EPA Comments on the Great Lakes Regional Collaboration's Draft Strategy to Restore and Protect the Great Lakes

Aquatic Invasive Species

- Page 9, 3rd paragraph. It is incorrect to state that all invasive species are causing serious ecological and economic damage. Many are, but there are also several species that have a minimal impact. The sentence should be rewritten to say something like "adding to the more than 180 species that have already been introduced, many of which are causing serious ecological and economic damage."

- Page 10, recommendation #1, 2nd bullet: EPA is concerned about this section citing support for a specific legislative vehicle on this subject (S. 770), and recommends that the team identify issues or subject areas which would need to be addressed in any legislation intended to improve upon the existing statutory framework.

- Page 10, recommendation #1, 5th bullet: The use of Clean Water Act discharge permits to regulate mobile sources such as vessels engaged in international or interstate voyages is inconsistent with existing Clean Water Act regulations, and is not considered by the Administration to be the most effective method for dealing with the invasive species issue.

- Page 10: The focus on vessels as a vector for the spread of invasive species is appropriate. However, other vessels (tugs, barges,) moving between the Great Lakes and other watersheds (e.g., Mississippi/Illinois River system) will also need attention to reduce the risk of inter-basin species transfer.

- Page 11: Under the rationale for the second set of Recommendations, where dam removal is discussed, EPA believes the sentence should be modified to read: "Dam removal, while often an important element of habitat rehabilitation, should be done carefully, *with full coordination of all appropriate Federal, state and local agencies*, so as not to solve one problem by creating another, an AIS pathway."

Habitat/Species

- EPA believes that the emphasis on restoration and protection of wetlands is essential to the restoration of the Great Lakes ecosystem, and would recommend that the Strategy address the issue of how to build State and Tribal capacity for wetlands assessment, restoration, and protection of the Great Lakes Basin. Support for State and Tribal wetlands program implementation in the Great Lakes Basin would enable the State Programs (and perhaps some Tribal programs) to better integrate their wetlands, habitat and surface water planning and implementation with the efforts of USDA, the Corps, USFWS and private

partners, so that the resources spent on wetlands restoration and protection are targeted to the best integrated watershed solutions.

- This section primarily focuses on biological states. Necessary physical processes (water flows, frequency of fires, etc.) also should be included in setting management targets.

- It would be useful if the section explained how coordination should occur for different activities that are operating independently across the various habitat types. This is a concern because these systems are linked habitats that will affect each other as they degrade or improve.

- On page 15, can statistics be added for New York and Pennsylvania?

- This section places heavy emphasis on impacts and possible remedial measures to improve coastal wetlands. Additional emphasis on non-coastal wetlands should be considered, as these wetlands also are ecologically important, especially in a watershed context.

- Page 18, 3rd recommendation: EPA disagrees with the statements that "There is no national program to support restoration of the physical integrity of our nation's rivers.", and "The Clean Water Act (CWA) fails to address the physical habitat issues which often preclude attainment of the CWA's stated national goals." While there is no one specific program to support restoration, the strategy should acknowledge the efforts of the Clean Water Act Section 319 program to restore habitat as well as improve water quality. Also, the states and EPA are beginning to address, through Section 303(d) of the CWA, waterbodies that are not attaining designated uses due to impairments resulting from habitat alteration.

Coastal Health

- General - While an earlier draft placed an emphasis on source water protection and recommended amending the Safe Drinking Water Act to require development and implementation of protection plans, the final draft gives the impression that upgrading deteriorating infrastructure and implementing security measures are the most important activities that will protect drinking water quality. EPA recommends that the final strategy clearly indicate that states and local communities need to use the information from source water assessments to identify appropriate source water protection measures to implement. The strategy also should stress that addressing infrastructure deficiencies and security vulnerabilities are critical to ensuring that drinking water provided to customers is safe.

- Page 20, Problem Statement, bullets: In order to make the strategy more relevant, the data presented should focus specifically on Great Lakes states instead of

national data.

- Page 20, Problem Statement, 2nd bullet: The text should note that the data presented is for recreational water outbreaks in 2001-02, not for drinking water. It should also fairly represent that most of the outbreaks were associated with swimming pools, not fresh water. For drinking water in 2001-2002, 19 states reported 31 outbreaks affecting 1,020 people (7 died). Six of the outbreaks were in Great Lake states (IL, IN, MN, OH and WI), but 5 of the 6 were related to ground water, not surface water sources; and 2 of the 6 were associated with private wells, not public water systems.

- Page 20, Problem Statement, 3rd bullet: "The NRDC's annual survey of water quality monitoring..." This bullet should be updated with the 2004 swimming season data from the recently released 2005 report.

- Page 20, footnote #18 contains inaccuracies: Please see the italicized sentence below for where the inaccuracies occur. The section appears to have mixed the CSO Policy and guidance together. The CSO Policy came out in 1994 and that is what outlines the requirements for LTCPs. The guidance is not the driving force, the policy is. The CSO Policy does not make reference to a 15 year time frame in which the implementation of the LTCP was to occur, nor do EPA guidance documents. The CSO Policy does talk about requirements for implementation of the nine minimum controls, which was no later than January 1, 1997.

  "The date given in this goal assumes approximately five years for communities who have not done so already to create their long-term control plans (LTCPs) or other comprehensive wet weather solutions, and 10 years for these communities to implement their plans. *(The U.S. EPA CSO guidance of 1994, the driving engine for the LTCPs, specified that implementation should take no more than 15 years, but the guidance did not provide a date by which communities needed to submit their plans for approval).* The recommended federal grant program described in Recommendation Action 1 would provide communities with the funding resources and incentives to accelerate both their planning process and their LTCP (or other comprehensive wet weather solution) implementation. Particularly given the recommended 45 percent local match to this federal grant program, local funding would significantly leverage this accelerated schedule."

- Page 20, footnote #19 contains inaccuracies: See the italicized sentence below for where the inaccuracies occur. Sewer systems do not operate under a LTCP. Municipalities operate under NPDES permits and portions of the LTCP are included in a permit or other enforceable mechanism. Municipalities do implement LTCPs, but again they do not operate under them. In addition, LTCPs address CSOs, not SSOs, as the italicized sentence below refers to.

  "This goal is intended to capture the intent of the U.S. Policy Committee's 2002 Great Lakes Strategy goals, several of which are now outdated. For example: •

"By 2003, U.S. EPA and States will assist local governments in establishing alternate funding vehicles to implement CSO/SSO abatement construction projects. Storm water permits will be in place for all phase II storm water discharges • By 2005, 100 percent of all CSO permits in the Great Lakes will be consistent with the national CSO policy. • *By 2010, all sewer systems will be operated under LTCPs which will optimize performance and minimize discharges from SSOs.* • By 2010, 90 percent of monitored high priority Great Lakes beaches will meet bacteria standards more than 95 percent of the swimming season." See the Nonpoint Source chapter for goals and action items related to minimizing storm water runoff from urban and agricultural areas. See the Persistent Bio-accumulative Toxics chapter for more on preventing discharges of industrial and pharmaceutical wastes from municipal sewage treatment systems."

- Page 22, footnote #20, last sentence should read: The CWNS is repeated and updated every four years. When the January 2004 data are published, the Coastal health team's recommendations should be updated to reflect the most recent data.

- Pages 22-23: The recommendation on pages 22-23 is for end-of-pipe controls. This section should consider whether the need for some wastewater treatment controls could be reduced by minimizing the amount of paved or hard surfaced land. Land-use planning and BMPs are mentioned in the rationale. They should be in the recommendation itself.

- Page 24, recommendation #3, bullet #2: edit text to read: "U.S. EPA to complete new field testing processes, approve real-time test methodologies, and provide guidance on their application and implementation."

- Page 24, recommendation #4, 1st bullet: EPA does not recommend amending either the SDWA or the CWA to require the development of specific water quality criteria. EPA has an existing process in place to identify appropriate contaminants for which water quality criteria should be developed to protect human health. It is critical to maintain flexibility in the process to ensure that we are able to prioritize our actions to address the highest risks. As part of the Office of Water Strategic Plan, EPA has committed to identify and develop 12 new or revised human health criteria by 2008 for critical drinking water contaminants of concern in surface waters.

- Page 24, recommendation #4, 2nd bullet: It is unclear if this bullet is speaking to drinking water or recreational waters. If the latter, the section should specify that the "treatment" referenced refers to "conventional wastewater treatment".

- Page 24, recommendation #4, 2nd bullet: The bullet recommends that EPA fully fund the Clean Water State Revolving Fund (CWSRF) program. While the authorization for the CWSRF program ended in 1994, EPA has requested funding in every subsequent year. EPA has made a commitment to fund the CWSRF annually through 2011 at an amount that will allow the program to achieve a long-

term assistance level of $3.4 billion per year.

- Page 24, recommendation #4, Rationale: It is unclear what the sentence "Ambient water quality criteria related to drinking water following conventional treatment are needed to support source water protection programs" means. Is the report suggesting that criteria be set at a level that would be consistent with the removal requirement (e.g., MCL)...or that the level could be greater than the MCL with the assumption that conventional treatment could decrease it to the MCL?

- Page 25, recommendation #5, 1st bullet: The bullet recommends that EPA fully fund the Drinking Water State Revolving Fund (DWSRF) program through 2010. While the authorization for the DWSRF program ended in 2003, EPA has requested funding in every subsequent year. However, EPA has made a commitment to fund the DWSRF annually through 2018 at an amount that will allow the program to achieve a long-term assistance level of $1.2 billion per year.

- Page 25, recommendation #5, 2nd bullet: The bullet overemphasizes security measures and confuses source water assessment with security vulnerability assessments. To be clear, recommend rewrite as follows: "States and local public water supply systems to implement and enforce infrastructure improvement plans that include measures to address potential threats to drinking water identified in source water assessments, and vulnerabilities to critical infrastructure identified in vulnerability assessments required under the Bioterrorism Act."

- Page 25, recommendation #5, Rationale: Related to previous comment. Rationale should clearly distinguish between implementation of source water protection measures that address potential threats to sources of drinking water and measures to address vulnerabilities to critical infrastructure.

- Page 25, recommendation #5, Cost. Why is there an ending date for DWSRF funding (2010) when there is no ending date for CWSRF funding (Recommendation #4)?

- General: Some important sources of pathogen (and nutrient) contamination that did not appear on the source lists (or in the control strategies) include failing septic systems near the shoreline or tributaries, and inappropriate/illegal cross-connections into storm drainage systems.

Areas of Concern/Sediments

- Page 26, general: It is clear that the 31 AOCs are referring to the 26 sites in U.S. waters and the 5 sites in bi-national waters. It should be clear in other parts of the document (e.g., the Executive Summary) that the 31 refers only to the U.S. AOCs.

