INTERNATIONAL JOINT COMMISSION
Canada and United States

COMMISSION MIXTE INTERNATIONALE
Canada et États-Unis

Transcript of the public meeting held by the International Joint Commission on the Great Lakes Water Quality Agreement Review at Bay City, Michigan, on November 1, 2005 (duration: 51 minutes)

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Transcription de la réunion publique tenue par la Commission mixte internationale sur l'examen de l'Accord relatif à la qualité de l'eau dans les Grands Lacs à Bay City (Michigan) le 1e novembre 2005 (durée : 51 minutes)

(Note: Mediocre sound quality throughout recording; low volume at many times.)

ROBERT J. KATT (Mayor of Bay City, Michigan): Good evening, ladies and gentlemen, and welcome to Bay City City Hall.

The International Joint Commission is inviting the public to a series of meetings in 14 cities across the Great Lakes and St. Lawrence River basin in Canada and in the United States in October and in November.

Participants will be asked to express their views as to what needs to be done to protect water quality in our communities and on the future of the Great Lakes Water Quality Agreement in the two countries. The International Joint Commission will report these views to the two governments.

First signed in 1972 and last amended 20 years ago, the Water Quality Agreement outlines the commitment of each country to restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes basin ecosystem, including the international portion of the St. Lawrence River.

It has resulted in cooperation between the United States and Canada to limit the discharge of nutrients and toxic substances into the waters, restore degraded areas and undertake other joint activities designed to improve water quality.

The two governments will launch a review of the Agreement's operations and effectiveness in early 2006, and they have asked the IJC to consult residents about how it has worked so far and whether it should be changed.

Governments don't live on the Great Lakes, people do. That's why it's important for a broad diversity of people on both sides of the border to speak up and help the governments set priorities and develop new initiatives to restore and sustain a healthy Great Lakes ecosystem.

This is the public's opportunity to tell the governments what they should consider in their review of the Agreement. This review will likely set the agenda for cooperation between our two countries on the health of the Great Lakes for the next generation. Thank you.

DENNIS SCHORNACK (Chair, U.S. Section, International Joint Commission): Thank you very much, Mayor Katt, for that kind welcome back to my hometown, actually, of Bay City, Michigan.

My name is Dennis Schornack. I am the U.S. Co-Chair of the International Joint Commission. And before…I have some opening comments that I'd to make to tonight's public consultation, but first I'd like to invite a good friend of mine, and who is representing the Governor these days, Mr. Ken DeBeaussaert, who is the current Director of the Office of the Great Lakes, to say a few words of welcome. Please, Ken, use that microphone over there.

KEN DEBEAUSSAERT (Director, Office of the Great Lakes, Department of Environmental Quality, State of Michigan): Good evening, Commissioner Schornack. It is good to be in your hometown.

Governor Granholm could not be with us tonight but asked me to come by to welcome the IJC and the citizens who are here tonight to engage in this important discussion.

As you know, this is an exciting time for discussion of Great Lakes issues. There are times when these discussions tend to rise and fall, and clearly, this is one of those moments in time when Great Lakes issues have risen in prominence in the discussion.

And tonight's discussion is an important one, going along with the ongoing discussions at the Great Lakes Regional Collaboration that began last year, the U.S. government, federal government, states, tribes, local mayors, like the mayor here in Bay City, environmental groups, industry groups, agriculture, a broad collaboration of thousands of people talking about what's necessary to develop a plan to restore the Great Lakes.

At the same time, the Great Lakes governors and premiers, working together to try to find the path to take the next steps in water management and the wise use of resources within the basin, recognizing, as the Governor does, that while she can go anywhere and any time to try to bring jobs and economic wealth into the State, the real foundation of our past success and our future success is the quality and the availability of our Great Lakes water.

And so the discussions that we're hearing here tonight and in other forums that these discussions are occurring are key not only to our economic strength today and for the future generations to come, as well as our source of our

recreation, our drinking water supply, the Great Lakes define us in so many ways in this Great Lakes state.

