



An Action Agenda for Restoring Michigan's Great Lakes Toxic Hot Spots

Prepared by the
Statewide Public Advisory Council for Michigan's
Great Lakes Areas of Concern Program

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Introduction

The Great Lakes are Michigan's most important natural resource. They are vital to our state's economy and to our quality of life. Despite progress in recent decades, many of Michigan's Great Lakes communities continue to suffer from toxic pollution. Fortunately, cleanup efforts are well underway in Michigan's most degraded water bodies. As part of the U.S.-Canada Great Lakes Water Quality Agreement, Michigan identified 14 Great Lakes "toxic hot spots," or Areas of Concern, where pollution is preventing citizens from fully benefitting from water resources in their communities. Working in partnership with community-based public advisory councils, the Michigan Department of Environmental Quality is implementing comprehensive cleanup plans in the Areas of Concern.

Opportunities for Progress

Michigan faces unique opportunities to accelerate cleanup efforts in the state's 14 Great Lakes Areas of Concern. These opportunities for progress include:

- **\$45 million for cleaning up contaminated sediments:** President Bush has proposed \$45 million in 2005 for the Great Lakes Legacy Act to clean up contaminated sediments in Areas of Concern.
- **Increased funding for state cleanup programs:** Recognizing the need for state leadership, U.S. EPA is proposing to double the funding provided for state implementation of the Areas of Concern program.
- **U.S. EPA is making Areas of Concern cleanup a priority:** The agency is reorienting its program to expedite progress in restoring and "delisting" the Areas of Concern.
- **Funding remains under the Clean Michigan Initiative:** CMI funds remain available for cleaning up the Areas of Concern and can help leverage additional federal funding.
- **Michigan citizens care deeply about the Great Lakes:** A recent poll found that 96 percent of Great Lakes residents believe we need to do more to protect the Great Lakes.
- **Great Lakes restoration enjoys bipartisan support:** The bipartisan Senate Great Lakes Conservation Task Force called for a more aggressive state role in cleaning up Michigan's Areas of Concern and increased access to federal funds.

Strategic Priorities for Restoring Michigan's Great Lakes Areas of Concern

As the "Great Lakes State," Michigan should aggressively pursue these opportunities to restore the Great Lakes. Toward this end, the Statewide Public Advisory Council calls on the governor, the state legislature, and local agencies to support the following strategic priorities for cleaning up Michigan's Great Lakes Areas of Concern:

- ⇒ *Support the President's request for Areas of Concern cleanup funding*
- ⇒ *Prepare cleanup projects to implement with Great Lakes Legacy Act funds*
- ⇒ *Identify options for meeting nonfederal funding requirements under the Great Lakes Legacy Act*
- ⇒ *Develop a long-term partnership strategy for restoring Michigan's Great Lakes Areas of Concern*
- ⇒ *Leverage assistance from state programs to address technical needs in the Areas of Concern*
- ⇒ *Consult with local public advisory councils and empower communities to guide cleanup efforts*
- ⇒ *Leverage funding and technical support from federal agencies*
- ⇒ *Identify treatment and disposal options for contaminated sediments*
- ⇒ *Monitor and report on progress in restoring the Areas of Concern*
- ⇒ *Achieve an "early win" by targeting efforts in Areas of Concern ready for delisting*

These strategic priorities are discussed in detail in the following pages, and additional information is provided on Michigan's Great Lakes Areas of Concern Program.

*The Statewide Public Advisory Council and the citizens in Michigan's 14 Areas of Concern
thank you for helping to keep the Great Lakes great!*

**Words of Wisdom:
Recommendations from the
Senate Great Lakes
Conservation Task Force**

In its 2002 report, the bipartisan Senate Great Lakes Conservation Task Force stated that the "AOC program has played an extremely valuable role in focusing sustained efforts on both preventing the further degradation of and the cleanup of some of the most serious pollution problems in and around the Great Lakes." It recommended that

- 1) *The state needs to play a more aggressive role in supporting the AOC program.*
- 2) *If the state continues the policy of placing the local public advisory councils in the position of asserting primary responsibility for cleanup efforts, more technical assistance must be afforded to the local councils by the state.*
- 3) *Where matching federal funds are available, the state needs to make the effort to qualify for these funds as this support is essential to completing RAPs and delisting sites.*

The complete report is available online at www.senate.state.mi.us/gop/greatlakesreport/index.html.

Taking a Watershed Approach

The Areas of Concern Program takes a watershed approach that addresses all sources of environmental degradation in the watershed. As the map shows, nearly two-thirds of Michigan's counties are affected by an Area of Concern watershed.