- Page 26, paragraph #3: The statement *"Contaminated sediment is linked to impairments in all 31 US AOC's"* is not correct. In EPA Region 2, Beneficial Use Impairment #7 "Restrictions on Dredging" is not applicable to the Oswego River AOC.

- Page 26, Contaminated sediments issues paragraph: The paragraph states "It is critical to address concentrated deposits of contaminated sediments before they reach the lakes, where cleanup is virtually impossible. But remediation projects are constrained by the complexity and cost of design and implementation, limited disposal capacity, difficulty establishing disposal sites, limited alternatives to dredging and to disposal, and a lack of clear standards for beneficial use of some sediment." Comment: The barriers identified in this paragraph will continue to exist and pose challenges even if the GL Legacy Act were to be funded per the first recommendation. For other than the limited disposal capacity issue, the recommendations provided in this Strategy do not address these issues.

- Page 26, Delisting: The statement "*...no US AOCs have been delisted*" should be expanded to acknowledge both the AOCs that have achieved "in recovery" status, as well as the Oswego River, which has received IJC concurrence for delisting and is expected to be delisted in 2006.

- Page 26, Delisting: The sentence that begins "Further, most impacts are not clearly aligned with existing federal water quality regulations...", is unclear as written.

- Page 27, recommendation #1: The report states that the Great Lakes Legacy Act should be the primary authority to address contaminated sediments in the Great Lakes. In addition to the Legacy Act, EPA recommends that this section recognize other agencies' authorities in order to maximize efforts to address the problem of contaminated sediments, for example the Water Resource Development Act (WRDA) to allow the Corps of Engineers to increase environmental dredging under its programs. This section also should encourage the creative use of other regulatory authorities when applicable, such as CERCLA and RCRA Corrective Action. There have been instances where these other authorities have been successful in contaminated sediment remediation projects, and they should not be discounted.

- Flagged as Significant Policy Statement. "Polluter Pays" issue. Page 27, recommendation #1: As part of the rationale presented for the first recommendation the draft Strategy states: "the Act's original intent to permit potentially responsible parties (PRPs) to participate as the nonfederal sponsor should be clarified and reiterated...." EPA notes that if it is determined that the intent was to permit PRPs to participate as a nonfederal sponsor, then a separate and important issue to be addressed is that of what the PRP's share should be.

- Page 29, recommendation #4, Rationale: This section states that, in order to increase disposal capacity, the Corps and state agencies should encourage local communities to "mine" existing CDFs for beneficial use of dredged material. Perhaps an example of where this has been successful would be helpful.

Nonpoint Source

- EPA recommends specifically including Low Impact Development (LID) in the problem statement and recommendations for funding in the "Nonpoint Source" section (pages 30-34). Low Impact Development approaches and practices can play an important role in restoring and maintaining desirable flow regimes and water quality in the Great Lakes Watersheds. LID also can be used to reduce runoff management costs by decreasing infrastructure and maintenance costs.

- Clean Water Act Section 319 Nonpoint Source Management Program funding and the Clean Water State Revolving Loan Fund can be used to implement some of these milestones and recommendations. Combined, the Great Lakes States have funded nearly $946 million for nonpoint source projects from the CWSRF program. How much is directly related to the lakes in unknown.

- EPA recommends that the National Management Measures to Control Nonpoint Source Pollution be included as a tool to implement programs to address nonpoint source loadings to the Great Lakes.

- The section also should consider the following areas:

  1) source control in urban/suburban sources (e.g., maintaining and locating septic systems, fertilizer use by homeowners, increasing imperviousness, etc.)
  2) treatment of urban/suburban sources. Wetlands and buffer strips may be appropriate for treating sources from some locations, but both are land-intensive and are not suitable for more urbanized areas.

- Page 30, 4th paragraph: The statement that "funding to increase point source control beyond 90 or 95 percent is less effective than providing the same amount of funding to address nonpoint sources" should have a reference.

- Page 31, goal #2: The goals for reduction of phosphorus and nitrogen loading should be expressed more clearly than merely "pounds of phosphorus, pounds of nitrogen."

- Page 31: Goals #2 and #3 appear to be redundant. Recommend either combining them or changing the focus to distinguish them from one another.

- Page 31, goal #4: This section appears to address livestock farmers, but not crop farmers or nurseries.

- Page 31, goal #5, "*Improve flow regimes*": the accompanying paragraphs contain too much jargon for a person unfamiliar with the topic. Does "improve flow regimes" mean a reduction in overland flow or stream flow or both?

- Page 31, goal #5: EPA encourages integration of the efforts contemplated in this goal with the concepts described in the Sustainable Development Section of the document.

- Page 33, Critical Geographies bullets: Although it would be appropriate to provide examples of areas to be addressed (e.g., phosphorus impaired watersheds), to the extent that specific geographic locations are identified, rationale should be provided on why they were included in the report.

- This section should identify connections between coastal health (CSOs, SSOs) and the following nonpoint source recommendations: 1) "wetland conservation efforts should occur throughout the watershed in areas strategically selected to best impact water quality concerns" (p. 32) and 5) "A new, integrated federal initiative is needed to address flow regime issues in urban watersheds including infiltration and groundwater recharge. The anticipated results and benefits of protecting, conserving, and improving the hydrology of watersheds will be reduced infrastructure costs due to elevated stream flows and excessive sediment loadings, improved shipping capacity, increased public use, and improved aquatic ecosystem health" (p. 34).

Toxic Pollutants

- Page 35: The Toxic Pollutants strategy describes "certain Persistent Toxic Substances" without defining which pollutants of concern meet that definition. Recommend that the Strategy use the same definition of PBT as in the Binational Toxics Strategy.

- Page 35, Goals 1-4 Interim Milestones, bullet #4: It would be helpful to have an explanation of the different forms of mercury, and a statement regarding which are most important to eliminate because of solubility in water (related to fish uptake).

- Page 35, Interim Milestones for Goal 5, second bullet: The second milestone states that "by 2010 implement 200 P2/E2 projects for small to medium sized businesses in the Great Lakes States." To have flexibility to prevent the most pollution in the Great Lakes Area, consideration could be given to expanding this goal to include P2 actions by larger businesses, in the event a larger business should be a major source of pollution in the Basin. While small to medium sized businesses might remain the priorities for incentives or funding, the P2

accomplishments of larger businesses should also be recognized toward achieving the goal.

- Page 36, Goal 7 Interim Milestones: More information is needed to understand the interim milestone, "By 2010, complete an intercomparison study of mercury and PCB models." It is not clear what models are being referenced.

- Page 36, footnote #32: It is unclear which chemicals are being referred to as "endocrine disrupting" chemicals.

Indicators & Information

- Selecting a suite of indicators may require more effort than is described in the strategy. It is noted that for existing indicators "there are multiple explanations for observed changes." This situation may be improved by careful consideration of indicator suite selection.

- The document does not address the data management system needed to store the monitoring information gathered and allow it to be accessible to decision-makers and the public. The STORET database should be considered as a potential repository for Great Lakes monitoring information.

- This section should include a recommendation for collating natural resources and environmental information in graphic (including maps) forms that the public and managers can understand and provide information on trends in ecosystem health. Since most problems and concerns by stakeholders (municipalities, cities, counties, states, provinces) are at the scale of tributary and harbor, coastal watershed, and nearshore waters, an emphasis should be placed on those waters and those scales.

- This section overemphasizes open water observing systems. Most regulatory and management challenges and needs for information are in coastal watersheds, tributaries and harbors, coastal areas of concern, coastal ecosystems (including beaches and wetlands) and nearshore waters. The majority of Great Lakes environmental and ecosystem problems (including invasive species) are located in these coastal areas. The Strategy should recommend that monitoring and observing designs and diagnostic indicators should address management and restoration needs and recommend seeking ways to increase the data flow in efficient ways, perhaps through development of an information hub.

- The recommendations should build upon existing efforts at coordinating monitoring and research at the federal-state-tribal level and among U.S. and Canadian agencies. The recommendations need to be broadened to include the research and monitoring needs of State, Tribal and Federal partners, perhaps through 1) an integration of the recommendations and needs for monitoring and

research incorporated in the seven other Strategy Team reports, and 2) a needs assessment of monitoring and research priorities of the States, Tribes and Federal partners which will support environmental management decisions. We also believe that a greater focus must be placed on information management and communications plans based on the needs of State, Tribal and Federal groups, and the public.

Ohio Department of Natural Resources

BOB TAFT, GOVERNOR SAMUEL W. SPECK, DIRECTOR

September 16, 2005

Great Lakes Regional Collaboration Executive Committee
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, IL 60604-3511

Dear Executive Committee Members:

I am writing on behalf of the Ohio Department of Natural Resources and wish to begin by commending you for the *Draft Strategy to Restore and Protect the Great Lakes* released on July 7. The action plan contains many thoughtful recommendations to advance our common goal of restoring and protecting the Great Lakes resources.

The message from people and organizations in the Great Lakes region that our Great Lakes resources are in crisis and major restoration and protection initiatives are needed is indeed an urgent message. Ohio's Lake Erie and the other Great Lakes do indeed face challenges such as destructive invasive species, harmful algae blooms, beach closures, fish consumption advisories and continued loss of coastal wetlands and habitat.

Several overall comments regarding the *Draft Strategy to Restore and Protect the Great Lakes* are provided below. In addition, various Ohio Department of Natural Resources (ODNR) divisions/offices have reviewed the *Draft Strategy* and their comments specific to the chapters of the document along with formatting comments are attached.

Overall Comments

An Ocean Blueprint for the 21st Century prepared by the U.S. Commission on Ocean Policy in 2004 addressed many of the same issues as the *Draft Strategy*; however, there is no reference made to *An Ocean Blueprint* or any of it's recommendations which include the Great Lakes. Building on existing recommendations that will compliment or help ensure implementation of the *Draft Strategy* should be considered. Both *An Ocean Blueprint* and the *Draft Strategy* involve numerous federal agencies with responsibilities in the Great Lakes.

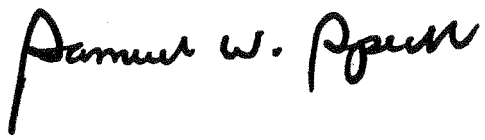
While the *Draft Strategy* contains numerous, important actions to proceed with restoration and protection of the Great Lakes, it may be necessary to consider some type of prioritization of the actions and funding recommendations in the final strategy in the event that the funding level recommended is not available. In addition, some consideration should be given to a dedicated funding source recommendation such as the one recommended in *An Ocean Blueprint for the 21st Century.*

A description of the process for tracking and monitoring goal attainment, a schedule for reporting accomplishments and who is responsible for this should be provided in the final strategy.

