 939-0838.

NEW JOB AVAILABLE

Great Lakes United will be hiring a person to develop a new Great Lakes human health programme. This person will arrange workshops concerning toxics and human health, reviewing government regulations for toxics and fish and wildlife advice, and write a citizens guide to standard setting, to be regulated on in the Great Lakes Basin. The new position will likely be based in Windsor, Ont. For more details, contact Phil Weller at 716-886-0142.



States Grapple With Nuclear Waste Plans

By Stephen Brown, Tip of the Mitt Watershed Council

Several Great Lakes states are now grappling with what to do about a federally-mandated process to select low-level radioactive waste sites within their boundaries. The focus of this article is on Michigan.

Low-level radioactive waste is an issue of increasing concern for residents in the Great Lakes Basin. Currently, the waste produced in the Basin is placed in storage facilities in other parts of the country. This may soon change. Under the Low-Level Radioactive Waste Policy Act (1980, amended 1985), all states will soon be responsible for storage of commercial radioactive waste generated within their borders. Up to now, the region has had the luxury of shipping this waste elsewhere for storage. The adoption of this federal policy means that the region must now take responsibility for its own waste.

The federal laws encourage the creation of interstate "compacts." The states of Minnesota, Wisconsin, Michigan, Ohio, Indiana, Iowa and Missouri have formed the Midwest Compact, which designated Michigan as the host state for the storage site in 1987. Unless the

federal laws are amended, it is likely that there will be a storage facility for low-level radioactive waste within the Great Lakes Basin before January 1, 1993.

Illinois originally joined the Midwest Compact but withdrew when it became obvious it would become the host state. It has since joined with Kentucky. New York is currently in the throes of its own heated controversy about site selection.

Michigan established a set of siting criteria that must be met if the facility is to be located in the state. They exclude areas where risks to the environment or public health are likely to be high. A preliminary study excluded areas where existing information showed that the siting criteria would not be met.

Michigan originally selected three candidate areas, then settled on one area in the southeast corner of the state. That last site is in Riga Township, Lenawee County, a poorly-drained rural area only 18 miles from Lake Erie and four miles from the Ohio border and Toledo.

The state established a Public Advisory Committee to oversee this study process, and I am the member charged with reviewing wetlands and surface water issues. Wetlands will likely pose major problems in the Riga Candidate Area, even though the preliminary

screen attempted to address this issue.

Michigan's siting criteria require that the site must be free of wetlands as defined in the State's Wetland Protection Act. My preliminary reviews of Fish and Wildlife Service wetland maps indicated that the Candidate Area was formerly a wetland, but has been converted for agricultural use. The area is subject to periodic flooding and has generally poor drainage conditions common to converted wetland areas. Further study of this area could still exclude it from further consideration due to environmental problems.

The communities affected by the siting studies have been the first areas to face head-on the issue of regional waste disposal, and the process has been politically and emotionally intense. Dozens of groups have mobilized to oppose the siting of any hazardous waste facility. Two umbrella organizations comprise most of these groups, Michigan Environmental Council (MEC), a GLU member, and Don't Waste Michigan, a large voluntary consortium of other groups.

MEC lobbied early for strong environmental protection language in the legislation that resulted in very strict siting guidelines. It is now urging that Michigan withdraw from the interstate compact unless flaws in the compact and the federal law are corrected.

Controversy over the Lenawee County site has spilled over into Ohio, which is alarmed by the fact that it is

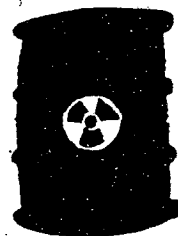
downstream from the drainage of the proposed site only several miles across the border. Citizens there have filed a lawsuit. Ironically, if Michigan withdraws from the compact, Ohio would become the host site among the compact's members.

The State has taken action, too, by filing suit against the federal government to strike down its law that requires the site to be built in Michigan.