Strategic Priorities for Great Lakes Areas of Concern

Support the President's request for Areas of Concern cleanup funding

Congress should approve President Bush's FY 2005 request (via the Environmental Protection Agency budget) for \$45 million for the Great Lakes Legacy Act and \$5.7 million for state implementation of the Areas of Concern (AOC) program. The Michigan legislature, local officials, and public advisory councils must convey to Congress the importance of this funding for restoring environmental quality in the Great Lakes. The need for this funding is well documented and it will build upon years of planning and research.

Prepare cleanup projects to implement with federal funding

The Department of Environmental Quality (DEQ) should be provided with the resources needed to continue preparing cleanup projects for funding under the Great Lakes Legacy Act. This must include on-the-ground cleanups as well as advanced planning needed to prepare detailed cleanup plans. We should have an ongoing "pipeline" of sites being prepared for cleanup to ensure we continue leveraging federal funding as it becomes available. With 14 of the 26 U.S. AOCs, Michigan should always be "first in line" for federal cleanup funds!

Identify options for meeting nonfederal funding requirements under the Great Lakes Legacy Act

The Great Lakes Legacy Act requires a 35 percent nonfederal cost share. The DEQ should identify options for meeting this requirement. Some potential options include funding under the Clean Michigan Initiative (CMI) environmental bond program; fines and legal settlements; and in-kind services from state and local agencies. If CMI funds earmarked for sediment cleanups are exhausted, DEQ and the legislature should consider shifting funds from other CMI categories if this enables the state to continue leveraging federal cleanup funding.

Develop a long-term partnership strategy for restoring Michigan's Great Lakes Areas of Concern

Working with other partners, the DEQ should facilitate development of a long-term partnership strategy for restoring Michigan's 14 AOCs and removing – or "delisting" – them from the list of Great Lakes "toxic hot spots." Among other elements, this strategy should include a list of major remediation activities needed in each AOC (with an emphasis on contaminated sediment sites), estimated costs, and potential funding sources; measurable cleanup targets for beneficial use impairments and a plan for monitoring them; the role of partner agencies at the federal, state and local level; a process to formally delist AOCs once cleanup goals are met; support for and consultation with local public advisory councils and other stakeholders; and a plan for effectively staffing the AOC program.

Leverage assistance from state programs to address technical needs in the Areas of Concern

The DEQ should apply staff expertise from state programs to address specific technical needs in the AOC program. Important assistance can be provided under existing programs in areas such as monitoring and assessment; nonpoint source pollution prevention; and fish and wildlife habitat restoration. Modest but strategically targeted technical assistance will supplement AOC program staff and enable them to expedite progress, leverage new funding and demonstrate responsiveness to local communities.



Restoring Michigan's Areas of Concern

Consult with local public advisory councils and empower communities to guide cleanup efforts

Public involvement is a vital component of the AOC program and is called for under the Great Lakes Water Quality Agreement. Progress is made where there is strong local leadership. Broad-based public advisory councils are in place in each of Michigan's AOCs to help guide cleanup efforts. The DEQ should continue to consult with and empower these groups in developing and securing community acceptance for costly cleanup projects. Consultation is a legal requirement under the Clean Michigan Initiative and will ensure cleanup efforts respond to local needs and concerns.

Michigan's 14 Great Lakes Areas of Concern



Leverage funding and technical support from federal agencies

Numerous federal programs are available to support Great Lakes restoration efforts. The U.S. EPA, U.S. Geological Survey, Army Corps of Engineers, U.S. Fish and Wildlife Service and U.S. Department of Agriculture, among others, can all play a role in restoring Michigan's AOCs. As the Senate Great Lakes Conservation Task Force recommended, greater efforts should be invested in leveraging funding and technical assistance from our federal partners. DEQ should be provided with the staff resources needed to support this work.

Identify treatment and disposal options for contaminated sediments

Michigan needs safe and cost-effective options for treating and disposing of contaminated sediments removed from the AOCs. Disposal needs will increase as more cleanup projects are implemented in coming years. The DEQ should aggressively explore all available options in collaboration with U.S. EPA and the Army Corps of Engineers.

Monitor and report on progress in restoring the Areas of Concern

Removing our communities from the list of Great Lakes "toxic hot spots" will require sound monitoring data to identify pollution sources, guide cleanup efforts and document progress in achieving cleanup goals. Toward this end, DEQ should assess environmental conditions in the AOCs as part of its statewide water quality monitoring program and report the results in the department's biennial environmental report. Federal agencies, such as U.S. EPA and the U.S. Geological Survey, manage important monitoring programs that can assist in this effort. The DEQ should establish measurable, science-based restoration goals and ensure that monitoring programs are adequate to track progress in achieving them.

