

**ENVIRONMENT AND PUBLIC WORKS COMMITTEE
FULL COMMITTEE HEARING**

Hearing on the Great Lakes Regional Collaboration's Strategy to Restore and Protect the Great
Lakes

Thursday, March 16, 2006

Follow Up Questions for:
David Ullrich

Questions from Senator Inhofe:

1. The Strategy establishes funding levels for each of its goals. However, there seems to be some disagreement as to who will be providing those funds. In your view, how much of the \$20 billion in the Great Lakes Strategy do you expect from the federal government, the state governments and the local governments?

The Great Lakes Regional Collaboration Strategy (GLRC Strategy) developed by over 1500 people during a one year period included cost estimates for the various programs included in the restoration process. Although there are not precise figures, approximately 2/3 of the money would come from Federal sources, and the remaining 1/3 would be split about evenly between state and local governments, although Federal programs requiring state and local matches often go well above the 33% level. Given the national and international nature of the resource, it is not surprising that the largest portion would come from the Federal government. The United States has formal obligations under the Boundary Waters Treaty, the Great Lakes Water Quality Agreement, the 1955 U.S./Canadian Convention on Great Lakes Fisheries that must be met. Also, looking at the magnitude of the resource, its value, and its importance to the quality of life and economy throughout the United States and Canada, this level of investment now will likely avoid much larger expenditures in the future, as has been learned in other recent experiences, such as the hurricanes.

2. The near term actions outlined by the Council of Great Lakes Governors and the Great Lakes and St. Lawrence Cities Initiative in a letter sent to the President on December 12, 2005 and the near term actions developed by the Administration are inconsistent. Given the discrepancies in these near term action items, how can we make sure that the goal of better coordination is met?

The near term action items set out in the letter from Governor Taft, Governor Doyle, and Mayor Daley to President Bush on December 12, 2005, reflect extensive discussion among the members of the strategy teams and of the Executive Subcommittee to the Great Lakes Regional Collaboration. These action items include a mixture of actual restoration projects, monitoring, strategy development, and indicator development, with a heavy emphasis on actual restoration. These actions come out of the GLRC Strategy, and also reflect the public input from over 700 people at public meetings, in addition to the 1500 people who developed the GLRC Strategy. The overall thrust of the GLRC process initiated under the President's executive order was to move forward with implementation, not just develop another strategy to add to all the plans developed in the past but not

implemented. The near term action items from the Governors and Mayor are fully consistent with the spirit of that process.

The near term actions were developed by the Administration were developed outside the GLRC process, and never given to the other parties until the week before the GLRC Strategy was scheduled to be signed. There was no opportunity to work through the two lists to come up with a more consistent list, and the Administration did not indicate any willingness to negotiate. A close look at the Administration's list of 50 actions shows an extensive number of things such as analysis, coordinating, evaluating, reviewing, creating or expanding teams, committees, and task forces, providing guidance, and many other activities that may be of value, but are not tangible Great Lakes restoration work. Many are things are already underway or should have been completed some time ago.

The best way to make sure that the goal of better coordination is met in the future is for all parties to come to the table with the authority to negotiate specific actions that can be taken. All parties need to be flexible in reaching a consensus on near term actions. This is still possible as the GLRC moves forward with implementation.

3. Please provide documentation detailing the roles of the states and local authorities and their contributions to this restoration process, including funding each will provide to meet the objectives outlined in the restoration strategy.

Local authorities have major roles and responsibilities for restoration of the Great Lakes, and have been contributing significantly to the process for some time, as they will in the future. It should be noted that many of these responsibilities are shared with state and Federal authorities. The fundamental responsibility of local government is to build, improve, and maintain infrastructure that forms the foundation for cities. Sound management of the infrastructure and the activities that rely on the infrastructure are essential to the quality of life for the citizens.

