

Adopted Oct. 7, 2008

Resolution: Great Lakes Commission support for legislation reauthorizing the Great Lakes Legacy Act

Whereas, The United States-Canada Great Lakes Water Quality Agreement of 1972, as amended, provides for the designation of Areas of Concern in need of remedial actions to address documented pollution problems; and

Whereas, 31 U.S. and binational Areas of Concern have been designated, each with a Remedial Action Plan process that coordinates and focuses the efforts of multiple levels of government and other stakeholders; and

Whereas, substantial progress has been made in characterizing the sources and causes of beneficial use impairments, identifying necessary remediation activities, establishing restoration targets, and generating broad stakeholder involvement in and support for the Remedial Action Plan process; and

Whereas, substantial resources are needed to remediate contaminated sediments, which are a persistent source of toxic pollution to the Great Lakes from the Areas of Concern and contribute to 11 of the 14 beneficial use impairments identified in the Great Lakes Water Quality Agreement; and

Whereas, the Great Lakes Legacy Act has become a highly successful environmental cleanup program for the Great Lakes and the cornerstone of the Areas of Concern restoration program, having removed nearly one million cubic yards of contaminated sediments since its passage in 2002; and

Whereas, substantial need remains for remediation of contaminated sediments in the Great Lakes Areas of Concern, with cleanup costs projected to total between \$1.5 and \$4.5 billion; and

Whereas, reauthorization of the Legacy Act is among the Great Lakes Commission's top legislation priorities for 2008, including numerous recommendations for improving the Act's effectiveness and efficiency developed by a task force of contaminated sediment experts from the eight Great Lakes states; and

Whereas, Congress has passed legislation that reauthorizes the Legacy Act for two years and implements several policy changes that will make the Act more effective; and

Whereas, Congress failed to increase the authorized funding level for the Act to \$150 million per year as recommended by the Commission, the Council of Great Lakes Governors, the Council of Great Lakes Industries, the Healing Our Waters-Great Lakes Coalition and the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes; and



Whereas, the reauthorized Legacy Act requires the U.S. EPA Administrator to provide assurance that the agency has conducted a “reasonable inquiry to identify potentially responsible parties connected with the site;” and

Whereas, the committee report for the legislation (Report 110-849) states that Congress does not expect this requirement to significantly delay cleanup projects, stating specifically that the language does not require U.S. EPA to conduct additional inquiries to identify potentially responsible parties when it has already done so, or to identify every responsible party related to a site; and

Whereas, Congress further encouraged U.S. EPA to coordinate with State authorities and utilize existing State efforts as a basis complying with the reauthorized and amended Legacy Act.

Therefore, Be it Resolved, that the Great Lakes Commission applauds the U.S. Congress – and the leaders of the House and Senate Great Lakes Task Force, in particular – for crafting and facilitating passage of legislation reauthorizing and strengthening the Great Lakes Legacy Act; and

Be it Further Resolved, that the Great Lakes Commission calls on Congress to increase the authorized funding level for the Legacy Act to \$150 million a year when the Act is reauthorized in the next session of Congress, as recommended by the Great Lakes Regional Collaboration Strategy and the Great Lakes Commission, and

Be it Further Resolved, that Great Lakes Commission calls on the Administration to reverse its opposition to increased funding authorization of this important program; and

Be it Further Resolved, that the Great Lakes Commission calls on U.S. EPA’s Great Lakes National Program Office to follow the congressional intent by avoiding undue delays and minimizing the investment of resources in providing assurances that the agency has conducted reasonable inquiries to identify responsible parties for potential Legacy Act sites;

Be if Finally Resolved, that the Great Lakes Commission calls on U.S. EPA and the Great Lakes states to utilize provisions of the reauthorized Legacy Act to restore habitat at Legacy Act sites and conduct site assessments, at full federal expense, to accelerate the pace of contaminated sediment remediation efforts in the Great Lakes.