The relationship to the *Draft Strategy* actions in the main body of the report and the Appendix is unclear. The Appendix includes background information and actions. The Strategy Team Reports section in the main body of the report states that the actions highlighted are the highest priorities for early action, yet some of the goals and milestones provided extend far beyond the five-year action plan timeframe. Clarification regarding a five-year action plan vs. long-term goals, the actions in the main body of the report and the Appendix is needed. In addition, a consistent format for providing goals, milestones, five-year actions and funding in each chapter is needed.

Thank you for the opportunity to provide comments on this important strategy to restore and protect our invaluable Great Lakes resources. If you have any questions or need additional information please contact Michele Hoffer, ODNR Deputy Director, Resource Conservation at 614-265-6894 or michele.hoffer@dnr.state.oh.us.

Sincerely,



Samuel W. Speck, Director

attachment

SWS/mh

The following comments are provided by chapter:

Aquatic Invasive Species
Recommendation 2 (page 11):

- The study of options to investigate permanent hydrological separation of the Great Lakes and Mississippi River systems should also include investigation of biological separation.
- A study of canal systems linking the Great Lakes basin with other basins beyond the Lake Champlain Canal and the Chicago Sanitary and Ship Canal should be included.

The Great Lakes Fishery Commission (GLFC) has successfully carried out the sea lamprey control program. Was an expanded role of the GLFC considered regarding coordination and control programs for other AIS efforts?

Habitat/Species
Goals and Milestones, Open/Nearshore Waters short-term goals (page 16): The goal to develop predictive models to improve fish stock assessment and management protocols is unclear. What are the models predicting? An alternative need is to identify critical habitats for various life stages of species of interest and assess the potential for restoration.

Recommendation 4, Coastal Shore and Upland Habitats, first sentence (page 18): The goal to design a coastal shore and upland habitat conservation program to coordinate funding …should include the existing Coastal and Estuarine Land Conservation Program (CELCP). Coastal states that develop their own CELCP consistent with NOAA guidance are eligible to receive federal funds for acquiring coastal and estuarine areas that have significant ecological value. Ohio has previously received CELCP funds to assist in the acquisition of acreage on the ecologically significant North Bass Island as a line item amount. Ohio will also be working to establish its own CELCP to be eligible for future federal funds.

General comment: The terms protection and restoration are frequently used; however, the role of working lands should also be recognized. Working lands can make it economical to hold such lands while also creating and maintaining certain habitats thus reducing the amount of land converted to an incompatible use.

Coastal Health
Goal to eliminate inputs of untreated or inadequately treated human and industrial waste from municipal wastewater treatment systems (page 20): Elimination of untreated or inadequately treated human waste from private on-site septic systems should be considered as part of this goal. Significant improvements could be made regarding failing on-site septic systems with low interest loans or cost-share grants. In Ohio, private on-site septic systems are regulated by the Ohio Department of Health and the Local Health Departments while the public wastewater treatment systems are regulated by the Ohio Environmental Protection Agency. Funding considerations for both municipal and private on-site septic systems would improve coastal health and reduce the risk to human health.

Recommendation 1 (page 22): Education regarding the true cost of clean water would be an important component of the 55/45 percent federal/local cost share for federal grants to gain public support for the local cost share.

Recommendation 2 (page 24): There is no cost provided for the research and new regulation components described in the bulleted list. The only cost estimate provided is for education and initiation of remediation.

AOC/Sediments

Recommendation 4 (page 29):

- USEPA, USACE and the states are listed as entities that should examine innovative approaches for the beneficial use and disposal of contaminated sediments through a research and development program. It would be helpful to note that coordination should be done with other organizations providing research funds such as the Great Lakes Protection Fund.
- Abandoned coal mines or quarries may provide an opportunity for use of sediments dredged from ports/harbors. ODNR Division of Mineral Resources Management is considering possible reclamation of old mines with dredge material.

Nonpoint Source

Recommendation 2 (page 32):

- This recommendation calls for massive planting efforts for buffers; however the use of trees is unspecified and yet it is an important component.
- The management of buffers should also be compatible with a working lands/active management protocol.

Toxic Pollutants

Recommendation 1 (page 36): Who will oversee the "coordinated intergovernmental strategies?" The Great Lakes Binational Strategy is listed in a coordinating role under implementation but this does not appear to be an entity that will oversee all the intergovernmental strategies.

Indicators and Information

Priorities for research should be established as part of the goals and recommendations of this chapter. For example, the recommendation to double the research budget over the next five years should include consideration of priorities for the research needed.

Sustainable Development

Overall comments:

- This chapter appears to be weak compared to the other chapters. The recommendations appear to be more of a philosophy than specific measurable actions. While philosophically, ODNR divisions/offices support the theme of balancing economic, societal and ecosystem needs, there is an inherent conflict between sustainable planning and development where everyone does the right thing for the long-term and public demands on public administrators to provide something now for the least amount of money. This strategy needs to be redirected into components that can be managed, accomplished and measured. For example,

to "realign governance institutions to sustain ecosystem services and integrate the planning and management of these services" is a lofty goal but what are the actions to begin this realignment? While ODNR supports the outreach strategy that brands the Great Lakes as a great place to live, work and play, this is not achievable without significant education, money and a change in public thinking. Again, there are no specific actions or funds recommended for this outreach strategy.

- There are issues identified in this chapter that overlap with issues addressed in other chapters. For example, aging water and wastewater infrastructure have already been addressed.
- The final sentence of this chapter states that "it is recommended that the GLRC be reformed to provide high-level governmental leadership that blends….." Most readers would probably view the GLRC as this high-level governmental leadership which makes this an awkward statement with which to end the report.
- The Ohio Lake Erie Commission (OLEC) has been working on a balanced growth approach for the Lake Erie watershed which includes designated pilot development and protection areas. This approach was developed as incentive-based and voluntary to work in Ohio where the state does not have the authority to mandate land use planning and development. Land use planning and development is accomplished at the local level. Perhaps the OLEC approach could be considered as part of a sustainable land use and development recommendation.
- The original Great Lakes Governors' priority was to adopt sustainable use practices that protect the environmental resources and may enhance the recreational and commercial value of our Great Lakes. This priority should include waterborne transportation issues (commercial value), yet this is not readily identifiable as a key issue.

Problem statement (page 45): Clarify problem by rewording "fragmentation of privately owned forest lands into smaller tracts making active management more difficult and less likely and decreasing levels of active management on public forest lands."

Recommendation 1 (page 46):

- Suggest careful consideration of disincentives (taxes) for non-sustainable practices where some businesses are already struggling against foreign competition with unfair advantages such as no environmental laws, government subsidies, etc.
- A statement recognizing the role of working lands such as forests and that it can be a sustainable use/practice is suggested. The Leadership in Energy and Environmental Design (LEED) and the Green Building Initiative (GBI) can discriminate against wood usage to a certain extent yet proper forestry management can lead to sustainable use.
- Recognition of existing metrics for sustainability should be provided. For example, according to ODNR Division of Forestry, this has already been done for forests (Montreal Protocol and regional criteria and indicators).

Appendix: ODNR Division of Watercraft disagrees with the recommendation that a greater portion of fuel taxes paid by recreational boaters be used to support projects that restore ecosystem services. Many grant programs already exist to provide funding for ecosystem restoration projects and a substantial portion of Wallop-Breaux funds are used for aquatic ecosystem service projects.

The following comments are regarding format or errors:

- Where quantitative goals are stated, for example on page 17, "protect and restore 10,000 acres," suggest inserting "at least" – "protect and restore at least 10,000 acres."

- Check funding amounts to ensure they match when referenced elsewhere. For example, on page 17, the recommendation for funding for habitat conservation and species management is between $177M and $288.7M but the breakdown on page 18 comes to a total of $177.7M to $288.7M.

- Use the same rounding for funding figures where possible, to the one-tenth or one-hundredth decimal if needed, and check the math. For example, on page 22, $7.535B and $6.21B does not equal $13.70B. Another example, on page 32, Recommendation 1 states between $77M and $188.7M but the cost at the end of the rationale is $110M.

- The use of either an annual amount or a five-year funding amount is mixed throughout the document. It would be helpful to provide the funding amounts in a consistent timeframe in each chapter.

- Some costs include existing funds and new funds; some include federal funds and local match funds. This leaves the reader wondering if the other chapters may also include a mix of funds although not specified. A consistent method for providing the cost estimates is needed.

- Some chapters contain interim milestones, some have long-term and short-term goals and others such as Sustainable Development do not provide either. In addition, some chapters such as AOC/Sediments provide milestones within the five-year strategy while other chapters go well beyond the five-year strategy. A similar format for each chapter is recommended.

- It is unclear in some of the recommendations which agency is responsible for actions. For example, on page 43, recommendation 3 of Indicators and Information states that a Great Lakes Research Office should be funded although an agency is not referenced.

GLRC Review Comments

Date Submitted: 2005-09-09 14:17:05

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Add to GLRC news? No

Comments: September 9, 2005 Comments on Draft Regional Collaboration Toxic Pollutant Strategy for the Great Lakes Submission to GLRC Executive Committee and Strategy Team Co-Chairs By Great Lakes United c/o Rachel A. Heckl on behalf of our Coalition members Great Lakes United would first like to acknowledge the hard work and commitment by US EPA GLNPO, the Interagency Task Force, all other government agencies, experts, and all other volunteers to this process – you have made this possible and we thank you. Great Lakes United, a coalition of over 170 groups across the region would like to first applaud the convening of such a process and the first draft product of this process. It is indeed an extensive document possessing initiatives that can heal the Great Lakes system and allow for a healthy environment for our children and their children. In reviewing the document's proposed strategy to address toxic pollutants in the Great Lakes there is much to applaud in the proposed plan, however, we believe that there are also some significant weaknesses to be addressed. There is every indication that additionally known chemical threats exist in the Great Lakes and the GL watersheds. These potential and real threats have been identified in the 2005 SOLEC draft report, the 2004 GLBTS Update and by the Science Advisory Board of the IJC and internationally, some of these chemicals are slated as candidates for action under the Stockholm Convention on POPs Treaty. These chemicals must be specifically named and actions to address them from a preventive standpoint will ensure that this Collaborative Strategy achieves restoration and protection of the Great Lakes. Thus, the following list of chemicals must appear in the strategy for immediate action: - Polybrominated diphenyl ethers (PBDEs) - Polybrominated dioxins and furans PBDDs/PBDFs - polychlorinated naphthalenes (PCNs) -polychlorinated alkanes (PCAs) - endocrine disrupting chemicals - g-HCH (Lindane) and a-endosulfan both are in use pesticides -pharmaceuticals -personal care products (PPCPs) such as synthetic musk HHCB polycyclic musk xylene, triclosan - hexbromocyclodoecane (HBCD) - perfluorooctanesulfonate (PFOs) These chemicals fit one or more of these the following criteria – criteria that

dictates immediate action: ∑ Increasing in concentration in any segment of the Great Lakes biota, and/or ∑ Flat or increasing in sediment core concentrations in both open water areas and AOCs and/or ∑ Present in human tissue, blood, or breast milk in flat or increasing levels and/or ∑ Detected in waste water treatment plant effluent in the Great Lakes region and/or ∑ Detected in whole fish but not a standardized part fish consumption advisories, and/or ∑ Have a reasonable probability of contributing to adverse effects in people, wildlife, or aquatic life Top priority should be given to chemicals that fit more than one of the above categories. The strategy should include an appendix prioritizing examples of above chemicals as identified by the Great Lakes Binational Toxics Strategy and the State of the Lakes Ecosystem Conference. In particular, brominated flame retardants and perflourinated chemicals are now increasing alarmingly in biota and breast milk. Brominated compounds are approaching levels in commerce that mirror PCB use rates. Thank you for this opportunity to provide input on the GLRC draft plan. We look forward to the next months of collaborative efforts to finalize this plan. Most Sincerely, Rachel A. Heckl Clean Production and Toxics Reduction Campaign Coordinator