New York State's Governor Cuomo has joined this effort by filing a lawsuit as well. New York's sites, also in the Great Lakes Basin, have spurred civil disobedience and intense opposition.

The siting process, so far has generated several obvious lessons that are applicable to many other waste disposal issues in the Basin. First, we must address ways to reduce production of this waste as the most effective long-term approach. Commercial nuclear reactors are responsible for most of the waste produced. Second, the area generating the waste must consider the waste product as part of the "package" with the benefits of the process that produces it. If the waste itself is unacceptable, then the process that produces it is unacceptable. Third, if a waste facility is to be sited, the criteria for choosing an environmentally-safe location must be rigorous. Finally, the process of evaluating potential sites must be carefully monitored to ensure the criteria are applied correctly.

THE SOLUTION TO THE PROBLEM OF NUCLEAR WASTE



QUIT MAKING IT.

Lessons from Lake Huron Tour

By Karen Murphy, GLU Field Coordinator

Northern Lake Huron is a beautiful area of forests, deep blue waters, ethereal skies and wild snowstorms. The north shore economy is dominated by resource extraction-based industries which dictate the ebb and flow of local community prosperity. Many industries have left a legacy of pollution, community health problems, and an unstable, unreliable prosperity.

Great Lakes United began its tour around Lake Huron by focusing on the north shore. We had three aims. First, to better understand the progress on the St. Marys River and Spanish River Remedial Action Plans (RAPs). Second, to meet GLU members and other environmental leaders in the area. And third, to better understand environmental concerns along the north shore.

Lessons from St. Marys and Spanish River RAPs

The St. Marys and Spanish River Public Advisory Committees (PACs) function differently and illustrate the need for persistent citizen oversight to ensure that all environmental concerns are addressed. In Canada, the PAC and the interagency RAP Team appear to have few direct interactions. Critical decisions are made by the RAP Team and it is essential that citizens participate on this body.

Four citizens participate on the St. Marys RAP Team. At the meeting GLU attended, they made crucial decisions regarding use impairments. Had citizens not been present to advocate their position, critical parts of the river with use impairments would have been overlooked. Also, basic community goals -- such as that the entire St. Marys River should be usable for drinking water -- would not have been adopted.

Use impairments and goals for an Area of Concern will have enormous consequences on the implementation of RAPs. It is clear that agency staff focus too narrowly on exact definitions of use impairments that may not encompass community visions and goals for an AOC. By participating on the RAP team, citizens can counter this tendency.

Citizens on different Canadian PACs expressed frustration at the ambiguity about the role of the PAC. At the St. Marys PAC meeting, the RAP Team presented cursory reports followed by presentations on peripheral issues. This

lack of clear direction and specific tasks leads to confusion among PAC members and a loss of interest in the RAP. At the onset, the PAC must clearly define its role in developing the RAP and in interacting with agency staff. The St. Marys PAC is now considering forming subcommittees to enhance involvement among PAC members.

To enhance communication between the RAP Team and the PAC, St. Marys citizens feel the RAP Team should at least make regular reports to the PAC, that RAP Team members should be introduced, their functions defined, and phone numbers provided to the PAC.

The Need for Sustainable Economic Development

The prosperity of towns along the north shore has fluctuated with the growth and decline of the industries which sustain them. In Sudbury, two mining companies dominate the economy; in Espanola it is the Ebby Eddy pulp mill. Uranium mining near the Serpent River is declining, leaving many without jobs. Communities face few choices and those industries attaining prominence are not environmentally sustainable, such as the proposed nuclear power plant in Thessalon. Environmental and health problems from uranium mining and other industries remain unresolved. The need for sustainable economic development and diversification was repeatedly emphasized by residents we met.