Cities and other local authorities have been responsible for providing water supply and wastewater management services to their citizens for a very long time, with financial support from state and Federal authorities. As the many demands on local budgets have continued to increase, the challenge to expand, upgrade, and maintain the water infrastructure has become more difficult. Federal and state funding in the form of grants in the past and now lower interest loans has been essential and very helpful. With very few grants available now, the local taxpayers are assuming almost the entire burden of these capital investments and operating expenses.

Storm water management is another activity for local governments. Especially because of the problems with combined sewers, cities are taking steps to reduce and slow flows from roofs, streets, parking lots, and other impervious surfaces. Even such things as street cleaning collects materials for proper disposal, rather than having them carried into the rivers and lakes with the storm water runoff.

The parks, beaches, harbors, and marinas along the shores of the Great Lakes are tremendous assets and require major management attention and financial investment. Cities, through their park districts and other authorities, must maintain the facilities and upgrade them on an ongoing basis. These facilities are an integral part of the social and economic fabric of the cities, and must be managed in a way that accommodates human use and protects the resource.

The waterfronts as a whole are exceedingly important to the cities along the Great Lakes. Maintaining their vitality, and revitalizing them where this is needed, are major items on the agendas of cities. Most of the cities have some form of waterfront plan in the conceptual, planning, or implementation stage. Mayors are instrumental in putting together the public, private, and non-profit partnerships that make this revitalization possible. Cities are seeking to do this in a sustainable way that will preserve the waterfront for the long term.

Dealing with invasive species is another responsibility that local governments share with state and Federal governments. Although comprehensive national aquatic invasive species legislation is a far more cost effective way to reduce the flow of invasive species to the Great Lakes, until such time as Congress acts, state and local governments have taken steps within their jurisdictions to address this problem. States and cities have passed or are considering legislation that would restrict the introduction of such species. In addition, cities must deal with such problems as keeping water intakes and beaches clear of zebra mussels.

Cities are working to keep toxic waste out of the Great Lakes. Several local authorities have had successful programs to reduce the amount of mercury that gets into the wastewater stream. Household hazardous waste collections keep these materials from being put in landfills or dumped down drains.

These are just some of the many things local governments are doing to protect and restore the Great Lakes. State and tribal governments are also very active, and their responses to these questions will address their roles and responsibilities.

Questions from Senator Jeffords:

1. Mr. Ullrich, can you describe the effect that the significant budget cuts in clean water spending proposed by the President will have on the ability of cities to take care of water infrastructure issues?

The effects of the significant budget cuts to the clean water state revolving fund will have serious effects on the ability of cities to take care of water infrastructure issues. The investments needed on the Great Lakes alone to deal with sewer overflow problems are in the many billions of dollars. The low interest loans from the various federally financed revolving funds are an essential financing option available to cities for these investments. As those funds have been cut back nationally, the availability of financing these critical

improvements for cities goes down and they fall further behind in maintaining the infrastructure.

If the Administration's FY07 budget proposal to fund the CWSRF at \$687.6 million is approved, this would equate to a cut of \$240 million to the eight Great Lakes states when compared to FY01 when the CWSRF was fully funded. This cut translates to a direct hit on communities. It is particularly damaging now, because many communities face rapidly escalating costs for water infrastructure repairs and upgrades, which are needed to ensure clean and safe local waters, and it especially troubling for the Great Lakes region, where many cities are older and have aging water infrastructure. Faced with such significant reductions in federal water funds, many municipalities must sacrifice other important local needs or increase local water rates for consumers.

2. Mr. Ullrich, do you have any comments on the effectiveness of EPA programs for assistance to the States and Tribes for water quality issues?

The EPA programs for assistance to the States and Tribes for water quality under the Clean Water Act are generally sound and well established in over 30 years of implementation. Based on the foundation of Federal water quality criteria and state water quality standards, all of the programs have a clear set of goals to achieve. The National Pollutant Discharge Elimination System permit program resulted in a dramatic reduction of pollutants discharged from point sources, and lead to major water quality improvements. Central to the success of that effort was the Federal and state funding to help pay for municipal wastewater infrastructure. Many efforts for dealing with non point source pollution under Section 319 of the Clean Water Act have been very successful. Some of the more recent work under watershed programs shows great potential for future water quality improvements.