So it is appropriate and welcome to us that the IJC has recognized that and has made available tonight's forum in Bay City and tomorrow's forum in Detroit to allow the people of Michigan to step forward to identify their views of the key issues that should be addressed in this review of the Great Lakes Water Quality Agreement.

It is really…as I have come into this process and have begun working with our neighbours to try to develop a plan that can not only address the issues of today and recognize the need to be adaptive in the future, it is not an easy one, so I continue to recognize the foresight of those people that were involved in the initial creation of the Water Quality Agreement that allow for this opportunity tonight for the public to review our past success, whether there are gaps, whether there are issues that need to be addressed that have not, and to allow for years to come for that process to continue so that the people of Bay City, of Detroit, or any other of our Great Lakes cities can have on a regular basis the opportunity to tell the governments whether in fact these agreements are doing what is necessary to protect the Great Lakes, that have been so key to our past and that need to be in the forefront of our thoughts as we move forward.

So again, Chairman, thank you for the opportunity to provide this welcome thanks to the citizens who have taken time out of their schedule to be here tonight.

Those of us that are involved in various parts of government will have our opportunities over the next year and a half or so to be engaged in a more detailed basis in these reviews.

Tonight is the opportunity for the public to have their say, and so with that, I'll thank you and step back and look forward to the comments that we'll hear tonight.

DENNIS SCHORNACK: Thank you very much, Ken, for those kind words. Hopefully, the State of Michigan will take the opportunity, since it's a major player in the Great Lakes and in protecting and restoring the Great Lakes, hopefully you will take the opportunity at some point in the future to submit more detailed comments on the Agreement itself.

But you're right, tonight is the night for the public to weigh in. And I have just some brief opening remarks to kind of set the framework for what it is we're doing here tonight, and then we'll turn to public comment.

We're here, as Ken mentioned, because the governments of the United States and Canada have asked the International Joint Commission to find out what you think the governments should consider as they begin their review of the Great Lakes Water Quality Agreement this coming spring.

In 1972, if you recall – and I was a citizen here in Bay City at that time - when the Great Lakes were suffering from heavy loadings of conventional pollutants, the governments signed this very visionary agreement in 1972 and focused on reducing pollution largely from municipal and industrial sources, and

in particular controlling the input of phosphorus, which leads to the eutrification of our Lakes.

The governments recognized that it would be necessary to adapt to challenges as time wore on, and so they built in a cycle of periodic review for this agreement every six years.

So in 1978, the first opportunity for review, they took a hard look at the Agreement they signed in ’72 and they signed a revised Agreement. And that agreement in ’78 took what is known as an ecosystem approach to Great Lakes restoration, that is they intended to restore all elements of the ecosystem, from the biological to the physical and to the chemical.

A protocol was also added in 1987 that addressed degraded conditions in very specific locations in the Great Lakes known as Areas of Concern. And in particular, they focused on reducing the input of persistent toxic substances and to reduce certain critical pollutants on a lake-wide basis.

Under the Agreement, Canada and the United States have set common objectives for a variety of pollutants and have agreed to implement a range of research, monitoring, and pollution control activities.

Efforts in both countries have resulted in dramatic reductions in discharges of nutrients and toxic pollutants, particularly from municipal and industrial sources.

The Agreement has resulted in binational initiatives that have brought about important results. For instance, Canadians and Americans have set the

same limits for total phosphorus loads for each lake, and they have agreed that approaches to address persistent toxic substances will be guided by a philosophy of zero discharge. Both countries have made major advances in understanding the dynamics of this complex system.

The Agreement also provided a framework for binational goals and cooperative efforts to restore and protect the Great Lakes, but the governments have not made any changes to it, as Mayor Katt noted, since 1987, nearly 20 odd years ago, so there is widespread recognition that parts of the Agreement are out of date.

At the same time, there are several issues which require binational cooperation, either under the Agreement or through separate agreements between the two governments, such as preventing the introduction of non-native invasive species, reducing the impacts of land use activities, and conducting research programs that will enable us to understand large-scale ecosystem changes.