After years of economic see-sawing, some communities are beginning to diversify. For example, Sault Ste. Marie, Ont. is the home of a new forestry school and government offices. Science North, a large educational facility has located in Sudbury, and other agencies offices are moving into the area. Many residents felt that legislation that would convert pulp mills to paper recycling facilities would be more beneficial by conserving old growth forests and increasing availability of recycled materials in northern Ontario. Innovative, economic strategies need to be developed that will not only conserve natural resources and prevent pollution, but which will promise prosperity and health to the local communities.

The people that GLU met along this tour reflected an intensity and dedication to restoring this area which is clearly greater than the enormity of the tasks before them.

Citizens Force Halting of Pulp Mill Plans

By Jim Ahl, GLU Technical Analyst

Opposition by Great Lakes advocates over the proposed construction of a pulp and paper mill on Lake Superior have apparently forced the company to temporarily abandon plans to construct the plant. The quick mobilization of citizens in voicing their objections to such a mill in Michigan's Upper Peninsula are indeed noteworthy. Although the fight is not yet over by any means, environmentalists have made it perfectly clear that the mill is not desired.

In June 1989, the James River Corporation announced its intentions to construct a pulp and paper mill on the south shore of Lake Superior near Baraga. Early indications were it might use the bleached kraft process, a well known source of dioxin and other toxic contaminants.

In response to the needs of citizens, environmental groups formed a steering committee to review the impacts from the proposed mill. The committee consisted of the National Wildlife Federation (NWF), Upper Peninsula Environmental Coalition, the American Lung Association, Wisconsin Wildlife Federation, the Public Interest Research Group in Michigan and the Sierra Club.

In a February news release, the corporation announced it "had decided to defer indefinitely its plans to construct an integrated pulp and paper mill in the Upper Peninsula of Michigan." In a letter to GLU, Vice President W. Thomas Myers indicated very clearly however that the Corporation was confident that a mill will be built "at some future point in time." He also indicated that GLU would be part of the "dialog" in assisting with the development of such a facility.

Asking GLU or any environmental group to be involved is a far cry from what has actually taken place. Since last summer, requests by environmental groups have gone unanswered by the corporation. Also, actions by both state

and local development agencies were geared up as though there would be a facility constructed, but at the same time denials were being issued that such plans had not yet been finalized.

In addition, MDNR and the Michigan Department of Commerce announced the creation of a task force made up of Baraga County residents to examine environmental issues of the mill's construction. As late as January 19, 1990, environmental groups from the original steering committee including the Friends of the Land of Keweenaw (FOLK), Michigan United Conservation Clubs (MUCC), and GLU, requested that Michigan Governor Blanchard require the preparation of an Environmental Impact Statement for the paper/pulp mill.

Although the Upper Peninsula Environmental Coalition was invited to participate on the task force, it refused due to serious questions on the proposed structure and purpose of the task force. Gayle Coyer, president of UPEC, stated that five conditions would have to be met before UPEC would join including a full EIS on the projects, participation by regional interest groups and full disclosure by the state clarifying its involvement in persuading the company to locate the mill in Baraga.

The withdrawal of the proposed mill was welcomed by all environmentalists. There are, however, indications that Michigan used the Resource Recovery Revolving Fund (intended for recycling only) to fund the siting studies.

NWF, MUCC and FOLK were granted a temporary injunction prohibiting the state from authorizing the expenditure of the fund's monies for acquisition of property in Baraga County for a pulp and paper mill.





Ambitious Great Lakes Bill Introduced

The most-comprehensive Great Lakes Protection legislation of the decade has been introduced into the U.S. Senate by Senators Carl Levin (D-MI), Herb Kohl (D-WI) and John Glenn (D-OH). The "Great Lakes Critical Programs Act," S. 1646, puts into legislation many components of the Great Lakes Water Quality Agreement. This has been a long-sought goal of Great Lakes advocates. The bill sets deadlines for:

- Sets deadlines for completion of Remedial Action Plans (RAPs) to clean up the United States' 30 toxic hot spots in the Great Lakes known as Areas of Concern (AOC). Many RAPs are far behind schedule.