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NYPIRG
NEW YORK PUBLIC INTEREST RESEARCH GROUP

September 9, 2005

Great Lakes Regional Collaboration Executive Committee
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, Illinois 60604-3511

Dear Committee Members:

The New York Public Interest Research Group (NYPIRG) is the state's largest non-profit environmental and consumer advocacy organization with over 20 offices and 80,000 citizen members statewide. For over thirty years, NYPIRG has been a leader to improve and protect the air and water quality of our region.

The Great Lakes and surrounding watershed are vital to the sustainability of our economy and quality of life. We applaud the government's "Great Lakes Regional Collaboration" (GLRC) initiative to address the many environmental problems threatening the region's health. The draft plan demonstrates the magnitude of the problem and offers extremely valuable and thoughtful solutions. Full federal funding will be crucial to the success of the plan, along with cooperation from state and provincial governments.

While the current draft's strengths considerably outweigh the weaknesses, the more serious weaknesses must be addressed before the plan is finalized in December 2005. In general, we endorse the comments submitted by Great Lakes United (GLU) et al, regarding coastal health, sediments, brownfield remediation, nonpoint sources, wetlands, and toxic pollutants. Moreover, we offer specific comments on the restoration and protection of wetlands; the role of global warming in invasive species, coastal health and drinking water supply; and the recommended controls of toxic pollutants, particularly mercury emissions from coal-burning power plants and pesticides.

Wetlands Restoration
We are encouraged by the considerable attention given to the restoration of the basin's wetlands, a vital part of the Great Lakes ecosystem. As per the recommendations of GLU et al, we strongly advocate for the federal government to replace current policy guidance with pre-SWANCC Clean Water Act protections for so-called "isolated" wetlands. In addition, states and provincial governments must also act to strengthen wetlands protections. Specifically, New York State must

close the gap in its wetlands protection regulations, which excludes areas that are less than 12.4 acres in size.

Global Warming

The draft plan includes many significant efforts that will be undermined if a greater threat is not addressed: global warming. Global warming will impact the habitat, water supply, pollution levels, human health, economy and infrastructure of the region in many negative ways. Efforts to restore the Great Lakes and surrounding watershed must include a plan to reduce global warming pollution in order to assure real progress.

Toxic Pollutants

We strongly support the recommendations set forth in the Toxic Pollutants strategy. While the plan includes strong recommendations for reducing toxic pollutants in the region, more stringent recommendations must be included, specifically when addressing power plant mercury emissions.

NYPIRG commends the GLRC for recognizing the need to reduce power plant mercury emissions. The Clean Air Mercury Rule is cited on page 35 of the pan, indicating that significant mercury reductions will begin by the year 2010 at the federal level. The plan also encourages stronger action from states in the meantime. We strongly agree that states must set stronger standards to reduce instate mercury emissions, but ultimately the federal mercury rule must be expanded upon. We urge the federal government to reissue a power plant mercury rule that is consistent with what the Clean Air Act mandates: a 90% plant-by-plant reduction. Nine states, including New York, are suing the federal government for failure to meet Clean Air Act requirements to set an adequate standard for reducing mercury emissions from coal-fired power plants. Without stronger action, water bodies such as the Great Lakes will continue to have excessive levels of mercury that contaminate fish, making them unsafe to eat, and causing neurological damage to individuals who are exposed.

Mercury contamination not only threatens the environment and public health, but also the economic security of the region. For example, New York State has a $1 billion fishing and tourism industry that is at risk as fewer of our waters are safe to eat fish from.[1] This threat is evermore significant in the Great Lakes region. In addition, estimates from the National Research Council and the Center for Special Education Finance show that approximately $4.6 billion taxpayer dollars are spent nationally on educating children with special needs because of mercury poisoning.

We believe the federal government has failed to act appropriately to protect public health and the environment from the dangers of mercury pollution. In official comments on the Environmental Protection Agency's (EPA) power plant mercury standard, the Pataki administration called the rule "illegal" and "detrimental to public health and the natural resources of New York State." In light of this, it is necessary for state governments to take action to reduce instate power plant mercury emissions as much and as soon as possible. Massachusetts, New Jersey, Connecticut and Wisconsin have already issued more protective power plant mercury standards than the federal government, and Pennsylvania is currently engaged in the process to more stringently regulate mercury emissions from

[1] In 2005, the New York State Department of Health issued mercury-specific fish consumption advisories for 72 specific water bodies and all water bodies in the Adirondacks and Catskills. The number of specific advisories increased from 51 the previous year.

power plants than EPA. NY must also take action to reduce instate power plant mercury emissions, something Governor Pataki promised to do in 2002.

In addition, we do not believe that the plan goes far enough to address the serious concerns of pesticides in the Great Lakes basin. We support that the plan calls for states to implement stringent waste pesticide collection programs on page 37, as well as encourages educational programs to reduce personal use and disposal of pesticides on page 39. However in addition, we urge added emphasis on commercial and agricultural pesticide use reduction.

Thank you for the opportunity to submit these comments. We are encouraged by the monumental efforts put forth to date and look forward to an even stronger final GLRC action plan.

Sincerely,

Melinda Sobin
Regional Environmental Advocate

GLRC Review Comments

Date Submitted: 2005-09-09 13:01:02

Sections: Overview -- Executive Summary
Overview -- Introduction
Strategy Team Area -- Invasive Species
Strategy Team Area -- Habitat/Species
Strategy Team Area -- Coastal Health
Strategy Team Area -- AOC
Strategy Team Area -- Nonpoint Source
Strategy Team Area -- PBT
Strategy Team Area -- Indicators and Information
Strategy Team Area -- Sustainable Development
Appendix -- Invasive Species
Appendix -- Habitat/Species
Appendix -- Coastal Health
Appendix -- AOC
Appendix -- Nonpoint Source
Appendix -- PBT
Appendix -- Indicators and Information
Appendix -- Sustainable Development

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CropLife AMERICA

September 9, 2005

Mr. Gary Gulezian
USEPA-GLNPO
77 W. Jackson Blvd. (G-17J)
Chicago, IL 60604.

Dear Mr. Gulezian:

CropLife America ("CLA") and Mid America CropLife Association ("MACA") are pleased to submit comments on the Great Lakes Regional Collaboration Draft Action Plan, *A Strategy to Restore and Protect the Great Lakes*, proposed July 2005. CLA and MACA are not-for-profit trade, technical and educational organizations that represent the companies that produce, sell, and distribute virtually all the active compounds used in pesticides registered for use in the United States.

These organizations submit the following comments on behalf of our member companies. Agribusiness is an important contributor to the Great Lakes Basin ("Basin") economy and the pesticide industry, a key part of the agribusiness community, actively participates in the protection and continuing restoration of the Great Lakes ecosystem through numerous research and educational stewardship projects. We are pleased to participate and provide the following observations and recommendations to improve the draft action plan.

Collaboration Objectives and Process:
As part of the Great Lakes Regional collaborative process, the pesticide industry agrees that the systematic review of the status, progress, and needs associated with the Great Lakes Basin clean-up effort is important. In addition to an updated technical assessment, the broad multi-stakeholder design of this process provides important public involvement opportunities.

The tight timetable established for the assessment process has limited the detail that can be woven into the final recommendations, but the process has clearly identified a draft scope of effort that many believe is needed to address the Region's remaining environmental issues and restoration goals. The draft action plan has summarized this outcome.

The more difficult part will come during final action plan development, when each proposed action of the draft plan must be gauged against its likely ability to provide the needed benefits and ranked in importance among all other proposed actions. The continued input of various stakeholders will be important throughout these deliberations.

It is important to recognize that only the core section of the draft action plan, the Task Force reports contained in the first 48 pages, has been extensively reviewed by collaborating stakeholders and represents, to the extent possible, consensus reached. This is not the case with the material contained in the appendices, which contain numerous lists of proposed actions developed in "brainstorming sessions" not subjected to the detailed review and revision sessions that defined the Task Force reports. Therefore, the appendices must be recognized as background material for the work that remains in progress and not be considered integral to the recommendations of the collaboration report.

In view of this, the last sentence in the Introduction portion of the report, under the heading "Seeking Public Input" on page 7, must be revised. Rather than stating "[l]onger-term recommendations, as well as much supporting information, appear in the appendices. Instead, the sentence must read "[S]upporting information considered by collaboration team members while drafting these recommendations appears in the appendices."

