

US EPA ARCHIVE DOCUMENT

**TESTIMONY OF
BENJAMIN H. GRUMBLES
ASSISTANT ADMINISTRATOR FOR WATER
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT
OF THE
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U. S. HOUSE OF REPRESENTATIVES**

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INTRODUCTION

Good afternoon, Mr. Chairman and members of the Subcommittee. I am pleased to have the opportunity to provide you an update on one of the Administration's environmental priorities, restoring and protecting the Great Lakes. With our partners, we have taken many promising actions since President Bush signed the Great Lakes Executive Order in May 2004. Specifically, I would like to discuss the Administration's ongoing commitment to restore and protect the Great Lakes, including progress regarding the Great Lakes Interagency Task Force and the Great Lakes Regional Collaboration.

BACKGROUND

On May 18, 2004, President Bush signed the Great Lakes Executive Order establishing the Great Lakes Interagency Task Force and promoting a Regional Collaboration of National Significance for the Great Lakes.

The Interagency Task Force was created to increase and improve collaboration and integration among the more than 140 federal programs that help fund and implement environmental restoration and management activities throughout the Great Lakes system. Through the Task Force we are working to help ensure that these programs are efficient, coordinated, and environmentally-sound.

The purpose of the Regional Collaboration was to create a partnership among the federal government, Great Lakes States, tribal and local governments, communities, and other interests to address nationally significant environmental and natural resource issues involving the Great Lakes.

PROGRESS TO DATE/ NEXT STEPS

The Interagency Task Force

In its October 2005 report to the President on Implementation of the Great Lakes Executive Order, the Federal Interagency Task Force estimated that the federal government spends approximately half a billion dollars annually in support of Great Lakes water quality improvement programs.

In addition, the Administration committed to begin implementing 48 near term actions in 2006 to help speed restoration and protection of the Great Lakes. These activities address issues in all eight of the priority areas identified in the Great Lakes Regional Collaboration's December 2005 Strategy to Restore and Protect the Great Lakes.

Examples of EPA activities include: developing for release this Fall a standardized sanitary survey form for use by the State and local governments to help identify sources of contamination affecting public beaches in the Great Lakes; providing improved policy guidance on managing peak flows at sanitary sewer plants to reduce overflows; conducting surveillance for emerging chemicals of concern; and working with the Corps of Engineers to streamline and improve the permitting process for restoration projects in wetlands and other aquatic habitat in the Great Lakes Basin.

The Task Force's work includes efforts underway in other federal agencies as well. These activities include: restoring productive fisheries through efforts of

the U.S. Fish and Wildlife Service and the Great Lakes Fishery Commission in partnership with States, Tribes, and Canada; conducting rapid watershed assessments on critical watershed areas to collect natural resource data and applying critical conservation on the ground through the Department of Agriculture; supporting authorization to make permanent the demonstration barrier on the Chicago Sanitary and Ship Canal through the Corps of Engineers; and, joining with the States in an equally shared effort to develop wetlands restoration plans that will enhance and protect a total of 200,000 acres.

Of equal importance to these specific activities is the Task Force's attention to its charge to improve collaboration and integration among relevant federal programs in the Great Lakes. To this end, the Task Force has developed a work plan to address all components of the Executive Order, including: fostering consistent federal policies toward the Great Lakes, developing outcome-based goals, improving the exchange of information, coordinating scientific research programs, and collaborating with Canada on binational issues.

In addition, the Task Force is moving forward to improve collaboration and coordination in two specific high-priority areas by establishing subcommittees to address wetlands and aquatic invasive species rapid response efforts. The main purpose of the Wetlands Subcommittee is to oversee the commitments for wetlands in the Federal Near Term Action Plan, including reviewing federal wetlands management programs in order to identify possible improved program coordination, and working with our non-federal partners on an equally-shared goal to protect 200,000 acres of wetlands in the Great Lakes basin. The main purpose of the Aquatic Invasive Species Rapid Response Subcommittee is to establish a communication network among federal agencies to make a coordinated response to newly identified aquatic invasive species, primarily in response to requests for assistance from State or local authorities.

Another example of improved coordination and leveraging of resources is the Great Lakes Watershed Restoration Grant Program. EPA, the U.S. Fish & Wildlife Service, NOAA, and USDA Forest Service and NRCS partnered with the National Fish and Wildlife Foundation to create and fund the Program to improve the water quality and ecological health of the Great Lakes Basin. Selected projects specifically address ecological restoration needs identified by the Great Lakes Regional Collaboration. Selections were announced in March 2006, and include 14 projects receiving approximately \$827,000. These funds will be leveraged by an additional \$1.355 million in non-federal contributions, for a total of over \$2.2 million in funding.

In order to ensure that the Interagency Task Force makes substantial progress and delivers real results to the Great Lakes in all of these areas, EPA Administrator Johnson has designated Gary Gulezian, Director of EPA's Great Lakes National Program Office, as the senior manager in charge of monitoring progress on implementing the Interagency Task Force's 48 Near Term Actions. This designation ensures that Great Lakes issues will remain a high priority for EPA and the rest of the Task Force, and that progress is tracked at the highest levels.