- Requires setting of uniform water quality guidelines for the eight Great Lakes states to reduce interstate disparities in water quality standards. Currently water quality levels that are acceptable in some states are in violation in other states, even those sharing the same waters.

- Sets a deadline for completion of the Lake Michigan Lakewide Management Plan.

- Sets a deadline for completion of both sediment classification standards and demonstration projects to clean up contaminated sediments. These sediments are a problem in nearly every AOC.

- Establishes an expanded Great Lakes Air Deposition Network to compile data on air toxics. Airborne deposition of toxics is a serious source of Great Lakes contamination.

- Improves Great Lakes capabilities to respond to and prevent oil and toxic chemical spills.

At this time, it appears that the bill is being "carved up" and incorporated into other legislation. Great Lakes advocates are concerned that its bold provisions

could be watered down or even lost.

As of this writing, Senators George Mitchell (D-Maine) and Daniel Moynihan (D-NY) are working on different bills that could include parts of the Great Lakes Critical Programs Act. On the House side, Representative Henry Nowak (D-NY) and John Dingell (D-MI) could incorporate its water and air quality provisions.

Great Lakes advocates are urging that the bill's provisions be included in a single, unified Great Lakes or coastal package that addresses water quality, RAP and sediments issues.

Great Lakes United commends Senators Levin, Kohl and Glenn for their ambitious bill. We have also identified ways to strengthen it further. Some AOCs have never even formed RAP committees and the bill needs to set deadlines for creation of such committees as a precursor to starting a RAP. Furthermore, the likelihood that new sites may be designated in the future as AOCs, e.g., Erie, PA, is not accounted for in the bill's deadlines. Also, we were concerned that a state could, in its rush to meet the deadlines, produce an inadequate RAP. We identified ways to obtain better quality assurance by requiring a public, point-by-point response to the IJC's comments, and by requiring states to adhere to U.S. EPA's comments on the RAP.

You can support the bill by asking the Congressional representatives mentioned above to support inclusion of S. 1646's provisions in a single unified Great Lakes "package." □

Great Lakes Groups Call For Sediment Cleanup

At simultaneous press conferences in nine cities, including Buffalo, Chicago, Milwaukee, Green Bay, and Whiting (IN), groups throughout the United States released a Citizens' Charter on Proposed Contaminated Underwater Sediments Legislation. Endorsed by over 200 organizations, the charter is the culmination of months of preparatory work by Great Lakes and marine coastal organizations to outline the needs for contaminated sediments programs in the United States.

"Contaminated sediments are the largest unregulated source of toxic con-

taminants affecting the Great Lakes and other coastal areas in the country," said Philip E. Weller, Executive Director of GLU. "There is an urgent need for Congress to enact legislation that would require the cleanup and management of the contaminated muds that exist in every major harbour and waterway in the country."

The legislation would amend the Clean Water and Ocean Dumping Acts to include sediments. These recommendations resulted from numerous meetings on the issue of contaminated sediments, including *The Sediment Solution Conference*, co-sponsored by GLU and Lake Michigan Federation in 1988.

Relevant proposed amendments to the Clean Water Act include:

members of a single body.

The Treaty gives the IJC a number of functions. With respect to the Great Lakes, the most important function has been its reference power. Under this power, the U.S. and Canadian governments can ask the IJC to investigate any matter of a mutual concern "along the common frontier." The IJC also has a quasi-judicial function to approve all cases involving the use, obstruction or diversion of boundary waters. Finally, the Commission is vested with the power to arbitrate "any question or matter of difference" in Canada-U.S. relations. Unlike the reference and quasi-judicial powers, the arbitral power has never been invoked. In addition to these functions, Article VII of the Great Lakes Water Quality Agreement vests the IJC with a number of additional powers with respect to research, reporting, and dissemination of information. Finally, the Treaty created the framework for the development of the Great Lakes Water Quality Agreement. In Article IV, the Treaty states that boundary waters "shall not be polluted on either side to the injury of health or property on the other." This "thou shall not pollute" commitment was thought to be too vague to enforce, at least until the Great Lakes Water Quality Agreement was negotiated. By adopting Specific Water Quality Objectives under the Agreement, the Agreement can be said to define when "thou shall not pollute" principle is being violated. Whether one would be successful in a court of law with this argument is not certain, but it will be an interesting test case (see article on page 4). □

