

An Action Agenda for

Restoring Michigan's Great Lakes Toxic Hot Spots



Introduction

The Great Lakes are Michigan's most important natural resource. They form the very outline of our state and provide vital economic and recreational benefits for our citizens. Unfortunately, many of Michigan's Great Lakes communities continue to suffer from toxic pollution. 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 enjoying local water resources. Comprehensive cleanup plans are being implemented for each Area of Concern with leadership from the Department of Environmental Quality and oversight from community-based public advisory councils.

Opportunities for Progress

The time is ripe for making progress in restoring environmental quality in Michigan's 14 Great Lakes Areas of Concern. After years of research and planning, a unique convergence of opportunities is at hand:

- *Congress has authorized \$270 million for cleaning up Great Lakes toxic hot spots*
- *U.S. EPA is making Area of Concern cleanup a priority*
- *The U.S.-Canada International Joint Commission has called for greater leadership and funding for cleaning up the Areas of Concern*
- *Environmental bond monies can leverage federal funding*
- *Michigan citizens care deeply about the Great Lakes*
- *Great Lakes restoration enjoys bipartisan support*

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

In order to exploit these opportunities and build on past investments, the Statewide Public Advisory Council proposes the following strategic priorities for restoring Michigan's Great Lakes Areas of Concern:

- T** *Fully fund the Great Lakes Legacy Act*
- T** *Prepare cleanup projects to implement with federal funding*
- T** *Use the Clean Michigan Initiative to leverage federal funding under the Great Lakes Legacy Act*
- T** *Prioritize state programs to accelerate cleanup efforts in the Areas of Concern*
- T** *Consult with local communities and empower established public advisory councils*
- T** *Leverage funding and technical support from federal agencies*
- T** *Identify disposal options for contaminated sediments*
- T** *Monitor and report on progress in restoring Michigan's Great Lakes Areas of Concern*
- T** *Achieve an "early win" by targeting efforts in Areas of Concern ready for delisting*

These priorities are discussed in detail below along with the opportunities available to advance progress in cleaning up Michigan's Great Lakes Areas of Concern.

**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 clean-up 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 clean-up 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/.

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

T Fully Fund the Great Lakes Legacy Act

Congress should fund the Great Lakes Legacy Act at its authorized level of \$54 million for fiscal year 2004. This should include funds for sediment cleanups, research into innovative treatment technologies, and public outreach. The Michigan legislature and local public advisory councils must convey to Congress the importance of this funding for restoring environmental quality in the Great Lakes.

T Prepare Cleanup Projects to Implement with Federal Funding

U.S. EPA wants to have projects "ready and waiting" when funds are appropriated for the Great Lakes Legacy Act. The Department of Environmental Quality (DEQ) should identify critical cleanup projects in Michigan's Areas of Concern and communicate its readiness to put Legacy Act funds to work. While actual cleanups will be our highest priority, DEQ should also propose important planning tasks – such as site characterizations and assessments – needed to prepare cleanup projects. As the "Great Lakes State" and the state with the most Areas of Concern, Michigan should be "first in line" for Legacy Act funds!

T Use the Clean Michigan Initiative to Leverage Federal Funding Under the Great Lakes Legacy Act

Approximately \$20 million in Clean Michigan Initiative funds remain earmarked for restoration work in Michigan's 14 Great Lakes Areas of Concern. These funds should be used to meet the 35% non-federal match requirement under the Great Lakes Legacy Act. They can also be used to leverage funding under other federal programs, such as the Army Corps of Engineers Remedial Action Plan program.

T Prioritize State Programs to Accelerate Cleanup Efforts in the Areas of Concern

The DEQ and Department of Natural Resources should apply the necessary staff expertise to accelerate restoration efforts in Michigan's Areas of Concern. 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 – staff support for individual Areas of Concern will expedite progress, leverage new funding and demonstrate responsiveness to local communities.

T Consult with Local Communities and Empower Established Public Advisory Councils

Public involvement is a vital component of the Areas of Concern Program. Broad-based public advisory councils are in place in each of Michigan's Areas of Concern to help guide cleanup efforts. Through dedicated staff support and other means, the DEQ should 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.



Restoring Michigan's Areas of Concern

T 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, U.S. 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 Areas of Concern. As the Senate Great Lakes Conservation Task Force recommended, greater efforts should be invested in leveraging funding and technical assistance from our federal partners.

Michigan's 14 Great Lakes Areas of Concern



T 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 Areas of Concern. 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 U.S. Army Corps of Engineers. Additionally, the DEQ and the Army Corps of Engineers should resolve their current legal dispute over disposal of contaminated sediments in federally-operated confined disposal facilities. This lawsuit is delaying important cleanup projects.

T Monitor and Report on Progress in Restoring Michigan's Great Lakes Areas of Concern

Monitoring is needed to identify pollution sources in the Areas of Concern, guide cleanup efforts, and document the results. Removing our communities from the list of Great Lakes "toxic hot spots" will require sound monitoring data to document that restoration goals have been met. Toward this end, DEQ should assess environmental conditions in the Areas of Concern 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, together with other federal and state agencies, should assist local public advisory councils in establishing measurable, science-based restoration goals and ensure that monitoring programs are adequate to track progress in achieving them.

T Achieve an "Early Win" by Targeting Efforts in Areas of Concern Ready for Delisting

Congress and the public will be looking for results from tax dollars provided for cleanup efforts in the Areas of Concern. The DEQ and U.S. EPA should target cleanup and monitoring activities to Areas of Concern that can be formally "delisted" in coming years. For example, U.S. EPA has identified the Manistique River Area of Concern 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, Public Law 107-303 passed by Congress in November 2002, authorizes \$270 million for cleanup efforts in the Areas of Concern. Over a five-year timeframe the law authorizes

- \$50 million annually for assessment, monitoring and remediation of contaminated sediments;
- \$3 million annually for research on sediment treatment technologies; and
- \$1 million annually for a public information program.

Specific requirements:

- 35% non-federal 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.

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

Great Lakes Strategy Sets Area 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 cumulative 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

Council Chair: Kathy Evans, Muskegon Lake Area of Concern, 231-773-0008

Council Vice Chair: Greg Mund, White Lake Area of Concern, 231-773-0129

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For More Information

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

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

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)

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

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

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

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

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

Great Lakes Fishery Commission
www.glfc.org

Great Lakes Commission
www.glc.org

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

Areas of Concern in the Great Lakes
[www.great-lakes.net/envt/pollution/
aoc.html](http://www.great-lakes.net/envt/pollution/aoc.html)

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

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

Great Lakes Water Quality
Agreement
www.ijc.org/agree/quality.html

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