



# GREAT LAKES LEGISLATIVE CAUCUS

## Great Lakes News for Legislators

An online newsletter of the Great Lakes Legislative Caucus

Caucus Chair: Michigan Sen. Patricia Birkholz

February 2009

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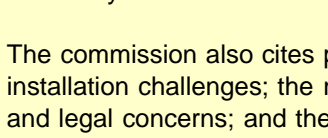
### States eye Great Lakes as potential source of wind energy

Over the past five years, [seven of the eight Great Lakes states](#) (all but Indiana) have set renewable-energy requirements for utilities. And to meet these new portfolio standards, states are counting on an increase in wind-energy production and use.

Could some of this increased capacity come from the Great Lakes? States in the region are exploring and preparing for this possibility.

In February, Michigan Democratic Gov. Jennifer Granholm established the [Great Lakes Wind Council](#), an advisory group that will help determine criteria for siting offshore projects.

[A fall 2008 analysis by Michigan State University](#) found that Michigan's portion of the Great Lakes could produce 321,936 megawatts of electricity from wind energy, if towers could be built at all water depths. In comparison, Michigan's onshore wind potential has been previously estimated at about 16,500 MW. Depth and/or shoreline restrictions would significantly reduce the state's offshore capacity.



In January, the Wisconsin Public Service Commission issued a [195-report](#) detailing the economic potential and environmental impacts of developing Great Lakes wind energy.

The study found that offshore projects are feasible and offer some advantages over "terrestrial wind projects." For one, because offshore winds are "more robust and consistent," power could be produced on a larger scale. These projects also would be less likely to interfere with existing land uses.

The commission also cites potential obstacles or concerns: design and installation challenges; the need for a transmission infrastructure; costs and legal concerns; and the impact that such projects could have on birds, aquatic life and human activity. It recommends that Wisconsin work with other Great Lakes jurisdictions on these and other issues.

Meanwhile, in the Ohio county of Cuyahoga, local officials want to develop a [Great Lakes Wind Energy Center](#), which would include an offshore wind-energy demonstration project on Lake Erie.

### States get billions to upgrade water infrastructure

As part of the \$789 billion economic stimulus package recently signed into law, \$6 billion has been set aside to upgrade the nation's water infrastructure.

And consistent with other provisions in the federal legislation, the bill prioritizes funding for "shovel-ready" projects in states and their local communities.

The \$6 billion will be allocated through the U.S. Environmental Protection Agency's existing State Revolving Fund (SRF) programs.

The \$4 billion for the [Clean Water SRF](#) will be used to upgrade wastewater treatment plants and control nonpoint source pollution, with a goal of keeping sewage and toxic chemicals out of waterways -- including the Great Lakes. The \$2 billion for the [Drinking Water SRF](#) will go to infrastructure projects that ensure the water being consumed by people is clean and safe. Funds also will go to support water recycling and other green projects.

With these two revolving funds, states are able to offer low-interest loans to help municipalities upgrade their water systems. Priority is given to projects that address serious risks to human health or the environment and that assist small or disadvantaged communities.

But another priority is part of the federal stimulus package: the readiness of a proposed water infrastructure project.

According to the [Association of Metropolitan Water Agencies](#), if a state allocates stimulus dollars to a water project that is not under construction or under contract within one year of enactment of the federal legislation, the EPA must reclaim the funds.

Another key provision in the stimulus package requires states to disperse at least 50 percent of their SRF allotment to communities in the form of grants, negative interest loans or principal forgiveness. This requirement will allow cash-strapped municipalities to go ahead with projects without having to repay loans in the future.

Here are two ways to put the stimulus package's funding boost in perspective: in 2007, the Clean Water SRF financed \$5.3 billion in projects; and between 1997 and 2006, the Drinking Water SRF provided \$11 billion in total assistance.

In Wisconsin, the Milwaukee [Journal Sentinel](#) reports, the state expects the stimulus package to bring in about \$144 million for water projects, about four times the amount it usually receives.

### Several Great Lakes bills introduced in new Congress

In addition to the clean water provisions in the economic stimulus bill, several other Great Lakes-related bills have been introduced during the first two months of the 111th session of the U.S. Congress.

Many of the measures should be familiar to Great Lakes advocates and state legislators; they have been considered in previous sessions as well. Below is a review of some of the new federal legislation (all of the bills can be accessed through our [Great Lakes Legislative Tracker](#)).

\* A comprehensive plan to protect and clean up the Great Lakes has once again been introduced in the House ([H.R. 500](#)) and Senate ([S. 237](#)). Provisions in the bills reflect many of the priorities of the [Great Lakes Regional Collaboration](#), a group that met in 2005 to identify key threats to the Great Lakes as well as funding and policy recommendations for addressing them. The congressional bills would, in part, establish mandatory ballast-water management rules and create a screening process for the importation of live aquatic organisms (to reduce the threat of new invasive species); provide additional funding to clean up Great Lakes [Areas of Concern](#); launch a grant program to phase out the use of mercury in products; and authorize a new \$50 million competitive grant program for restoration projects.