Other program areas have not been as effective. The process of setting total maximum daily loads for streams, then getting the necessary reductions from point and non point sources has been very slow. Monitoring has not been funded at the level necessary to have a good picture of water quality over time for many of our lakes, rivers, and streams. Numerous, uncoordinated and in some cases conflicting programs administered by multiple agencies have resulted in minimal advancement in Great Lakes restoration and protection. For example, EPA has only a small portion of the wetland programs, and the remaining wetland programs are spread out over a number of federal agencies, and suffer from a lack of coordination that could make them much more effective. Because of the critical importance of wetlands from a water quality, flood control, and habitat perspective, there needs to be much more consolidation and coordination of the Federal effort.

Funding is probably the most serious problem faced across all programs. As state and Federal budgets are strained, the water programs have often suffered the most. Without adequate resources, the water programs will fall further behind in trying to reach the goal

of being able to drink the water, eat the fish, and swim at the beaches of all of our lakes and streams.

3. Mr. Ullrich, can you describe your thoughts on the need for comprehensive invasive species legislation?

Comprehensive national invasive species legislation is essential if we are going to protect our ecosystems and avoid even more costly problems caused by the introductions of species from across the globe. In this area, we have one of the few opportunities to prevent a problem before it develops. This must be done on a national basis, and coordinated closely with both Canada and Mexico, because there are so many potential pathways for the invasive species. Aquatic and terrestrial plants and animals are all threats. The elements of effective legislation should include, at a minimum:

- **ballast water discharge limits that protect the receiving waters from invasive species, force the development of better technology, apply as soon as possible, and move toward a goal of no discharge of viable organisms**
- **new vessels would have to meet the tighter standards immediately upon operation**
- **old vessels must meet stringent best management practices until they meet the new standards**
- **ships claiming no ballast on board would need to meet all standards**
- **hull management requirements**
- **comprehensive programs for non ballast water introductions, including stringent review of all organisms in trade before they are brought in, especially if introduced for aquaculture**
- **rapid response capability to eradicate or limit the spread of newly introduced species**
- **expanded monitoring and research to better understand the potential for introducing new organisms, detecting introductions, and improving treatment methods**
- **better information, education, and outreach so the public and the business community better understands the threats from invasive species and how to prevent their introduction**
- **enforcement, and provide adequate resources for the task**
- **full coordination of the entire effort with Canada (for the Great Lakes) and Mexico**
- **strong enforcement of the requirements with appropriate sanctions to deter the violations**
- **no pre-emption of state or local laws**
- **preserve Clean Water Act authority to regulate, if necessary**

While this legislation is pending, as it has been for a number of years, more invaders come into our country on a continuing basis. In the Great Lakes alone, one new species about every eight months arrives. The potential costs and damages each one could inflict is

substantial. It makes no practical sense for individual states and cities to pass laws and ordinances to try to stem the flow, when this is a matter of interstate and international commerce that should be dealt with at the Federal level. In addition, when there is Federal authority to act, like under the Lacey Act for dealing with injurious species such as the black, silver, and bighead carp, Congress needs to hold agencies accountable for timely action.

Questions from Senator Voinovich:

1. How much funding are the cities contributing to Great Lakes restoration?

We do not have an accurate figure that covers all the expenditures on Great Lakes related matters for cities from the United States, or from Canada. However, the Great Lakes and St. Lawrence Cities Initiative (GLSL Cities Initiative) performed an informal survey of eight cities represented on the Board of Directors for a variety of capital and operating expenditures on a variety of things. The results showed that these cities were spending, on average, about \$200 million annually on capital and operating expenses. The categories of expenditures included: wastewater, drinking water, storm water, constructed wetlands, lakefront parks, watercourse/flood protection, shoreline protection, redevelopment, and pollution prevention. These were medium to larger cities, and there were several Canadian cities included. The average across all cities would be lower, but these eight alone amount to almost \$2 billion annually for operating and capital expenditures together.