Justification for the Strategy:
Certainly it is necessary to look both backward and forward to understand the status and needs of the Lakes. However, the discussion in the introductory section of the draft action plan under the headings *The Price of Prosperity* on page 5 and *Looking for Solutions* on page 6 is unnecessarily bleak and, in some cases, misleading or inaccurate. For example:

- The "physical changes to the Great Lakes ecosystem" were not so much "wrought by heavy industry, agriculture, and rampant development" as they were a lack of understanding by society of how far reaching the impacts of demand for these activities would be. The "growth" era described in the previous section did not include necessary policies and practices to adequately protect the ecosystem and promote sustainable development. The causes should be characterized as social ignorance rather than malice.
- The phrase that these "discharges poisoned rivers" in the second paragraph at the top of page 6 misrepresents the issue. A more accurate characterization would be that "discharges caused depletion of oxygen and the release of toxic pollutants in rivers."
- In the list of bullet points near the bottom of page 6, the statement "[d]rinking water supply contamination risks remain, threatening the health of Great Lakes residents" mischaracterizes the situation. While specific water supply contamination episodes have occurred, this has not been a widespread issue. Municipal water agencies treat the raw water to provide safe drinking water to residents. And, given recent wellhead protection programs, watershed protection programs, and other efforts in the Basin, we're better off in this regard than ever. This item should be removed from the list of bullet points.
- The first two sentences in the last paragraph on page 6 make it appear as though no action has been taken by governments or any of the private sectors. Nothing could be further from the truth. Local, state, and federal governments have launched many programs over the past several decades. Individuals, communities and industries have taken voluntary actions. The result has been the substantial progress achieved. As the latter portion of the paragraph states, coordination is needed to improve the effectiveness of these and future efforts.

But the first two sentences should be removed and replaced with a statement that recognizes the substantial efforts and progress that has been made.

Making the Final Plan:
The introductory section on pages 7 and 8, entitled *Making the Final Plan* summarizes the environment into which the Collaboration recommendations must be implemented. There are both continuing and new priority ecosystem needs for the Basin, and the relative importance of these needs have shifted. As a result, the final Strategy will need to:

- Shift some of the emphasis from the programs of the past.
- Maintain essential portions of existing programs.
- Reallocate some resources to other areas.
- Identify new funding needs to support new or renewed elements of the action plan.

The "funding climate" acknowledge in the last bullet at the top of page 8 describes one of the biggest challenges that program managers will face. Moving forward to address the more difficult issues within the Basin will require that we identify and advance a new paradigm regarding how these needs are funded. The financial responsibility cannot simply be placed on perceived "deep pockets" as in the past. It must be fairly distributed throughout all societal sectors in the Region.

Creating a Shared Vision:
The factors discussed in the draft report introduction, under the heading *Creating a Shared Vision on* page 8, identifies a number of important aspects that must be included in the development of the "shared vision" for the final Strategy. However, the draft plan overlooks the importance of a strong and vibrant economy to achieving the objectives of the Collaboration recommendations. A statement regarding this need should be added to this section.

The Collaboration Recommendations:
The draft Collaboration report recommendations show that a wide variety of actions must be included in a revised Great Lakes Strategy. As mentioned above, while some degree of prioritization did occur within some individual Collaboration Teams, time constraints did not allow for listing priorities between the differing Teams or complete design of detailed elements that will be needed to define final implementing programs. Individual action items that may become part of these plans must be fully evaluated to confirm their potential for cost effective attainment of Strategy goals. Specific comments that agribusiness stakeholders believe should be considered as the "final" Strategy is being assembled include:

- **Invasive Species**
    - This important priority must be advanced from a position of sound understanding. Research needs regarding the origin and best management options for these invasive species continue. It may, or may not, be advisable to pass "comprehensive federal AIS legislation" as mentioned in AIS recommendation no. 1, page 10. Clear plans of action are needed and approaches other than legislation must also be considered.
    - It is critical to balance measures for preventing the introduction of these species with those for controlling the destructive organisms already

present to avoid unintended eco-system consequences and serious economic threats. Measures such as "closing canals and waterways, " mentioned in AIS recommendation no. 2 on page 11, can result in unacceptable costs. Collaboration follow-up efforts need to define detailed implementing programs that balance needs.

- **Habitats and Species**
  - Protecting habitat and native species is an important objective, as suggested in the Habitats/Species report Goals and Milestones section, on page 16. However, established goals such as specific numbers of acres of wetlands and associated uplands, or specific numbers of breeding pairs of species will be arbitrary unless they are set within a context of what is possible, practical and of sufficient quality to provide significant ecosystem value.
- **Coastal Health**
  - It is imperative that the final action plan adequately address wet weather-associated effluent issues, whether untreated or inadequately treated, and funding for improved waste water treatment capacity in general, as highlighted in Coastal Health Team recommendation number 1 on page 22,. However, the draft report's characterization that "industrial waste" is included in the "untreated or inadequately treated effluent" is inaccurate as it applies to agribusiness. Overflows of independently operated industrial wastewater treatment plants are not permitted, and industrial effluents treated in municipal systems must first be pretreated by the agribusiness before discharge to the municipal system. This factor and the nature of these effluents is such that, should release of this effluent during a wet weather event occur, it is not as significant an event as the release of untreated or partially treated sanitary wastes. .
- **Great Lakes Areas of Concern (AOCs)**
  - Maintaining financial support for and removing some of the un-intended impediments of the Great Lakes Legacy Act are essential to enhance effective clean up of remaining sediments in the Great Lakes Areas of Concern (AOCs). As such, the AOC/Sediments Task Force recommendation number 1, page 27, is a high priority need.
- **Non-point Sources**
  - Focusing pollution prevention efforts on non-point sources (NPS) is an essential part of agribusiness' continuing clean-up efforts. However, the design of NPS control programs and reduction goals need to be based on attainable and meaningful performance targets. The wetland and buffer restoration or protection targets described in non-point sources recommendations 1-3 on pages 32 and 33, appear to be arbitrarily set, and not based on measurable performance criteria.
  - Decisions regarding use of river or stream flow alterations (i.e dam removal or dam operational restraints) to "hydrologically improve" surface or ground waters, as discussed in recommendation number 5 on page 34, must include consideration of all benefits derived from the impacted systems. Flood control, power generation, navigation, and other uses of waterways are important uses of these river flow control systems that must be weighed against the potential benefits of removal.

- **Toxic Pollutants**
  - Continued reduction of Persistent Toxic Substance (PTS) inputs into the Great Lakes is an important objective. But, consideration of the magnitude and relative importance of potential sources, evaluated in a risk management versus available funding context, is important to insure that resources are directed towards those priority reductions that will have the most positive outcome on the Great Lakes Watershed.
  - Management actions regarding "new toxic chemicals" described in recommendation no. 2 on page 37 should also include application of risk management elements.
- **Indicators and Information:**
  - The fortified and enhanced environmental data collection, storage, dissemination, and public communication efforts described in the Indicators and Information Team report are essential to the continued improvement of the Great Lakes ecosystem. However, the improvement of this important infrastructure element must incorporate the many monitoring, Lake-Wide Management Plan (LaMP), and State of the Lakes Ecosystem Conference (SOLEC) programs currently in existence. It is not necessary or wise to start over as is inferred by the draft report in the indicators and information section, pages 40-44. We are concerned that the recommendations in this section would overlook those important existing programs, and recommend that the final action plan fully embrace existing programs.
  - CGLI believes that maintaining a coordinated monitoring and assessment program based on a scientifically derived set of indicators is essential to assuring success in Great Lakes Protection and Restoration efforts. We agree, but also envision such a program to include:
    - Coordination of data gathering efforts carried out by U.S. Great Lakes states, the Canadian provinces, U.S. and Canadian federal agencies, and private sector organizations.
    - A central reporting and storage home for this data.
    - Maintenance of a key set of indicators, such as those developed through SOLEC, which will use the data to track ecosystem status and progress.
    - A SOLEC style biennial review of the indicators to receive, peer review, and disseminate ecosystem status information.
    - A communications element to broadcast the results of this coordinated monitoring effort to the public at large.

    These efforts should be done as efficiently as possible, utilizing the infrastructure that already exists, and augmenting it only where needed to enhance monitoring, data housing, and coordination elements.
- **Sustainable Development:**
  - It is essential that society support and work to achieve sustainable practices within all Great Lakes Basin sectors, supported by governance that promotes the Region as an "exceptional, healthy, and competitive place to live, work, invest, and play." The Sustainable Development Team report describes these objectives on pages 45-48. Agribusiness believes that pursuing sustainable development is not a separate task or the responsibility of a single set of practitioners, but must be part of the overall policy framework for the Great Lakes Basin.

The balancing of environmental, social, and economic factors within a sustainable development framework must be incorporated into each of the areas discussed in this report.

CropLife America and Mid America CropLife Association appreciate the opportunity to submit these comments. Please let us know how we can assist as the Collaboration process moves forward.

Sincerely,

Bonnie McCarvel
Executive Director
Mid American CropLife Association

Rich Nolan
Vice President,
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CropLife America

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EDISON ELECTRIC INSTITUTE

VIA E-MAIL

September 9, 2005

COMMENTS Great Lakes Regional Collaboration
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, Illinois 60604-3511

Re: Comments on the Great Lakes Regional Collaboration Draft Action Plan titled, *A Strategy to Restore and Protect the Great Lakes* dated July 2005.

Dear Great Lakes Regional Collaboration Executive Committee Members:

The Edison Electric Institute (EEI), the Utility Solid Waste Activities Group (USWAG), and the Utility Water Act Group (UWAG) submit the following comments on the Great Lakes Regional Collaboration Draft Action Plan titled, *A Strategy to Restore and Protect the Great Lakes* dated July 2005. Please contact me at 202/508-5641 or Rbozek@eei.org if we can be of further assistance.

Sincerely,

C. Richard Bozek

C. Richard Bozek
Director, Environmental Policy

BACKGROUND

EEI is the association of U.S. shareholder-owned electric companies, international affiliates, and industry associates. Our members generate almost 60 percent of all electricity generated by electric companies in the country, and serve approximately 70 percent of all ultimate customers nationwide. EEI's members pride themselves on careful and proactive management of their environmental responsibilities. These efforts yield positive results for the environment, electricity consumers, and shareholders.

USWAG was formed in 1978 and is an informal consortium of approximately 80 utility operating companies, EEI, the National Rural Electric Cooperative Association (NRECA), and the American Public Power Association (APPA). NRECA is the national association of rural electric cooperatives. APPA is the national association of publicly owned electric utilities. Together, USWAG member companies and trade associations represent more than 85% of the total electric generating capacity of the U.S. and service more than 95% of the nation's consumers of electricity. USWAG is responsible for addressing solid and hazardous waste issues on behalf of the utility industry. USWAG's mission is to address the regulation of utility wastes, byproducts and materials in a manner that protects human health and the environment and is consistent with the business needs of its members.

UWAG is an association of 203 individual electric utilities and four national trade associations of electric utilities, the EEI, NRECA, APPA, and the Nuclear Energy Institute (NEI). The individual utility companies operate power plants and other facilities that generate, transmit, and distribute electricity to residential, commercial, industrial, and institutional customers. NEI establishes industry policy on legislative, regulatory, operational, and technical issues affecting the nuclear energy industry on behalf of its member companies, which include the companies that own and operate commercial nuclear power plants in the United States, as well as nuclear plant designers and other organizations involved in the nuclear energy industry. UWAG's purpose is to participate on behalf of its members in EPA's rulemakings under the Clean Water Act (CWA) and in litigation arising from those rulemakings.