LAKE LEVEL UPDATE

Water levels of three Great Lakes rose due to high precipitation. March 2, 1990 levels recorded by the Department of the Army were:

	Change from record Mar. high	Since last Mar. 2, 1989
Lake Superior	-22 in. (1986)	-8 in.
Lake Mich.-Huron	-38 (1986)	-6
Lake St. Clair	-28 (1986)	+5
Lake Erie	-23 (1986)	+9
Lake Ontario	-27 (1952)	+12

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- ☐ Individual Membership (\$20.00)
☐ 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? _____

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Cassidy Hall
1300 Elmwood Avenue
Buffalo, NY 14222

For more information, write to the above address or call (716) 886-0142

Spill Bills Passed in Michigan House

A package of bills to address oil spills in the Great Lakes recently passed the Michigan House of Representatives with a unanimous vote.

"The bills are designed to protect the Great Lakes and their connecting waterways from spilled oil or hazardous chemicals," said Rep. Tom Alley, one of the bills' authors and chair of the House Environment Committee. "They would establish state policies and programs to help prevent major toxic spills and create a more effective response to any that do occur."

HB 4929 would create a state Spill Prevention Research Fund, financed in part from the Michigan Great Lakes Protection Fund. HB 4931 would help create a computer database of information about hazardous material spills.

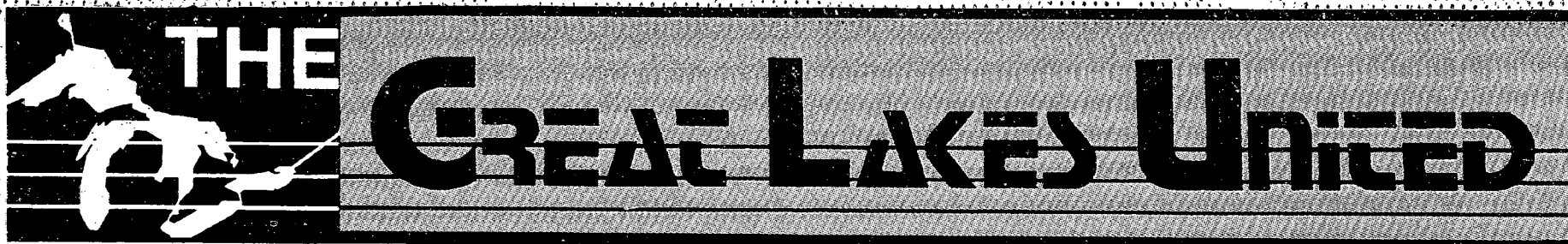
HB 4932 would develop a state hazardous material spill prevention program for fixed facilities or mobile sources (e.g., ships, planes) that store or carry hazardous materials in or near Great Lakes' waters. HB 4933 would provide immunity from civil damages to volun-

teers who help clean up Great Lakes spills. HB 5263 would provide recovery from natural and human disasters.

ACTION ALERT

House Bills 4929, 4933 and 5263 are scheduled to be taken up in the Michigan Senate Committee on Natural Resources and Environmental Affairs. The two lead bills -- HB 4932 and 4931 -- were referred to the Senate Committee on Appropriations, which sends a signal that they are in trouble. It's important to contact members of the Michigan Senate to stress spill prevention. House Bills 4932 and 4933 are key in establishing spill prevention -- experts report that only three to 10% of any spill can ever be cleaned up.