Achieve an "early win" by targeting efforts at Areas of Concern ready for delisting

Congress and the public will be looking for results from tax dollars provided to clean up the AOCs. The DEQ and U.S. EPA should target cleanup and monitoring activities to AOCs that can be formally "delisted" in coming years. For example, U.S. EPA has identified the Manistique River AOC as an early candidate for delisting. Achieving an "early win" will demonstrate progress and help secure continued federal funding for the Great Lakes Legacy Act.

The Great Lakes Legacy Act: Provisions and Requirements

The Great Lakes Legacy Act, passed by Congress in 2002, authorizes \$270 million for cleanup efforts in the Areas of Concern. Over a five-year timeframe the law authorizes

- \$50 million annually to assess, monitor and remediate contaminated sediments;
- \$3 million annually for research on sediment treatment technologies; and
- \$1 million annually for a public information program.

Specific requirements:

- 35% nonfederal cost share for sediment cleanup projects;
- Agreement to maintain efforts in an Area of Concern at a level equal to the two previous years;
- Evaluation of effects of alternatives on human health and the environment.

Congressional funding:

- \$10 million appropriated in 2004;
- \$45 million requested for 2005.

The complete text of the law is available online at: www.epa.gov/glnpo/sediment/legacy/index.html.

Great Lakes Strategy Sets Areas of Concern Cleanup Goals

In its 2002 *Great Lakes Strategy*, the U.S. Policy Committee, a forum of federal, state, and tribal agencies responsible for managing the Great Lakes, set the following objectives for the Areas of Concern:

- *Delist at least three AOCs by 2005 and a total of 10 by 2010. AOCs that are initial candidates for delisting are Waukegan Harbor, IL; Presque Isle Bay, PA; and Manistique River, MI.*
- *Complete final U.S. Delisting Principles and Guidelines by the end of 2001.*
- *By 2002, evaluate the use of a new management paradigm for AOCs that better demonstrates and tracks progress toward restoring beneficial uses.*
- *Bring all RAPs to implementation phase by 2005.*

The strategy is available online at: www.epa.gov/grtlakes/gls/glstoc.html.

About the Statewide Public Advisory Council

The Michigan Statewide Public Advisory Council is a coalition of representatives from the 14 community-based public advisory councils that are guiding cleanup efforts in Michigan's Areas of Concern (AOCs) designated under the Great Lakes Water Quality Agreement. The Council was established in 1991 to provide advice and input to the State of Michigan on the Areas of Concern Program, including program priorities, policies, public participation strategies and technical issues of common interest. The Council also acts as a forum for information sharing among the state's 14 Areas of Concern. Funding for the Council has been provided by both the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality. The Council is supported by the Great Lakes Commission.



Council Members

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For More Information

Michigan's Areas of Concern
Statewide Public Advisory Council
www.glc.org/spac

U.S. EPA, Region 5
www.epa.gov/region5

Areas of Concern in the Great Lakes
www.great-lakes.net/envt/pollution/aoc.html

Michigan Areas of Concern News
www.glc.org/spac/aocnews.html

Michigan Dept. of Environmental
Quality
www.michigan.gov/deq

Summaries of U.S. Great Lakes
Areas of Concern
www.epa.gov/glnpo/aoc

Recommendations and Contacts for
Michigan's Great Lakes Areas of
Concern
[www.glc.org/spac/pdf/
RAPsummaries.pdf](http://www.glc.org/spac/pdf/RAPsummaries.pdf)

**Regional & Binational
Agencies**
International Joint Commission
www.ijc.org

Restoring U.S. Great Lakes Areas of
Concern: Delisting Principles and
Guidelines
www.glc.org/spac/pdf/delisting.pdf

Federal & State Agencies
U.S. Environmental Protection
Agency
www.epa.gov

Great Lakes Fishery Commission
www.glfc.org

Great Lakes Water Quality
Agreement
[http://www.ijc.org/rel/agree/
quality.html](http://www.ijc.org/rel/agree/quality.html)

U.S. EPA, Great Lakes National
Program Office
www.epa.gov/glnpo

Great Lakes Commission
www.glc.org

Information Resources
Great Lakes Information Network
www.great-lakes.net

The Great Lakes Atlas
www.epa.gov/glnpo/atlas