EEI's, USWAG's, and UWAG's members (Utility Industry) operate steam electric and hydroelectric generating facilities and these facilities often rely on water drawn from waters of the United States for cooling and other processes ranging from generation through waste disposal and treatment. The Utility Industry also operates electric transmission and distribution systems throughout the Great Lakes basin. As a result, the Utility Industry located in the Great Lakes region stands to be substantially and directly affected by water quantity and quality management initiatives that may result from recommendations adopted as part of the Great Lakes regional collaboration process.

We appreciate the opportunity to comment on this important initiative and remain committed to working with the Great Lakes Regional Collaboration Stakeholders Group throughout the public policy process. We hope that informed comment on this initiative will lead to programmatic improvements resulting in progress toward improving the management of the Great Lakes' basin waters in an effective and efficient manner while doing so in a way consistent with other regional and national policy objectives. The Utility Industry located in the Great Lakes region supports a collaborative dialogue for stakeholders to discuss regional environmental concerns and to help plot a course forward for effective protection of the region's resources. EEI is also a member of the Council of Great Lakes Industries and supports the comments submitted separately by that organization.

SUMMARY

Energy is the lifeblood of our nation's economy. The U.S. economy is highly dependent on affordable and reliable supplies of energy. In fact, economic growth and energy growth follow similar trends. The Great Lakes Regional Collaboration Draft Action Plan titled, *A Strategy to Restore and Protect the Great Lakes* (Strategy) recognizes the importance of the Great Lakes as a vast national and regional resource that supports a wide array of environmental, commercial, and recreational uses. It also notes that numerous multi-governmental and non-governmental stakeholders are presently engaged and have already demonstrated a long history of effectively collaborating on a variety of complex issues facing the Great Lakes. Many of these initiatives have benefited the region. It will be counterproductive if, in an effort to take an informed and focused look at the region's water issues, actions are taken that reinvent existing programs rather than balancing new concerns with existing programs.

A key challenge for the collaboration is how to effectively integrate and prioritize new and ongoing resource management challenges to meet human and ecological needs in a cost effective manner without duplicating or otherwise reinventing existing programs. Ultimately, the task is to take a fresh look at the range of the region's water quality and quantity issues and to identify where common interests are still aligned, where gaps exist in programmatic and funding needs, and where cost-effective changes should be made in programs designed to manage and protect the Great Lakes. To that end, we offer some principles for the Interagency Task Force to consider when balancing the diverse interests of the region and deciding the best way to chart a course that is designed to benefit the economic, environmental, and social needs of the region.

Whatever actions may be taken as a result of the collaboration process, they should not create a disproportionate burden on the electric industry, which lies at the heart of the Great Lakes basin's electric energy supply and economy. Initiatives instituted as a result of the collaboration should be comprised of measures that balance the need for environmental protection with economic prosperity and that support uses by all the Great

Lakes citizens, businesses, and industry. The Utility Industry is committed to assisting the Stakeholders Group in establishing an effective Great Lakes collaboration process that is simple, efficient, and effective.

In May 2004, President Bush issued an Executive Order recognizing the Great Lakes as a "national treasure" and directing EPA to convene a regional collaboration to design and implement a strategy for the restoration, protection, and sustainable use of the Great Lakes. The Utility Industry has participated in the Strategy Teams since their inception. After a six-month intensive process to set priorities, a draft report was released for public comment in July. The process, while not perfect, produced an inventory of issues of concern in each of eight areas. The next phase of the process is prioritizing those issues and deciding what actions may be warranted. This will be the more difficult and critical step. The following remarks are intended to help guide the decisionmaking and prioritization process.

- The draft recommendations were developed through an inclusive process aimed at achieving the broadest consensus possible. In contrast, the appendices attached by some of the Strategy Teams introduce issues, recommended actions, and detailed goals that do not represent the consensus of the Strategy Teams. Many teams assembled these appendices simply as a means to record discussions. Therefore, only the formal recommendations made in the body of the report should be considered by the Great Lakes Regional Collaboration Stakeholders Group and the Interagency Task Force. This is particularly important if the process is to remain focused and maintain the collaborative nature of the initiative.

- The Great Lakes Regional Collaboration Stakeholders Group and the Interagency Task Force should incorporate accepted risk-based decision principles, scientifically sound analytical approaches, and a results-oriented policy when deciding how best to address new and existing challenges in the region. The objective should remain to integrate existing programs with collaboration recommendations.

In addition, the Utility Industry submits the following perspective on three specific issues discussed in the Strategy.

1. MERCURY

On May 18, 2005, EPA published the Clean Air Mercury Rule (CAMR) – the first-ever federal rule to permanently cap and reduce mercury emissions from power plants. This rule makes the United States the first country in the world to regulate mercury emissions from coal-based power plants. The Utility Industry believes that CAMR represents a

common-sense approach to reducing mercury emissions from the electric utility sector and is the appropriate policy that should be adopted in the final Great Lakes Regional Collaboration Action Plan.

CAMR sets stringent control requirements and utilizes a market-based cap-and-trade approach under Section 111 of the Clean Air Act (CAA) to reduce mercury emissions from coal-based power plants in two phases. The rule sets a first-phase cap of 38 tons that is effective in 2010, and a second-phase cap of 15 tons in 2018, for a total reduction of 70 percent from current levels. The rule went into effect on July 18, 2005.

CAMR is designed to work in tandem with the Clean Air Interstate Rule (CAIR) – issued on March 10, 2005, to reduce sulfur dioxide (SO_2) and nitrogen oxides (NO_x) emissions from electric power generators in 28 eastern states and the District of Columbia – to reduce utility-attributable mercury deposition throughout the United States. EPA issued the two rules as an integrated regulatory plan to cost-effectively reduce SO_2, NO_x and mercury emissions from the utility sector.

CAMR's first-phase emissions cap of 38 tons in 2010 will be met primarily through the use of air pollution control technologies used to reduce NO_x and SO_2 emissions; the so-called "co-benefits" approach. Compliance with CAMR's second-phase cap of 15 tons will require significant effort for coal-based power plants, including the development and installation of mercury-specific control technologies.

CAMR's two-phased approach is vital to ensuring a robust market for the development of new control technologies. The second-phase deadline of 2018 allows time for continued development, installation, and demonstration of new mercury-control technologies. Much of this work, already in the planning and design stages, will be accomplished through industry and government cooperation. This 13-year window also will help to ensure that the most promising technologies are commercially deployed with little impact on the reliability and security of the electric grid in the United States.

Under the rule, each state is subject to a mercury emission budget, as determined by EPA. States then allocate emission allowances to utilities within their borders, with each allowance being equal to one ounce of mercury emitted. The CAMR cap-and-trade program allows power plants that reduce more emissions than required to sell excess allowances to companies for which cutting emissions is not as cost-effective.

This approach, similar to the successful emissions trading program adopted in the 1990 Clean Air Act Amendments to reduce acid rain, encourages deep reductions in mercury emissions where they are the most cost-effective, reducing costs to consumers while ensuring environmental protection and compliance throughout the nation.

CAMR reflects nearly 15 years of deliberation, culminating in a four-year rulemaking. The scientific record underlying the final rule is the most detailed of any rulemaking undertaken under this section of the Clean Air Act. CAMR's cap-and-trade program also creates incentives for continued development and testing of promising mercury-control technologies that are efficient and effective, and that could later be used in other parts of the world. EPA believes that the cap-and-trade approach of both CAMR and CAIR is the best regulatory action to reduce mercury emissions from coal-based power plants and to effectively minimize utility-contributed mercury to the environment.

In addressing mercury contributions to the Great Lakes basin, the draft report puts undue emphasis on coal-fired electric utility air emissions of mercury. In addition, the draft report fails to reflect the substantial reductions in those emissions that already have been achieved under federal and state clean air programs and the further reductions that will be achieved under CAMR and CAIR.

The draft report characterizes coal-fired electric utilities as the largest remaining domestic source of mercury emissions (page 36, closing bullet). But in fact, air emissions are only one source of mercury contributions to water in the Great Lakes basin. According to EPA, approximately 144 tons of mercury are deposited throughout the United States per year from all sources. This includes natural, man-made, international and domestic sources – including emissions from U.S. electric utilities. Of these 144 tons, only 11.1 tons – or 7.8 percent – come from U.S. utilities. EPA estimates that after the Clean Air Mercury Rule and CAIR are fully implemented, only 3.4 tons of mercury will be deposited by U.S. utilities. The draft report should reflect this.

Furthermore, though the draft report mentions CAMR and a few of its benefits, the report does so only in passing in a brief footnote that does not sufficiently reflect the rule and its benefits (page 35, footnote 30). In fact, CAMR and CAIR require substantial further reductions in mercury emissions from coal-based electricity generating facilities throughout the country. As noted earlier, the rules were carefully developed by EPA following years of careful research into and analysis of mercury's health effects, sources, fate, transport, and control technology. Moreover, CAMR and CAIR are aggressive rules, requiring significant reductions in mercury emissions in the coming decade at a cost that EPA has said will exceed by several times the anticipated benefits of the rules.

The Utility Industry believes CAMR offers the most effective way to address state and local concerns about mercury. CAMR's cap-and-trade program is an efficient and flexible approach for states. Adoption by the Great Lakes' states of the federal program will minimize interstate conflicts and create a consistent regulatory framework for states and regulated sources, which will reduce impacts on related state resources. Ultimately, this flexibility translates to a low-cost option for the states' electric consumers – households, small businesses, and industry – while achieving significant reductions in

mercury emissions and deposition. We encourage the Great Lakes Regional Collaboration Stakeholders Group and the Interagency Task Force to work with EPA and the industry in implementing these new rules.

2. PCBs

The draft report states a goal of eliminating the discharge of persistent toxic substances, including polychlorinated biphenyls (PCBs). The Utility Industry is engaged in an effort to reduce the use of PCB-containing electrical equipment.

The Great Lakes Binational Toxics Strategy 2004 Progress Report (http://binational.net/bns/2004/2004glbts_05.pdf) discusses the wide range of voluntary PCB reduction efforts within the Great Lakes basin and in other regions of the country. The Utility Industry has implemented efforts to ensure that virtually all equipment containing PCBs in concentrations $\geq$ 50 ppm ("PCB-contaminated") identified during repair/servicing are disposed and/or retrofilled and not returned to service as PCB-regulated equipment. These reduction efforts, combined with voluntary retrofill/reclassification programs, are resulting in the continued reduction of PCB-containing equipment from utility inventories across the country. This continuing progress underscores the determined efforts of the Utility Industry to systematically remove PCB-containing equipment from their operating systems. In addition to the systematic retirement of PCB-containing equipment identified during repair/servicing, the Utility Industry also undertakes, where practical, dedicated efforts to identify and remove PCB-containing equipment from service.