Currently, domestic policy initiatives are underway that will frame Great Lakes restoration efforts in each country. These include, in the United States, the Great Lakes Regional Collaborative that Ken DeBeaussaert mentioned just a moment ago, and the forthcoming renewal of the Canada-Ontario Agreement.

This makes the forthcoming review of the common goals expressed in the Great Lakes Water Quality Agreement of particular importance and a very timely endeavour.

The two governments are now getting ready to review the Agreement. This review will commence this coming March. In preparation for that, they have asked us to hold these meetings to get your views on how well the Agreement has worked and what, if anything, needs to be changed.

The governments and the IJC believe that it is very important for the Great Lakes community to be heard at this stage of the process so that the government can begin to get a sense of citizen priorities.

The two governments have said that there will be additional opportunities for public input once they begin their review of their Agreement. They also have said they will consult with First Nations and Tribes on a government-to-government basis.

Now, as indicated, I think, the slide behind me and in our printed materials, which I hope you'll take an opportunity to grab out in front, there are several ways to provide comment to us.

One is this gathering here tonight. And there is also going to be a live Web dialogue that will be held on November 29th through December 2nd, and you can get to that site via our Web site, which is www.ijc.org.

When the consultations end, the IJC will write a report, will synthesize the public comments and all of the views that it's heard. We'll also send all of the documents, any written testimony, any written presentations that you wish to make, those will also go to the government, along with verbatim transcripts of these meetings.

As for our meeting today, I will call you in the order that I received these cards, which indicate your interest to speak. So if you do wish to speak and you have not yet done it, please do fill out one of these registrations out in form, or Nick or John – on my right is John Nevin, and this is Nick Heisler, they are the two sort of senior policy advisors for the Canadian and U.S. sections – they will be glad to give you a copy of the registration form, and you're welcome to speak and I'd be more than happy to listen to you.

So we're relying on a tape recording to produce the transcript, and so we need for people to…when you present, please go to the microphone and speak into it clearly.

So I will call…at this point, we'll begin our public comment, and I will call our first speaker, which my cards here say is Lowell Craft, to be followed by Terry Miller.

LOWELL CRAFT: I'm Lowell Craft. I live on Sand Point in Saginaw Bay, up in Caseville Township, or Pigeon, Michigan. I am a retired agriculture engineer. I am representing myself as well as my former customers, which were mostly farmers within our state.

Many of us in this room aren't as old as I am, so the contributions that have been made by agriculture may have already been forgotten. Agriculture has done a lot, I think, in terms of water quality within our state (inaudible)…

Best management practices have been hammered down to farmers for many, many years already by our land grant universities, and many of those practices are routinely done all the time.

I would not want further tightening of the Agreement unless there is plenty of money to throw around in order to implement whatever additional non-point pollution controls that may be recognized as necessary.

Aiding Mother Nature in the control of surplus water from the interiors of our contributing watersheds is a huge problem, at least in my opinion. Having lived on the shorelines of the Great Lakes, it seems, at least from a personal nature, that we now have, in the last probably ten years or so, more floating debris.

I don't know where the source is, nobody seems to be able to recognize that, and we're constantly cleaning up our shores and our beaches because of that. It's certainly not coming from our lots to the water. It's floating to our shores.

So I wanted those points of view recognized by the Commission. I'm not familiar with the Water Quality Agreement at all. I have a copy here now and perhaps I will contribute something later, after I've had a chance to review it. Thank you.

DENNIS SCHORNACK: Thank you very much, Lowell. As I mentioned before, you're certainly free to examine the Agreement at your leisure and to submit written comments to the IJC which would then be of course forward to the governments.

But you raised a very interesting point in that the Agreement as it's currently framed is really focused on point sources of pollution, industrial and municipal point sources in particular, and as yet it doesn't address very directly non-point source pollution, which would be in the form of perhaps agricultural runoff.

