



GREAT LAKES LEGISLATIVE CAUCUS

Great Lakes News for Legislators

An online newsletter of the Great Lakes Legislative Caucus

Caucus Chair: Michigan Sen. Patricia Birkholz

July 2008

Quick Links

Great Lakes Legislative Caucus www.greatlakeslegislators.org

Alliance for the Great Lakes www.greatlakes.org

Council of Great Lakes Governors www.cglg.org

Great Lakes Commission www.glc.org

Great Lakes Environmental Law Center www.greatlakeslaw.org

Great Lakes Regional Collaboration www.epa.gov/greatlakes

Great Lakes United www.glu.org

Great Lakes WATER Institute www.glw.iu.edu

Healing Our Waters Coalition www.healingourwaters.org

International Association for Great Lakes Research www.iaglir.org

International Joint Commission www.ijc.org

Northeast Midwest Institute www.nemw.org/greatlakes.htm

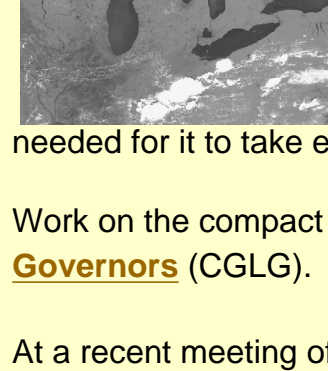
The Joyce Foundation www.joycefdn.org

U.S. Fish and Wildlife Service, Great Lakes Basin Ecosystem www.fws.gov/midwest/greatlakes

[Newsletter Archive and More on the Caucus](#)

With all 8 states on board, compact in hands of Congress

Michigan Gov. Jennifer Granholm's **July 8 signing** of Great Lakes compact legislation marked both a beginning and an end to efforts to adopt a new interstate agreement that aims to better protect and conserve water in the ecosystem.



With Michigan now on board, each of the eight Great Lakes states has ratified the agreement -- a successful end to a regional legislative process that began in earnest in December 2005, when all eight governors endorsed the compact.

Proponents of the new interstate agreement will now begin efforts to secure the congressional consent needed for it to take effect.

Work on the compact has been led for years by **The Council of Great Lakes Governors** (CGLG).

At a recent meeting of the Great Lakes Legislative Caucus in Chicago, CGLG executive director David Naftzger said history is on the side of compact proponents.

He noted that as of June 2008, there are at least 41 interstate water compacts that have been entered into by states and consented to by the U.S. Congress. Forty-five states belong to at least one interstate water compact, which deal with issues related to flood control as well as water supply and quality.



"Congress has historically looked at compacts as the way for states to manage share their water resources," Naftzger said to legislators who participated in the caucus meeting.

Still, he added, it will take work from the region's leaders to get the compact through Congress.

Below are links to recent news reports about the compact and how it might fare in Washington, D.C.

[National Public Radio story](#)

[Associated Press story](#)

[Erie Times-News](#)

[The Toledo Blade](#) (see comments at tail end of story by members of Congress)

Highlights of the Great Lakes-St. Lawrence River Basin Compact include:

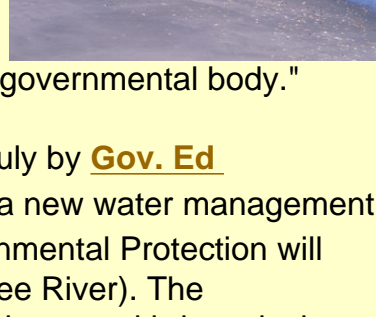
- * a ban on new diversions of water from the basin, with limited exceptions;
- * a consistent standard to review proposed uses of basin water;
- * new regional objectives for water conservation and efficiency; and
- * a strengthening of the collection of Great Lakes-related technical data.

Details on compact bills in Ohio, Pennsylvania

Ohio and Pennsylvania were the sixth and seventh states in the Great Lakes region to ratify the compact.

Ohio HB 416 was signed on June 27 by **Gov. Ted Strickland**.

In the Buckeye State, Ohio Sen. Timothy Grendell had opposed the compact in its current form for "taking away private groundwater rights." However, a legislative compromise was reached allowing the compact to move forward and a constitutional amendment to be placed on the November ballot. The amendment, **SJR 8**, states in part that



"groundwater underlying privately owned land and nonnavigable waters located on or flowing through privately owned land shall not be held in trust by any governmental body."

Pennsylvania HB 1715 was signed into law in early July by **Gov. Ed Rendell**. The state's compact legislation establishes a new water management program that the Pennsylvania Department of Environmental Protection will administer in the Lake Erie and Lake Ontario (Genesee River). The department will review proposals for new or increased water withdrawals that equal or exceed 100,000 gallons per day, consumptive uses that equal or exceed 5 million gallons per day, and any diversion of water from the basin consistent with the uniform standard contained in the compact and applied by each state and province.

Michigan compact legislation part of 12-bill package

Passage of the compact in Michigan was part of a 12-bill package that will change how the state manages and regulates its surface water and groundwater.

Legislators on both sides of the aisle and many environmental groups hailed the new agreement. Provisions in the new laws:

- * establish a new standard for evaluating large-quantity water withdrawals, including the use of an automated point-and-click computer tool for water users and state regulators to determine if a proposal will have an adverse resource impact on water levels and other natural resources;
- * lower the water-withdrawal permitting requirement to 1 million gallons a day;
- * prevent withdrawals that would cause more than a 3 percent reduction in a trout stream's thriving fish population;
- * promote water conservation among local governments and large-quantity users;
- * implement a site-specific review process to quickly review certain withdrawal proposals;
- * create a regulatory standard that no one may create an adverse resource impact from a new or increased removal of 100,000 gallons of water per day (including the removal of groundwater);
- * increase fines for water-use violators; and
- * require an environmental review of water-bottler withdrawals of 200,000 gallons per day (the threshold had been 250,000 gallons).