The Toxic Substance Section of the report includes a milestone of "full phase-out of all PCB equipment in the basin" by 2025 (see Interim Milestones, Goals 1 – 4, pg. 35). This milestone should be revised as follows:

> "By 2025, reduce the use of PCB equipment in the basin consistent with the Stockholm Convention on Persistent Organic Pollutants;"

This revision will clarify both the goal and milestone, making it explicitly consistent with the recommendations referencing the Stockholm Convention that follow on page 37.

3. HYDROMODIFICATION

At various places in the draft report, in particular in several of its appendices, there is some discussion of issues associated with dams and other forms of hydromodification. On the one hand, for example, the draft report recognizes that dams and other facilities can help prevent the spread of invasive species (see rationale for enacting measures that ensure the region's waterways are not a vector for aquatic invasive species on p.11). On

the other, the draft report calls for restoring or emulating natural river flows (see riverine and riparian long term goals on p. 17).

From the Utility Industry perspective, it is important to note that dams provide multiple societal and environmental benefits. In particular, they provide hydroelectric power – one of our oldest and best-developed sources of clean, domestic, renewable electric energy. In addition, they provide drinking water, flood control, wetlands, fish and wildlife habitat, and recreation. The draft report should reflect that dams and other hydromodifications have been built specifically because they do provide such important benefits.

As to hydroelectric power, dams are particularly important because they help meet peak electricity needs, avoiding the need to build and run additional fossil-fuel generating plants. They also help maintain electric system reliability by enabling utilities to respond quickly to stresses on the system and to restart the system in the event of outages. As to flood control, dams help smooth runoff from significant precipitation and snowmelt events, reducing the impact of floods that would otherwise cause damage to habitat and property in a watershed. The draft report should recognize such benefits and ensure that they are fully considered before calling for rivers to be restored to natural flow regimes.

In addition, most of the nation's non-federal hydropower dams are licensed by the Federal Energy Regulatory Commission (FERC), undergoing an extensive licensing process that carefully weighs and balances the social and environmental benefits and effects associated with the projects. The draft report should recognize that such dams are within the purview of FERC, which already fully addresses these issues with substantial input by state and federal agencies, interest groups, and the public.

4. DECISION MAKING PRINCIPLES

Each of the eight Strategy Teams developed a list of actions for inclusion in the final strategy. While the direct cost of implementing these actions is included in most cases, there is no indication that these resources are available. The draft Action Plan recognizes that these resources may not be available to carry out the proposed actions, but it does not indicate how policymakers will allocate what resources are available between proposed actions.

The Utility Industry does not have specific suggestions regarding which actions to fund first. However, there are a few general principles that should guide such decisions.

First, if a program is in place that addresses a recommendation, it may be appropriate to assess whether that program has provided the expected or appropriate results. If so,

unless that program needs additional resources, new resources may be better allocated to another newly identified need rather than attempting to re-engineer the existing program.

Second, actions with measurable results should be favored over those with speculative or unmeasurable results. Given constraints on available resources, it makes sense to spend time and money in those areas where we can judge the effectiveness of the expenditure of resources. This may shift spending in the short-term toward measurement and assessment to ensure that future resources are spent most cost-effectively.

Ideally, decisionmakers will have information (such as monetized value) that allows programs in different areas – say, reduction of invasive species and toxic substance reduction – to be compared against each other to determine which represents the best expenditure of limited resources. In other words, given good enough information, resources should go to those projects that maximize net benefits to society. However, at the very least, decisionmakers must have quantifiable information on the expected results of various actions to allow for meaningful prioritization among actions aimed at achieving the same outcome. Resources should be used in the most cost-effective manner.

Third, decisionmakers must resist the temptation to view private – that is, non-government – resources as free. Actions should be evaluated based on the results they will achieve and the cost to society of achieving those results. Whether the resources necessary to implement an action come out of government coffers or private sector resources, they remain costs to society. As a result, the origin of resources should not influence the priority of pursuing a particular action.

In drafting the final Strategy, the authors should also take care to avoid goals and actions that are expressed as absolutes, where possible. History has shown repeatedly that goals such as "eliminate any" and "avoid all" limit a decisionmaker's ability to make reasonable policy tradeoffs between programs where resources are limited. As a rule, eliminating or avoiding the last one of anything becomes prohibitively expensive and can lead to a diversion of resources away from actions with less lofty goals but greater net benefits to society.

Finally, it is crucial that risk-based decisionmaking principles, such as weighing the information known about an issue with the likelihood of impact and probability of success, be incorporated in prioritizing recommended actions. Applying scientifically sound analytical methods to the assessment of an issue is the starting point for good environmental public policy decisionmaking.

CONCLUSIONS

We are encouraged that the Collaboration specifically acknowledges existing regulations, efforts and programs (*e.g.*, The Clean Air Mercury Rule and the Stockholm Convention on Persistent Organic Pollutants) that will control substances of concern. It is imperative that the Collaboration rely on such programs, policies, regulations, etc., in lieu of developing and implementing additional programs and efforts. It would be a waste of resources – governmental agencies' and the regulated community's – to develop, implement and comply with new efforts, in essence re-inventing the wheel and superceding recognized efforts/programs/regulations. The Utility Industry remains committed to participating in the regional collaboration process in order to create a sustainable approach promoting the use and protection of the Great Lakes.

CGLI
Council of GREAT LAKES INDUSTRIES

September 9, 2005

COMMENTS Great Lakes Regional Collaboration
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, Illinois 60604-3511

Dear Sir or Madam:

This letter contains the comments of the Council of Great Lakes Industries (CGLI) regarding the Great Lakes Regional Collaboration Draft Action Plan, "A Strategy to Restore and Protect the Great Lakes," dated July 2005 (the Strategy or Strategy).

These comments are submitted on behalf of CGLI members and additional industry associations and companies who also participate in CGLI's Great Lakes Regional Collaboration Stakeholders Group. Industry sectors represented by the Stakeholders Group include: chemical, iron and steel, petroleum refining, timber products, pulp and paper, electric utilities, mining and minerals, shipping and transportation, rubber products, aluminum and other non-ferrous metals, and general manufacturing interests. All are important contributors to the Great Lakes Basin (Basin) economy. All are active participants in the protection of the Lakes. And, all are keenly interested in the continuing restoration of the Great Lakes ecosystem. Collectively this large and diverse group is referred to as "industry" in these comments.

Representatives of industry are pleased to be part of the Great Lakes Regional collaboration process. The concept of a systematic review of the status and progress of the use and management needs of the Great Lakes is supported by industry. The multi-stakeholder design of the collaboration process provides for essential public involvement.

Summary and Key Points

We are commenting on the Collaboration process, the need for a revised Great Lakes restoration strategy, and the draft Collaboration recommendations. Key points that follow in the discussion below can be summarized as follows:

- The Collaboration has been beneficial in focusing attention on the needs and resource management efforts in the Great Lakes Basin. Brought to final and successful conclusion, the Collaboration will greatly enhance these efforts.
- The Collaboration process has resulted in a set of recommendations arrived at through a process aimed at achieving near consensus. Supporting points and suggestions representing differing views for which consensus could not be established, or was not attempted, have been placed in the individual task force

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report appendices. These appendices must be clearly labeled as "not representing the consensus of all officials and stakeholders." They represent a record of discussions, not a consensus roadmap for actions. Without the application of this caveat, the collaborative nature of the process could be compromised.

- The Collaboration has focused on ecosystem status without regard to the role that these resources play in maintaining a strong, vibrant Basin economy. Industry is not saying that there must be a trade-off between environmental protection and a strong economy. Rather, industry is pointing out that there is an important need to acknowledge that if the Great Lakes protection and management objectives are to be met, they must be supported by a robust economy. In other words, all aspects of sustainable development, the environmental, social, and economic needs of the Basin, must be considered simultaneously and serve as the underpinning of the final resource management agenda.
- The need for balancing ecosystem and economic considerations is highlighted by measures discussed for control of invasive species. For example, any evaluation of closure of the St. Lawrence Seaway must include economic considerations as well as complete assessment of shipping alternatives that would replace it.
- Numeric goals, such as those contained in the Habitats and Species, Coastal Health, and Non-point Source task group report sections, must be based on measurable and science centered ecosystem outcomes rather than arbitrary targets.
- Source characterization and prioritization, based on risk analysis, must be included in goals, milestones, and recommendations associated with issue areas such as Toxic Pollutants. The focus should be on priority sources that represent a significant risk to human health and the environment.
- Nowhere is the need for Basin-wide coordination of multi-jurisdictional programs better demonstrated than in the Indicators and Information area. All agencies must work together to provide this essential status and trends information.
- A substantial number of areas/recommendations call for public communication programs. It is imperative that these communication programs be prioritized to ensure efficient use of limited resources, be targeted for appropriate audiences, and coordinated to avoid duplication and conflicting messages.
- As of this time, there has not been an effort to prioritize across the different issue areas. The final strategy or implementation of the final strategy should ensure that the Region's limited resources are focused on the priority issues for the Great Lakes.

Detailed Comments

The tight Collaboration timetable has limited the detail that can be woven into the final recommendations. But, the process has clearly identified a draft scope of effort that many believe is desired and needed to address the Region's goals. Through substantial effort, the draft Strategy report has summarized this outcome. But, of course, even harder work lies ahead.

The more difficult part will come in the final Strategy development steps described in the Making the Final Plan section starting on page 7. Each proposed action must be tested against its ability to provide needed benefits and ranked in importance among all other

proposed actions. It will be important to continue the "collaboration" aspect of the Strategy development process so that stakeholders continue to have input into the ongoing discussions.

Collaboration Objectives and Process:

The last sentence in the Introduction portion of the report, under the heading "Seeking Public Input" on page 7, must be revised to read "supporting information used by Collaboration team members to draft these recommendations appears in the appendices. It is important to note that these supporting materials do not necessarily represent the consensus of all officials and stakeholders, but are rather a record of issues raised by the teams in preparing the draft Strategy."