2. How can we better coordinate this massive restoration effort?

The Great Lakes Regional Collaboration was an excellent effort on the part of all participants, and we need to take full advantage of the outstanding work done by everyone. The success of the effort goes well beyond coordination, and includes a number of factors. First, with the amount of planning done in the past, including the GLRC strategy, there must be an understanding that, now, far more emphasis should be placed on implementation than on planning. Second, more accountability at individual levels of government and collectively among the parties will be very important. Third, stronger leadership at each level is essential for success. Periodic Congressional oversight hearings would help in this accountability process. In addition, it would improve the overall performance if the parties could agree upon a central leadership position or authority to provide more direction to the efforts of all the parties. Fourth, the goals and objectives in the GLRC strategy should have timelines attached to them so that progress can be tracked against schedules. Fifth, substantially more funding will be required to move forward with restoration, and Congress, state legislatures, city councils, and tribal councils, as well as the private and non-profit sectors, need to work very hard on this. These are not all the actions needed, but are some of the most important for improving coordination and success on Great Lakes restoration.

3. How can we better coordinate Great Lakes programs at all levels of government so that we are more efficient and effective?

Looking at just the issue of coordination, we have the mechanism in place to improve coordination across all programs at all levels of governments by fully utilizing the Great Lakes Regional Collaboration Executive Committee and the Implementation Framework. This should be the focal point for communication, coordination, and action. It would be helpful if the parties would look at the other Great Lakes institutions and Federal programs that have been created over the years to see if some of them are redundant and could be reformed, consolidated, or discontinued. This could help reduce the burden of travel time and meeting time on many of the participants and also might better clarify roles and responsibilities.

4. What can cities do to raise the profile of this restoration effort beyond the region?

Cities are currently taking actions to raise the profile of this restoration effort beyond the region, and will continue to do so in the future. The leadership of the GLSL Cities Initiative has traveled to Washington, D.C., on a number of occasions to testify before Congress, meet with Administration officials, and speak at Great Lakes gatherings. Because the GLSL Cities Initiative has members from both the United States and Canada, an from the St. Lawrence and the Great Lakes parts of the basin, we are raising the profile in a large portion of Canada that has a significant portion of the Canadian population. We also will be more involved in Canadian matters in Ottawa. Representatives from the GLSL Cities Initiative recently participated in the World Water Forum in Mexico City. GLSL Cities Initiative also plans to be more visible in the U.S. Conference of Mayors activities.

5. What is the key to keeping together all of the groups involved in the creation of the blueprint strategy in order to implement the goals established by the Collaboration?

Several things are key to keeping the groups together for implementing the GLRC Strategy. First, all parties need to commit to the GLRC Executive Committee and Implementation Framework. This should serve as the driving force in all the actions taken by the various levels of government and the private and non-profit parties. Second, the focus must be on implementation rather than more planning. Even without significant increases in funding, the parties must figure out how to move forward. Third, it is important to celebrate all levels of success under the GLRC Strategy. In order to achieve success, additional funding will clearly be needed. This will give all the parties the encouragement that they need to continue their efforts. Fourth, effective communication among the parties so that work is coordinated, and that there are no surprises. These actions should all help keep the parties together.

6. Please elaborate on how the mayors and the entire Collaboration are working with Canada and their restoration activities.

The GLSL Cities Initiative mayors from the United States are working with the Canadian mayors on a continuing basis. The Board of Directors, consisting of eight mayors each

from the United States and Canada has monthly conference calls and a midwinter meeting to make sure that efforts are moving forward in both countries. The GLSL Cities Initiative has an annual meeting of all members, plus many outside guests, to showcase much of the work that has been done and what is planned for the future. As part of the planning for the future, the GLSL Cities Initiative is nearing completion of a business and operating plan that should be approved at the June 2006 annual meeting and will serve as a guide for the next three years for activities in both countries. The GLSL Cities Initiative also plans to open an office in Toronto in the near future so that activities in Canada receive the necessary attention. The web site for the GLSL Cities Initiative is also place where the work in both countries is shown for the benefit of all members and the broader public. Much as the mayors were extensively involved in the Great Lakes Regional Collaboration in the United States, the mayors will also be participating in discussions on the new Canadian Ontario Agreement and on the St. Lawrence Action Plan. With the review and revision of the Great Lakes Water Quality Agreement underway, representatives from cities are already engaged in those discussions.