So please do look at the Agreement and do take the time to submit comments to us. With that, I'll call Mr. Terry Miller. Terry, welcome.

TERRY MILLER (Chairman, Lone Tree Council): (inaudible) and thank you for this opportunity. My name is Terry Miller (inaudible)…

My name is Terry Miller. I am Chairman of a grassroots environmental organization called the Lone Tree Council. It is a non-profit, all-voluntary organization that has members primarily in the tri-counties area of Bay, Saginaw, and Midland, in the Saginaw River and Bay watershed.

Since 1978, we have defended wetlands, pursued clean up of toxics, supported strong environmental legislation and funding, opposed industry or development that either posed a threat to fragile environments or was sited too near to human neighbourhoods, and worked towards the remediation of the Saginaw River and Bay.

As you know, our watershed includes 22 counties and (inaudible), the largest in the State of Michigan. Regrettably, the Saginaw River and Bay also have the distinction of being one of those Areas of Concern identified by the

International Joint Commission. Of the 14 beneficial uses of the water identified by the IJC, 12 are impaired in the Saginaw River and Bay.

As I understand the purpose of the IJC's meetings, four questions are being raised. In short, what are the local issues? Is the Agreement effective? Does the Agreement deal with everything it should? How should the public be involved in the review and implementation?

I'm afraid I only had time to reflect on the first three questions, and I have to begin with the second. Is the Agreement effective? A little story first.

I was 33 when I first answered the summons to become an activist. Consumers Power, a regional utility, was building a nuclear facility in Midland in a floodplain.

The reactor containment structure was cracked and sinking, and the regulatory community seemed impotent to stop the facility, a cost plus project being driven by one of the largest utilities in the region.

In fact, a federal nuclear regulatory commission inspector was publicly quoted as calling the containment building a pile of rubble held together with reinforcing rods.

While that project was successfully defeated and the containment structures converted to natural gas, it left me with a bitter taste and a conviction that citizens had to play a far larger role in protecting themselves and their environment.

It was about the same time that we learned that the IJC had identified the Saginaw River and Bay as an Area of Concern.

I am now 59. And although I will probably never quit, I am getting very tired of fighting the same battle over and over, often with new opponents, but the same business greed, the same desire for short-term profit over long-term sustainability, the same governmental apathy or actually antipathy towards environmental protection or restoration, and the new ideological grassroots that sees private property as inviolate, with politicians and citizens committed to defending its personal and private use regardless of the impact on the greater public, blind to the concept of public trust.

As to whether the Agreement is working, I think you have identified some areas where it has worked: eutrification, phosphate reduction. From our perspective in the past few years, despite very fine words – and I applaud the language in the document – we believe that it's failed.

There is little evidence that the federal government in the United States is committed to restoring water quality. I confess I know less about the commitment of the government of Canada.

There is little evidence that business and industry are responding to legacy contamination and that citizens are better educated to the impact of wetlands on water quality and the government more prepared to protect them.

The IJC's own 2003 report on the progress of the cleanup of toxic sediment in the Great Lakes was illuminating. As the Detroit Free Press opined, "the United States and Canada both have a lot to be embarrassed about".

After a 1987 agreement to clean toxic sediment in 42 locations, just two, both in Canada, have been taken off the list. Michigan couldn't clarify who was in charge.

While Michigan's regulatory agencies view local groups as being responsible for implementing Remedial Action Plans, frequently those groups have no money, no staff, and no time to coordinate and advocate for their watersheds.

I know that is the case for the Partnership, the lead group in the RAP process locally. It has had no funding for years.

But forget one moment the so-called legacy contamination. What about real-time pollution? At least in the case of the U.S., we're going backwards. A 2003 report by the Associated Press found that three-quarters of the nation's largest 6,500 industrial and sewer plants violated their permits with little fear of punishment.

The result for the Great Lakes, according to state and federal agencies, is a six-year increase in toxic water pollution.

And there's more bad news. The U.S. effort to control toxic releases and protect aquatic life and wildlife in the Great Lakes, the Great Lakes Initiative, GLI, was evaluated in 2005 by the U.S. General Accounting Office, GAO.