The core section of the draft report, the first 48 pages, has been extensively reviewed by Collaboration participants and represents, to the extent possible, a consensus statement of needs. This has **not** been the case with the material contained in the appendices. The lists of proposed actions are the result of "brainstorming sessions." Though some Task Force discussion was held on them, these lists have not been subjected to the same level of detailed review and revision as the Task Force reports. Therefore, the appendices must be recognized as background material for the work that remains in progress and not considered as recommendations in the Collaboration report.

Justification for the Strategy:

Rewording is needed in the Introduction Section on pages 5 – 6, as described below.

Certainly, it is appropriate to look both backward and forward to understand the status and needs of the Lakes. However, the discussion in the Introduction section of the Collaboration report under the headings "The Price of Prosperity" on page 5 and "Looking for Solutions" on page 6 is more bleak than necessary. In some cases, statements are misleading or inaccurate. For example:

- The "physical changes to the Great Lakes ecosystem" were not so much "wrought by heavy industry, agriculture, and rampant development" as they were a result of expressed or, perhaps, a short-term focus on Regional and community needs. The "growth" era described in the previous section simply did not benefit from today's policies and practices. **The cause of physical changes to the Great Lakes ecosystem should be characterized as a lack of agreement on social and environmental policies rather than the result of a carefully crafted (and flawed) resource management policy .**
- The phrase "discharges poisoned rivers" in the second paragraph at the top of page 6 misrepresents the issue. **A more accurate characterization would be "discharges to rivers in absence of permitting standards caused depletion of oxygen and releases of contaminants at elevated levels."**
- In the list of bullets near the bottom of page 6, the statement "[d]rinking water supply contamination risks remain, threatening the health of Great Lakes residents" mischaracterizes the situation. While specific water supply

contamination episodes have occurred, this has not been a widespread issue. And, given more recent wellhead protection programs and other efforts in this area, we're better off in this regard than ever. **The drinking water supply contamination risk statement should be removed from the list.**

- The first two sentences in the last paragraph on page 6 make it appear as though no action has been taken by governments or any of the private sectors. Nothing could be further from the truth. Local, state, and federal governments have instituted many protection programs over the past several decades. Individuals, communities and industries have also taken voluntary actions. The results have been the substantial progress that we have achieved. As the latter portion of the paragraph states, coordination is needed to improve the effectiveness of these and future efforts. **But the first two sentences should be removed and replaced with one that recognizes the efforts and progress achieved.**

Making the Final Plan:

The discussion in the Introduction section on pages 7 and 8, entitled "Making the Final Plan" has accurately summarized the climate into which the Collaboration recommendations must fit. There are both continuing and new Great Lakes Basin ecosystem needs. The relative importance of these needs has shifted. Consequently, the new Great Lakes Strategy will need to recognize that:

- There must be a shift in emphasis from some valued programs of the past to areas now found to be of higher priority and needed to support a going-forward strategy.
- We must maintain essential portions of existing programs that are successful.
- It will be necessary to reallocate some resources to other areas.
- New funding will be needed to support some elements of the action plan.

The "funding climate" acknowledged in the last bullet at the top of page 8 describes one of the biggest challenges that program managers will face. We must use a new funding paradigm to move forward and address current priority issues within the Basin. All of the financial responsibility cannot simply be placed on commercial interests. Both public and private resources have their place in the formula for funding of management priorities and must also include incentives and market-based mechanisms. Industry has committed substantial funding and other resources to eliminate or reduce pollutant releases and remediate contaminated areas. Much of industry is already fully committed. The reality of world markets has limited the ability of industry to pass-on additional costs to their customers and remain competitive. Non-point sources are among the priority issues and the financial responsibility to address these, as well as other challenges must be equitably distributed throughout all sectors in the Region.

Creating a Shared Vision:

The discussion on page 8 of the Introduction, under the heading "Creating a Shared Vision," identifies a number of important factors that must be included in the development of the Strategy "shared vision." However, an important one has been left out. **A strong and vibrant economy is essential to achieving the objectives of the**

Collaboration recommendations. A statement regarding this need should be added to this section.

Specific Collaboration Recommendations:
The draft Collaboration report recommendations show that a wide variety of actions must be included in a revised Great Lakes Strategy. Some degree of prioritization was accomplished within some individual Collaboration Teams. However, time constraints did not allow for setting of priorities for the needs identified by the Teams, or for complete design of detailed elements listed for final program implementation. Action items that become part of these plans must also be fully evaluated to confirm their potential to cost effectively attain Strategy goals. To fill these needs industry recommends the following:

- **Invasive Species**
  - This important priority must be first advanced from a basis of scientifically sound understanding of the issue. Research needs regarding the origin of and best management options to address these invaders continue. **It is premature to advocate "comprehensive federal AIS legislation" as mentioned in AIS recommendation no. 1, page 10. More information and clear plans for action are needed prior to considering additional legislation.**
  - Measures for preventing the introduction and control of destructive organisms already present must be balanced to avoid unintended eco-system consequences and serious economic threats. **Measures such as "closing" canals and waterways, mentioned in AIS recommendation no. 2 on page 11, can result in unacceptable and unanticipated costs. Collaboration follow-up efforts are needed to define detailed implementing programs that balance needs.**
- **Habitats and Species**
  - Protecting habitats and species is an important objective. However goals such as numbers of acres of wetlands, associated uplands, or breeding pairs of species must be set within a context of what is possible, practical and of sufficient quality to provide significant ecosystem value. **The goals suggested in the Habitats/Species report Goals and Milestones section, on page 16, appear arbitrary. These goals must be scientifically justified and include measurable ecosystem based outcomes.**
- **Coastal Health**
  - As highlighted in Coastal Health Team recommendation number one on page 22, addressing wet weather associated untreated or inadequately treated effluent issues and waste water treatment capacity, in general, is an imperative. However, the characterization in the recommendation language that "industrial waste" is included in the "untreated or inadequately treated effluent" is inaccurate. The only industrial effluents most likely to be by-passed from a treatment facility during wet weather events are those treated in municipal treatment plants. Overflows of independently operated industrial wastewater treatment

plants are not allowed. Industrial effluents discharged to municipal systems must first be pre-treated by industry before discharge to the municipal system. This factor and the nature of these effluents is such that, should release of this effluent during a wet weather event occur, it should not be as significant an event as the release of untreated or partially treated sanitary wastes. **The real challenge regarding the combined sewer overflow (CSO) issue is how to fund these infrastructure needs. The Collaboration "final plan" must include a thoughtful analysis of the funding options.**

- **Great Lakes Areas of Concern (AOCs)**
  - Maintaining financial support of and the removing of the un-intended impediments incorporated in the Great Lakes Legacy Act is essential to enhance effective clean up of remaining sediments in the Great Lakes Areas of Concern (AOCs). **The AOC/Sediments Task Force Recommendations are a high priority need.**
- **Non-point Sources**
  - Focusing pollution prevention efforts on non-point sources (NPS) is an essential part of our continuing clean-up efforts. However, the design of NPS control programs and reduction goals need to be based on established best management practices that include attainable and meaningful performance targets. **The area targets described in non-point source recommendations 1-3 on pages 32 and 33 regarding wetland and buffer restoration or protection appear to be arbitrary.**
  - The decisions regarding use of stream flow alterations (*i.e.* dam removal or dam operational restraints) to "hydrologically improve" surface or ground waters discussed in recommendation no. 5 on page 34 must include consideration of all benefits derived from these systems. **It is important to include flood control, power generation, navigation, and other uses of waterways when considering river flow control systems (dams).**
- **Toxic Pollutants**
  - **The draft Strategy should be consistent in its terminology and focus throughout this section. In order to be consistent and ensure that recommendations are focused on priority substances, all references should be to "persistent toxic substances that pose a significant risk to human health and the environment".**
  - While continued reduction of Persistent Toxic Substance (PTS) inputs into the Great Lakes is an important objective, management actions regarding "new toxic chemicals" described in recommendation no. 2 on page 37 should also ensure that any pollution prevention or risk management efforts are focused on priority sources that represent a significant risk to human health and the environment. **It is important to consider the magnitude and relative importance of potential sources from a risk management/pollution prevention perspective**

to ensure that resources are directed towards reductions that will have positive outcomes on the Great Lakes Watershed.

- **Government officials should carefully evaluate the milestones related to Great Lakes biomonitoring programs. This may not be the most efficient use of resources and could be duplicative of national biomonitoring programs that already include data from the Great Lakes region such as the CDC NHANES biomonitoring program.**

- **Indicators and Information:**
  - The fortified and enhanced environmental data collection, storage, dissemination, and public communication efforts described in the Indicators and Information Team report are essential to the continued improvement of the Great Lakes ecosystem. However, the improvement of this important infrastructure element must incorporate the many monitoring, Lakewide Management (LaMP), and State of the Lakes Ecosystem Conference (SOLEC) programs currently in existence. It is not necessary or wise to start over as is inferred by the draft report. Frankly, we are very confused by the discussion presented in the indicators and information section, pages 40-44 on how to fill these needs. This report language does not reflect the discussions held between Indicators and Information Team members; nor do the recommendations reflect those proposed during Team deliberations. **This section needs to be rewritten to reflect the points listed below that were repeatedly made during the Collaboration discussions.**
  - **A coordinated Basin derived monitoring and assessment program is essential to assuring success in Great Lakes Protection and Restoration efforts. Such a program should include:**
    - **Coordination of data gathering efforts carried out by U.S. Great Lakes States, the Canadian Provinces, U.S. and Canadian Federal agencies, and private sector organizations.**
    - **A central reporting and storage home for this data.**
    - **Maintenance of a key set of indicators, such as those developed through SOLEC, which will use the data to track ecosystem status and progress.**
    - **A SOLEC style biennial review of the indicators to receive peer review and disseminate ecosystem status information.**
    - **A communications element to broadcast the results of this coordinated monitoring effort to the public at large.**
    - **All of the above need to be provided through better coordination of the many existing efforts rather than starting from scratch and building entirely new programs.**

- **Sustainable Development:**
  - It is essential to achieve sustainable practices within all Great Lakes Basin sectors, supported by governance that promotes the Region as an "exceptional, healthy, and competitive place to live, work, invest, and

play". The Sustainable Development Team report attempts to describe these objectives on pages 45-48. Industry believes the overall policy framework for pursuing the strategy proposed in the Collaboration report must be done in the context of sustainable development for all Great Lakes Basin sectors. **Pursuing sustainable development is not a separate task or the responsibility of a single set of practitioners. The balancing of environmental, social, and economic factors is key to sustainable development pursuits, and must be incorporated into each of the areas discussed in this report.**

CGLI appreciates the opportunity to submit these comments. Please let us know how we can assist as the Collaboration process moves forward.

Sincerely,

George H. Kuper, President and CEO

cc: Mr. Gary Gulezian
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