The states work with the Canadian provinces in the context of the Council of Great Lakes Governors and the Great Lakes Commission. The Native American Tribes have a working relationship with the First Nations in Canada, and have been developing a Great Lakes organization. At the Federal level, the Binational Executive Committee is the primary place for interaction. Many of the parties also participate in the activities of the International Joint Commission.

Questions from Senator Obama:

1. Are the mayors concerned that they may be left out of federal decision-making regarding how priorities are determined and how resources are allocated?

For many years, mayors and other representatives of local governments were not included in Great Lakes decision-making. That has changed significantly over the past three years. The mayors are now included as full and equal partners in the Great Lakes Regional Collaboration, the Agreement Review Committee for the Great Lakes Water Quality Agreement, the International Joint Commission – Water Quality Board, and have served on a number of advisory committees. The Council of Great Lakes Governors has been especially inclusive to the mayors in much of their work. The tribal organizations and many Federal agencies have also reached out to the cities. The mayors are confident that when resource distributions are considered, the cities will be included in the deliberations.

2. How will the mayors be coordinating their future restoration efforts across the region?

As noted above, the mayors will be working as part of the Great Lakes Regional Collaboration Executive Committee to coordinate its activities with the other orders of government. For coordination with other cities, the GLSL Cities Initiative is in continuing contact with its members to make sure that its work is planned and implemented effectively. There are over 80 cities from the United States and Canada that have been involved in efforts to protect and restore the Great Lakes, and they are working with one

another through the organization web site, sharing things such as best practices in different cities and information about developments at the national, regional, state, provincial, and local level. Through the annual meeting, many members come together to showcase especially successful efforts, pass resolutions to convey the organization's position on key issues, and create opportunities for joint efforts on protection and restoration of the resource. The Board of Directors meets monthly by conference call and mid year in person. There is a newsletter that shares information on key actions of the organization and its members.

3. Given the number of people who depend on the Great Lakes for their drinking water, how critical is it that we restore the health of the Great Lakes?

The Great Lakes are probably one of the most valuable resources, if not the most valuable, to the citizens, governments, and businesses in this region of Canada and the United States, as well as providing benefits to the rest of both countries. The contributions to the social, economic, and ecological well being of the region are tremendous, and go well beyond just their value as a drinking water supply. With the increasing concerns about adequate water supplies around the world, the value of the Great Lakes for that purpose alone will continue to increase significantly. There are very major threats to the integrity of the resource that will increase with time. If the United States and Canada do not recognize the very high priority of investments in protection and restoration, its value will diminish, like any other asset, for the many uses it offers such as a domestic water supply, food source, recreation location, and many others. In fact, cost burdens from such things as invasive species will likely increase, as well. We should not learn the lesson the hard way on the Great Lakes like we have in other areas of the country where timely investments could have avoided astronomical costs.

4. People outside of the Great Lakes region often assume that restoration of the Lakes is a regional issue. Is it the opinion of your organization that the health of the Great Lakes is a national issue? If so, why?

Restoration of the Great Lakes is clearly a national issue. There are many reasons for this. The sheer volume of the resource, being almost twenty percent of the surface fresh water in the world, makes it internationally significant. Because they are shared with Canada, and forms much of our northern border, the Great Lakes must be addressed on a national level. They provide a flow of interstate commerce, not only in the region, but to other parts of the country, making it important to other parts of the country. The boating, fishing, and other recreational opportunities add billions of dollars to the economy and attract people from all over the country, as well. Much as the Everglades, the Rockies, Chesapeake Bay, and other features of our landscape help define us as a country, the Great Lakes are very much a part of the identity of the United States.