The GAO report noted that the U.S. EPA has placed much of the burden for implementing on the states and the GLI only looked at point sources, despite the general recognition that air deposition and agricultural runoff produce more pollution.

Even in the area of point sources, the EPA has given such latitude to the states that allows variances that permit manufacturers to release pollutants at levels far above GLI standards.

Moreover, despite a Congressional request for a mercury control strategy in 1990, no strategy is forthcoming. Mercury, the toxic metal releasing from coal-burning utility plants - 16 of the top 25 sources to Lake Michigan are coal-burning plants according to a 1999 National Oceanic and Atmosphere Administration Data – plagues both the Great Lakes and Michigan's inland lakes, with fish consumption advisories existing in every locale.

This represents a clear and ongoing threat that demands a solution. But one of the clearest threats to the Great Lakes isn't in the area of emissions or release, but their desirability in a thirsty world.

Demand for Great Lakes waters are at an all-time high. And despite most Great Lakes states having water diversion laws, they are varied and, in many cases, insufficient. Michigan itself has yet to pass any legislation protecting the Great Lakes despite its central location in the Great Lakes.

Everyone wants a piece of the commons (?), and if we don't continually monitor and restrict access, there will be little water to fight over. I may be

wrong, but I don't believe this important issue is presently being addressed by the IJC.

What are the local issues? I would like to return to the first question now. What are the local issues? We have a very substantial Remedial Action Plan for the Saginaw River watershed.

It documents the turbidity, the excessive sedimentation, the failure of the benthic community, fish advisories, and the general loss of aesthetic appeal of our river system.

But that's not what I want to present tonight. I want to mention four issues that represent new threats or old threats that remain to be addressed. They are, one, the loss of wetlands, particularly emerging coastal wetlands. Two, the continued dumping of partially-treated sewage. Three, the failure to address newly-discovered dioxin sources. And four, a mismanaged effort to cite (?) a spoiled site in the Saginaw River.

If similar problems are occurring in the remaining 40 Areas of Concern, you have a Herculean job before you.

The first one, loss of emergent wetlands. A unique feature of the Great Lakes region is the coastal marshes and lake plains surrounding the Saginaw Bay. Low water levels have seen the return of some coastal wetlands.

However, this is not giving rise to celebration. Many beachfront property owners accustomed to high water levels and sandy beaches resent the intrusion of

vegetation and accompanying insects, amphibians, reptiles, and waterfowl that form a wetland ecosystem.

Many have bulldozed, plowed, and applied herbicides to the emergent wetlands. Some have even planted crops in the exposed bottom land. These actions are in violation of the public good served by coastal wetlands and recognized as violations of both federal and state wetland protection statutes.

Shoreline property owners have formed a powerful grassroots lobby, however, and have aggressively claimed the right to destroy these ecological wonders.

The result has been done 2003 Michigan legislation that resulted in liberalization of beach grooming, making it easier for owners of Great Lakes shoreline property to remove "weeds" and debris from bottom land.

The IJC needs to weigh in on this issue and provide education and support to protect these valuable resources.

Dumping of partially treated sewage. My teenage son recently received an iPod, that amazing device, so tiny, capable of storing so much information, an icon of a communications revolution.

And yet, in the ecosystem we are so dependent upon, like 14th century medieval villagers, we continue to treat our rivers as sewers. It is incredibly discouraging to read in local newspapers, after even minor rainfall, that hundreds of thousands of gallons of raw or partially treated human sewage have been

dumped in the Saginaw River and ultimately the Bay, the source of our drinking water.

The river has regular immersion advisories throughout the summer months. And even as condos rise on its banks, tall ships are invited to great celebration and the river roars with competing speedboats, the municipal governments aren't able to obtain the funding to develop retention basins.

This is a problem that can be corrected. It does not require space-age technology. It requires enforcement and resources.