According to Gov. Jennifer Granholm, Michigan has become the first state in the region to manage surface water and groundwater as one interconnected system under the compact.

Below are links to press releases and newspapers articles on the agreement.

[Michigan Sen. Patricia Birkholz](#)

[Michigan Gov. Democrats](#)

[Michigan Gov. Jennifer Granholm](#)

[Detroit Free Press](#)

[Detroit News](#)

One environmental group that expressed concerns about the legislative package was Clean Water Action.

According to a June 27 article in the *Detroit News*, the group was "deeply disappointed" that the final agreement didn't include stronger protections for fish populations and stream flow as well as stronger "public trust" language. It had wanted language guaranteeing that "public benefits outweigh the harm in any water-withdrawal permitting decision."

Update on recent Great Lakes legislation in the states

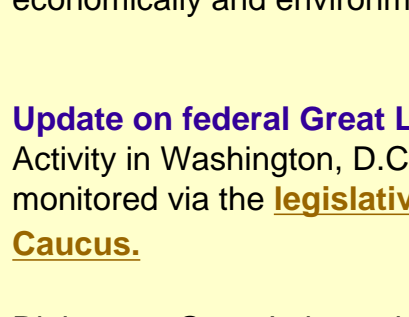
All of Michigan's water-management proposals have been tracked by the **Great Lakes State Legislative Tracker**.

The tracker continues to monitor numerous measures being introduced, considered and passed by the region's state legislatures.

Here are direct links to the 12 bills in Michigan: **SB 212, SB 723, SB 727, SB 858, SB 859, SB 860, HB 4343, HB 5065, HB 5066, HB 5067, HB 5069 and HB 5073.**

In Minnesota, two priorities of Great Lakes advocates in that state were passed by the Legislature earlier this year and have become law.

Minnesota's **SF 3576** seeks to control the spread of the deadly fish virus viral hemorrhagic septicemia (VHS). The measure regulates permits and the transportation of aquatic life that may spread the disease and establishes conditions for the buying and selling of fish to prevent or slow the spread of VHS.



Minnesota legislators also approved a **plan (see sections 27-30)** to create state-level ballast water regulations for vessels using the "state waters of Lake Superior." **The Minnesota Pollution Control Agency** is seeking public comment on its draft ballast water permit, which would be required of both ocean-going and Great Lakes-only ships. The goal of the permitting system is to stop the spread of economically and environmentally harmful invasive species.

Update on federal Great Lakes legislation

Activity in Washington, D.C., on new ballast water rules is among the bills monitored via the **legislative tracker of the Great Lakes Legislative Caucus**.

Right now, Great Lakes advocates are paying particularly close attention to the rights of **HR 2830, The Coast Guard Reauthorization Act**, which was passed in April by the U.S. House and would strengthen the U.S. government's existing ballast water rules.

According to **Minnesota U.S. Rep. James Oberstar**, the measure includes stringent new standards and regulations designed to eliminate living organisms from the ballast water of ocean-going vessels by 2015.

Under the bill, beginning next year, shippers would be required to begin installing ballast water treatment systems in vessels that enter U.S. waters; all ships would be required to have the systems installed by 2014. Water quality standards for the treated ballast water would be 10 times more strict than the international standards set to take effect in 2015, Oberstar says.

Healthy Lakes, Healthy Lives, a coalition of Great Lakes advocacy groups, supports HR 2830, noting the legislation would put in place new on-board technology standards by 2009.

However, six of the region's attorneys general have expressed concern that HR 2830 could undermine ballast water protections already required under the Clean Water Act while also preempting states from adopting more stringent control measures.

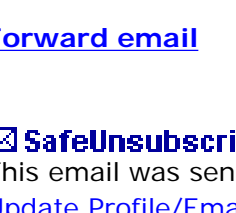
New federal bills introduced

Over the past several weeks, several Great Lakes-related bills have been introduced in the U.S. Congress. Below are three of those bills.

* **HR 6017**, introduced by **Michigan U.S. Rep. Bart Stupak**, would require the U.S. Environmental Protection Agency to develop a regional response plan to reduce algal blooms in the Great Lakes and ban household cleaning products that contain greater than 0.5 percent phosphorus by volume.

* **HR 6031**, introduced by Illinois U.S. Rep. Mark Kirk, would direct the U.S. Fish and Wildlife Service to conduct a study of approaches to eradicate Asian carp from the Great Lakes and their tributary and connecting waters.

* **S 2994**, introduced by Michigan U.S. Sen. Carl Levin and Ohio Sen. George Voinovich, sets the goal of cleaning up contaminated sites in the Great Lakes, known as "Areas of Concern," within 10 years. Click [here for Levin's press release](#) on the bill.



About the Newsletter and the Great Lakes Legislative Caucus
Great Lakes News for Legislators is an online publication of the Great Lakes Legislative Caucus (GLLC). The GLLC is a nonpartisan group of state and provincial lawmakers from eight states (Illinois, Indiana, Michigan, Minnesota, New York, Pennsylvania, Ohio and Wisconsin) and two provinces (Ontario and Québec). The goal of the caucus is to facilitate the regional exchange of ideas and information on key Great Lakes issues, strengthen the role of state and provincial legislators in the policymaking process, and promote the restoration and protection of the Great Lakes. All legislators are welcome to participate. Funding for the caucus is provided by the Joyce Foundation. The Council of State Governments provides staffing services for the caucus. More information is available at www.greatlakeslegislators.org.

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