Michigan Senators that need to be contacted about supporting the full package are: Sen. John Engler, Sen. Majority Leader, and Senators Vern Ehlers, Harry Gast, Connie Binsfield and Joseph Mack. They may be reached at the Michigan State Senate, State Capitol, Lansing, Michigan 48909. □



Toward An Ecosystem Charter For the Great Lakes

By Don Gamble, Exec. Director, Rawson Academy of Science

The message of the past 20 years is that the environment cannot sustain the natural fauna and flora in the face of human impact and that many species and stocks have been lost already or are in peril. The Great Lakes and St. Lawrence River bear witness to this. The planet Earth is our only home, and its biosphere is our fundamental life support. We share this, our only sanctuary, with all other living things. To destroy it is to destroy ourselves. Whatever is lost now is irreplaceable.

We live in a set of ecological relationships that range in scale from households and neighbourhoods, to nations and the global biosphere. Ecosystems support us in a web of mutual dependence. We have an obligation to do whatever is required ecologically to achieve and maintain human existence -- and to sustain all life on Earth. We achieve freedom to exist by limiting our threat to the security of other entities.

We believe that all people have a right to clean air and water, to productive soils, and to healthy ecosystems that support the diversity of life. With rights go the

duties and responsibilities of the steward and trustee. We earn our rights by discharging our responsibilities. In an ecosystem, everything has an inherent worth, "a good of its own," regardless of what use it serves. The "golden rule" for human conduct: that you should treat others as you would have them treat you, must embrace a deep respect for nature and limit non-sustainable use of resources. "People management" should often take precedence over "nature management."

The Great Lakes are macro and micro indicators: they show us what is happening environmentally at large. Our understanding of Basin-level phenomena, both natural and cultural, is essential for planning and assessing the reforms needed for sustainable development in North America and the rest of the planet.

Why the Charter?

The Ecosystem Charter is an attempt to make concrete the underlying philosophy of the 1987 revisions to the Great Lakes Water Quality Agreement -- the promotion of an "ecosystem approach" to the Basin's management. By taking a holistic view, it is intended to galvanize the various Canadian and U.S. bureaucracies managing the Great Lakes Basin into a

common statement of purpose, but it is directed as well, to all the people of the Great Lakes - St. Lawrence.

So many agencies and special interest groups have a stake in the Basin that managers rarely get around to taking a look at the "big picture" -- it always seems to be hidden by local concerns, narrow objectives and limited interest conflicts. What were believed to be management issues for the environment are now seen as part of the challenge of achieving a sustainable future. An ecosystem approach would fundamentally reorient everything, going beyond the environment which supports humans to embrace all of the human, social, economic, and political considerations as well.

Why Now?

The time is ripe. The Governments endorsed "an ecosystem approach" for addressing Great Lakes issues by signing the Great Lakes Water Quality Agreement and 15 other agreements. Scientists and scholars have come to recognize this approach as necessary for understanding the interconnected problems and issues concerning the Basin. Public organizations are demanding comprehensive, well-thought out actions for the Great Lakes - St. Lawrence that would replace the prevailing piecemeal, fragmented, ineffective responses to their concerns.

What Challenges Do We Face?

The overriding challenge is that of reconciling the fundamental incongruity between political and hydrologic boundaries, and transcending the parochial tendencies of individual jurisdictions and stakeholder groups in favor of advancing the common good. However, efforts to secure an Ecosystem Charter need not wait until the Basin's institutional and policy framework is more accommodating. Rather, the Charter should be viewed as a vehicle

for facilitating and expediting such change.

Where Next?

Despite the magnitude of the challenge, the "window of opportunity" for securing a Great Lakes - St. Lawrence Ecosystem Charter has never been more widely open. Political interest in environmental issues has risen in recent years and public awareness and concern over environmental issues remains high and supportive of innovative actions.

Beyond this, effort must now go towards convening a binational "Summit on the Future of the Great Lakes - St. Lawrence Ecosystem," a meeting of unprecedented stature not unlike those held to establish principles, accords and declarations on the global environment.