The Regional Collaboration of National Significance

The collaborative effort envisioned in the Great Lakes Executive Order became a reality with the formation of the Great Lakes Regional Collaboration (GLRC) in December 2004. The Collaboration partners, through the outstanding efforts of the eight Strategy Teams, spent the subsequent year developing recommendations for restoring and protecting the Great Lakes. After receiving extensive public input on the draft recommendations, the GLRC released its final Strategy last December. As part of the resolution signed at the ceremony marking the release of the Strategy, all of the Collaboration partners affirmed that the Strategy will guide future efforts to protect and restore the Great Lakes.

This unprecedented document offers a unique opportunity to make real improvements to the Great Lakes. For the first time, all levels of government, as well as our non-governmental partners, are looking to the same goals, objectives, and recommendations to help guide their actions regarding the Great Lakes.

The Great Lakes Regional Collaboration will continue into the future to guide implementation of the Strategy. As part of that effort, the Collaboration has created an implementation framework to: (1) help ensure the Strategy is carried out and results are measured and reported; (2) facilitate coordination of Great Lakes restoration and protection activities among GLRC participants; and (3) communicate with stakeholders and provide for ongoing public participation. In addition, the Collaboration is identifying near term priorities that all partners will work on jointly in the near future.

ADDITIONAL ADMINISTRATION SUPPORT FOR THE GREAT LAKES

The President's Fiscal Year 2007 Budget Request

The Administration is using the Strategy as a guide as it plans its future activities in the Great Lakes basin. For example, the President's FY07 budget contains several requests for funding that will support priorities in the GLRC Strategy:

- The budget for EPA includes essentially full funding of the authorized levels in the Great Lakes Legacy Act for cleanup of the Areas of Concern, almost \$50 million or approximately 70% more than appropriated in FY 2006. This funding will help leverage at least \$25 million from our State and local partners as well. Already, over 250,000 cubic yards of contaminated sediments were remediated through the Legacy Act in 2004 and 2005.
- Several of USDA's conservation programs, including the Wildlife Habitat Improvement Program and the Conservation Security Program, would see increases. Of particular note is a proposed increase of 100,000 acres and

\$153 million over FY06 enacted levels for the Wetlands Reserve Program. These are all national programs, of course, but the Great Lakes basin stands to benefit as well.

- In support of the Great Lakes Regional Collaboration, NOAA's budget requests \$1.5 million to establish a Great Lakes Habitat Restoration Program that will mobilize NOAA's restoration assets to restore the Great Lakes' aquatic resources. This funding will be used to identify an optimal restoration plan and to provide outreach, facilitation and technical assistance to stakeholders and communities participating in the restoration activities. In addition, NOAA's budget contains an increase in funding of \$1.5 million for its nation-wide Aquatic Invasive Species Program, a portion of which will benefit the Great Lakes.
- With an increase of \$17.5 million, the Corps of Engineers will continue construction of the McCook Reservoir project which is part of a larger effort to virtually eliminate the backflows of raw sewage to Lake Michigan at Chicago, reducing beach closings, and enhancing coastal health.
- The Corps of Engineers also will continue construction of a facility to confine more than 4 million cubic yards of contaminated sediments from the Indiana Harbor navigation channel and adjacent areas. Removal of these highly contaminated sediments will be a significant step toward restoration of the Grand Calumet River, Indiana Area of Concern.
- A portion of the increase for the Department of the Interior's North American Wetlands Conservation Fund will help advance wetlands restoration in the Great Lakes.
- The Department of the Interior – Fish and Wildlife Service budget includes funding for its Aquatic Invasive Species Program and an increase of \$2 million to restore fish habitat and fish passage under the National Fish Habitat Initiative, portions of which also benefit the Great Lakes.

The Great Lakes Legacy Act

EPA believes the Great Lakes Legacy Act, (Legacy Act) offers one of the best tools for accelerating environmental progress, and the Administration is committed to its success. Nearly \$50 million of the \$70 million requested in the President's EPA FY07 budget for the Great Lakes is to fund the Legacy Act. This represents essentially full funding of the authorized levels in the Great Lakes Legacy Act for cleanup of contaminated sediments in the Areas of Concern, and

is a clear demonstration of the Administration's commitment to the restoration and protection of the Great Lakes.

The Legacy Act was passed by Congress and signed into law by the President on November 27, 2002. The Act authorizes \$270 million in funding over five years beginning in fiscal year 2004 to help with the remediation of contaminated sediment in "Areas of Concern located wholly or partially in the United States" (U.S. AOCs).