\* [U.S. Rep. Mark Kirk](#) of Illinois has introduced three Great Lakes-related measures. [H.R. 53](#), known as the Bad Polluters Act, would take away a capital expensing tax credit from any oil refinery that increases the discharge of pollutants into the Great Lakes above its 2006 levels. The bill is a response to the concerns raised by a 2007 British Petroleum plan to expand an Indiana refinery facility and increase discharges into Lake Michigan. A second bill, [H.R. 54](#), would ban all sewage dumping in the Great Lakes after 2029. Currently, Kirk says, cities along the lakes dump 24 billion gallons of sewage each year into the Great Lakes. His third measure, [H.R. 51](#), calls on state and federal officials to study ways of eradicating Asian carp from the Great Lakes and their tributary and connecting waters. One idea that should be explored, Kirk says, is to temporarily harvest Asian carp. [This November 2008 report](#) by the Alliance for the Great Lakes and Great Lakes Fishery Commission outlines some long-term options for separating the Great Lakes and Mississippi River watersheds and halting the transfer of species between them (the watersheds are connected by canals in the Chicago area).

### Michigan plan ties economic recovery to restoration of lakes

Michigan political and environmental officials say in a January report that restoring the Great Lakes should be a vital part of efforts to rebuild and transform the state's economy.

But they'll need significantly more help from the federal government - more than \$3 billion annually - to fully implement the report's policy ideas.

Authors of the [MI-Great Lakes Plan](#) lay out a vision for what they call a "blue water economy," one that could help Michigan replace some of the jobs and economic activity that the state has lost in recent years due to changes in the manufacturing sector.

"The protection and restoration of the Great Lakes offer a doorway to new, sustainable economic growth," according to the report.

"Job losses have occurred in sectors related to diminishing 20th-century industries, while major growth has occurred in 21st-century sectors like tourism and infrastructure renewal. ... And, as global water shortages grow, the Great Lakes may again be a magnet for industries that rely on freshwater resources."

Some studies have shown that the Great Lakes already account for about one-quarter of the jobs in Michigan, home to the most freshwater coastline of any state in the nation.

But the study envisions an even greater role for the lakes. Public water-infrastructure projects could bring immediate jobs, authors of the report say, while employment in industries such as tourism and fishing could increase for decades to come.

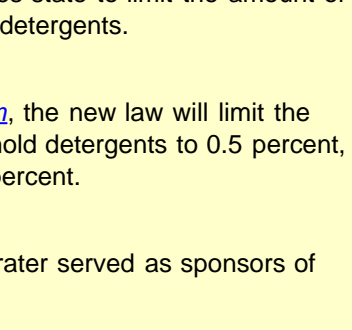
The [plan's investment priorities](#) include preventing beach closures, upgrading water and sewer systems, and cleaning up the 14 Areas of Concern (contaminated areas in the basin) within Michigan's borders. The report also makes recommendations on how states and their legislators can better address Great Lakes concerns such as the introduction and spread of invasive species, the loss of wetlands, and the release of toxic pollutants.

### New York mulls new approach to coastal management

Noting the state's struggles with beach closures and the decline in commercial fishing, New York officials say the time has come for a new approach to protecting coastal waters and communities.

[A January report](#) of the [New York Ocean and Great Lakes Ecosystem Conservation Council](#) -- a group established in 2006 through [legislation](#) - outlines what it calls an "eco-based management approach," one that integrates the work of various agencies into one coordinated effort.

According to a Jan. 29 [New York Times](#) article, past state efforts have been hampered by a lack of coordination and cooperation. The story also says the new state plan reflects concerns about federal inaction, which have left the nation's coastal waters vulnerable to environmental degradation.



The council, made up of nine state agencies, is now seeking comments on its draft report. A final report then will be submitted to the governor and legislature later this year.

### Michigan adopts new phosphorus ban in detergents

Michigan has become the latest Great Lakes state to limit the amount of phosphorus in household dish and laundry detergents.

According to this [Jan. 7 article in mlive.com](#), the new law will limit the amount of phosphorus in household detergents to 0.5 percent, down from levels currently as high as 8.7 percent.

Michigan Sens. Patricia Birkholz and Liz Brater served as sponsors of the legislation.

Phosphorus acts as a fertilizer when it reaches waterways. As a result, it can cause algae blooms, reduce oxygen to plants and animals, and ultimately accelerate the death of fish and other organisms that live in the water.

Some states are now considering phosphorus bans or restrictions in lawn fertilizer. [Here is information on Minnesota's groundbreaking law on phosphorus law fertilizer.](#)

### Obama, Harper urged to improve Great Lakes agreement

In advance of the February meeting between Canadian Prime Minister Harper and U.S. President Barack Obama, 31 environmental and conservation organizations sent a [letter](#) to the two leaders urging them to re-energize cross-border efforts to protect the Great Lakes.



Click [here](#) to view a 10-point proposal for changing the two countries' [Great Lakes Water Quality Agreement](#).

The groups say protecting and restoring the Great Lakes should be an integral part of any effort to jump-start the region's economy, one that is larger than that of China, Great Britain, Germany and India.



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](http://www.greatlakeslegislators.org).

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