The principle objective of the summit would be to ratify an Ecosystem Charter, with the signatories to include not only the federal, state and provincial governments, but representative leadership from local governments, an array of private sector interests and numerous citizen groups. While the signing itself would be largely symbolic, each signatory would commit to specific measures and activities to reflect the spirit of the Charter in its own organizational/agency activities. The summit would also provide the forum for open discussion on issues and actions to be considered for attaining the vision embodied in the Charter.

The challenge is indeed great. It will demand a new level of cooperation and commitment along with institutional innovation. The initiative must now come from the grass roots and environmental Great Lakes community. Can we afford not to accept this challenge?

The project team included Drs. George Francis, Henry Regier, other scientists, officials and environmental leaders, including Great Lakes United. The work received the first Margaret Laurence Award for Peace & the Environment. For a copy, call the Academy at (613) 563-2636.

THE ECOSYSTEM CHARTER

1. To promote all measures and behaviours necessary to achieve and maintain local, basin-wide and global environments free from toxic and other degradations to the health, well-being, and enjoyment of all people and other living things, now and in the future;
2. To use and conserve the environment and natural resources of the Great Lakes Basin ecosystem in ways that meet our various needs individually, collectively and corporately, without compromising the ability of future generations to meet their needs;
3. To accelerate the healing of damaged ecosystem components by restoring, rehabilitating, and protecting: (i) the ecological processes of the Great Lakes Basin ecosystem; (ii) its natural communities; and (iii) its populations of indigenous species of plants and animals;
4. To accept responsibility for: (i) maintaining the ecological processes and components of the Great Lakes Basin ecosystem; (ii) preserving biological diversity; and (iii) following the principle of sustainable use of ecosystem resources;
5. To promote the right of all interested to be informed and the responsibility to learn in a timely manner of: (i) current conditions in the Great Lakes ecosystem; (ii) any planned activity that might significantly affect the environment (including policy, enacting legislation and implementation), and (iii) equal access and due process in administrative and judicial proceedings;
6. To cooperate in good faith with others living within the Great Lakes Basin ecosystem in implementation these obligations, and to cooperate with other people in other bio-geographic regions to achieve mutual objectives consistent with the above.

Be a Green Bay Backer! -- Come to Great Lakes United's Annual Meeting

On May 4, 5 and 6, 1990, Great Lakes United's 9th Annual Meeting will be held in Green Bay, WI on Lake Michigan.

On Friday, conferees can enjoy a Toxic Tour and evening reception. Making Zero Discharge a Reality begins Saturday's Agenda. The latest approaches to Rehabilitation of Wetland and Wildlife Habitat will be offered a fascinating panel discussion. The Jobs and the Environment session will feature Fear of Work author, Richard Grossman. RAPS

Realizing the Potential will detail the Green Bay, Detroit and St. Clair cases.

Late on Saturday, GLU Task Force sessions will focus on important policy resolutions for Sunday's General Membership Meeting and elections. Evening entertainment and a Scenic Tour will round out the weekend's festivities.

GLU will be reserving blocks of rooms in Green Bay. Registration deadline is April 15.

Be a GREEN BAY BACKER and come to GLU's Annual Meeting!

What's Inside

Citizens RAP Workshop	1
Open Doors to MISA?	1
Are Green Products Green?	1
Great Leap of the Corps?	2
Toronto Waterfront	3
Public Wants Zero Discharge	3
Ohio Gets Poor Grade	4
New WQ Rules	4
GLU Sues Detroit	5
Clean V. Dirty Recycling	5
Nuke Waste Plan Worries	6
Tour of Lake Huron	6
Citizens Kill Pulp Mill	6
New Legislation	7
Ecosystem Charter	8



GREAT LAKES UNITED

State University College at Buffalo, Casserty Hall
1300 Elmwood Avenue
Buffalo, New York 14222
(716) 886-0142

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