With its FY 2004 and 2005 appropriations, EPA completed three sediment remediation projects with our non-Federal partners (Michigan Department of Environmental Quality and Wisconsin Department of Natural Resources). These took place in Trenton, Michigan (Detroit River AOC), Muskegon, Michigan (Muskegon AOC) and Superior, Wisconsin (St. Louis River AOC). These three projects resulted in the remediation of over 250,000 cubic yards of contaminated sediment, at a total cost of \$28.6 million (\$18 million, or 63 percent, Federal share).

Two additional projects currently are underway. EPA, in cooperation with the Ashtabula City Port Authority (the non-federal sponsor), will clean up 500,000 cubic yards of PCB-contaminated sediment from a one-mile stretch of the Ashtabula River in Ohio, a tributary to Lake Erie. The work, expected to be completed in 2009, will be done in close cooperation with the U.S. Army Corps of Engineers. EPA and the Port Authority are sharing project costs equally, with each contributing \$25 million. In addition, the Corps will conduct navigation dredging downstream of the project area, also removing contaminated material from the River.

The Tannery Bay project, on the St. Marys River near Sault Ste. Marie, Michigan, was launched in July. EPA, the Michigan Department of Environmental Quality and Phelps Dodge Corp. will dredge 40,000 cubic yards of

sediment contaminated with mercury and chromium from the bay and Tannery Point wetland. The Legacy Act will fund sixty percent of the cost of the project and Phelps Dodge, which owns a former tannery property next to the bay, will contribute 35.5 percent. The Michigan Department of Environmental Quality, through the State's Clean Michigan Initiative, will provide the other 7.5 percent. Work is expected to be completed in late Fall. This project constitutes the most significant and critical step on the United States side of the border to delist the St. Marys River as an Area of Concern. We will continue to work with our Canadian counterparts to assure that all necessary actions will be undertaken to fully delist this area, pursuant to the Great Lakes Water Quality Agreement.

In order to clarify how Legacy Act projects are identified, selected and evaluated to clean up the sediment and reverse the environmental harm to Great Lakes rivers and harbors, the Agency put a Rule into effect on April 25, 2006 (Published in the Federal Register on May 1, 2006).

The Great Lakes Legacy Rule provides a roadmap for selecting the highest priority projects and leveraging public and private dollars to accelerate environmental progress in cleaning up Areas of Concern. Cleanup of these areas is a priority of the Great Lakes Regional Collaboration, and the Administration is proud to be moving forward aggressively to tackle this issue through the Legacy Act. The result will be healthier aquatic habitat and cleaner water for fish, wildlife and the 35 million residents of the Great Lakes region.

Great Lakes Water Quality Agreement

The Administration is also working internationally to restore and protect the Great Lakes. The U.S. and Canadian governments are reviewing the Great Lakes Water Quality Agreement. The effort, which began in April of this year, will span 18 months and will result in recommendations to improve the operation and effectiveness of the current Agreement. This review, which occurs every six

years, provides an important opportunity to ensure that the Agreement continues to be a visionary statement guiding not only governments, but also members of the Great Lakes community, in the continued protection and restoration of the Great Lakes. The U.S.-Canada International Joint Commission is assisting with the binational review of the Great lakes Water Quality Agreement.

Water Use Efficiency

The Great Lakes Regional Collaboration's Strategy focuses on eight of nine priorities for restoring and protecting the Great Lakes originally identified through the Great Lakes Governors Priorities Initiative in 2003. The ninth priority, sustainable use of water resources, is being addressed by the States through ongoing binational efforts to implement the Great Lakes Charter Annex of 2001. The Annex Implementing Agreement, signed by the Governors and Premiers on December 13, 2005, calls for, among other things, the development of a water conservation and efficiency program. The Administration also has launched some important initiatives to support greater water efficiency. These initiatives will benefit the Great Lakes basin and complement the efforts of the Great Lakes Governors.

WaterSense

On June 12th, EPA Administrator Johnson announced WaterSense, an EPA-sponsored voluntary partnership program to promote water efficiency and enhance the market for water-efficient products and services. EPA's goals for WaterSense are to raise awareness about the importance of water efficiency, ensure the performance of water-efficient products, and provide good consumer information. In general, WaterSense-labeled products will be about 20 percent more water-efficient than the average product in the same category.

Alliance for Water Efficiency

With support from EPA, the California Urban Water Conservation Council (CUWCC) is establishing the Alliance for Water Efficiency. The Alliance, which will be located in Chicago, Illinois, is a national organization focusing on water use efficiency. It will represent the needs of the water efficiency community, develop initiatives for improved products, research new technologies for saving water, and assemble programs for water utility involvement across the United States. We are particularly pleased about its location in the Great Lakes Region, which contains approximately 20% of the world's fresh surface water supply. It is important to complement U.S. State and Canadian provincial efforts through cooperative conservation and public education.

CONCLUSION

In closing, Mr. Chairman, I would like to thank the Subcommittee for its leadership on Great Lakes issues. The Administration looks forward to working with you and all of our partners to continue this important work, because it is only through concerted, coordinated action that we will realize our mutual goal of a cleaner, healthier Great Lakes. I would be happy to answer any questions that you may have.

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