The free-floating anger on this issue was recently captured when a sports fisherman contacted us to help with an effort to address the problem through a petition to Michigan's government. In less than a month, we have collected 600 signatures on the (inaudible)…

A third area locally, failure to address newly-discovered dioxin. The decade of the 90s saw concerted federal and state efforts to address the PCB problem in the Saginaw River.

It resulted in a historic $28 million settlement with General Motors that in part saw the removal of thousands of yards of PCB-contaminated sediment in the river.

We thought we were on the way to recovery. In 2002, however, we discovered from documents obtained from the Michigan Department of Environmental Quality through the Freedom of Information Act that the entire

length of the Tittabawassee River downstream from the Dow Chemical Company was contaminated with dioxin at levels 80 times the state action level.

The Tittabawassee, of course, flows into the Saginaw River, and subsequent testing has discovered levels as high as 19,000 parts per trillion.

It's been nearly four years since the state regulars became aware of the problem and not a foot of sediment of soils has been remediated. In many ways, the problem is a microcosm of the national inaction on serious environmental contamination.

The responsible party, the Dow Chemical Company, has run an effective campaign of "manufacturing uncertainty". That is a term recently used by the American Journal of Public Health describing activities in industry to create ambivalence within the community on the toxicity of a particular product.

The company actually denies the dioxin is toxic and that the unwanted chemical is responsible for a skin rash called (inaudible), this despite testimony from state and federal toxicologists and hundreds of laboratory and real-life studies that implicate dioxin in cancer, reproductive, and developmental illnesses, and a 15-year study that concluded that dioxin in the Great Lakes was responsible for the disappearance of lake trout.

The company has donated, however, $26,000 to the Saginaw County Health Department, salvaged funding for the Saginaw Civic Centre, renaming it the Dow Events Centre, and spread thousands of dollars in highly visible charitable contributions in Saginaw and Bay City.

Meanwhile, legislators from Midland as well as Midland activists have attacked the Michigan Department of Environmental Quality as too aggressive and threatened funding.

The (inaudible) campaign has resulted in efforts to go behind closed doors with the administration of two Michigan governors, and the rainy days of the Engler administration, when DEQ Director Russell Hardy (?) went behind closed doors in an effort to raise the State's dioxin action level, thus removing cleanup requirements in Midland. That failed.

In the Granholm administration, after Republican threats to cut funding, the Lieutenant Governor was assigned to the task of negotiation, and the company and the DEQ representatives went behind closed doors for seven minutes.

The framework that emerged abrogated months of DEQ staff efforts to get the company to do scopes (?) of work leading to remediation and required the company to undertake exposure reduction at selected (inaudible) where contamination exceeded a thousand parts per trillion, not the state's 90 parts per trillion.

The DEQ and Dow Chemical Company now communicate with the public over joint letterheads and jointly host meetings. Whether this approach will lead to remediation of the toxic sediment remains to be seen. We're very sceptical.

Finally, a mismanaged spoil site. Efforts to find a spoil site for Saginaw River navigational dredgings have been difficult. The existing site, the confined

disposal facility at the mouth of the river, is very full and a distance from the upper Saginaw River.

The two attempts that were made were rejected after a number of environmental and cost considerations were made.

A recent third effort is being pursued, but at the cost of prime farmlands, the overriding of neighbourhood and township opposition, the ignoring of EPA and DEQ staff concerns, and avoidance of the processes set up by both federal and local governments. It promises to make a bad situation worse.

Saginaw's Public Works Director and river businesses want the site, as do many in the environmental community. Unfortunately, those spoils are not ordinary sediment. They contain, as noted above, high levels of dioxin. They need a hazardous waste landfill, but not near a residential area, within 400 acres of prime farmland, next to the Crow Island state game area, in a floodplain that was underwater in 1986.

In the desire to find a site and take advantage of federal and state grant monies, everything about the process was expedited. The order of good site planning was ignored, and state permits were obtained before the U.S. Army Corps of Engineers provided a detailed project plan.

These permits came from political decision in Lansing, not a considered decision after careful field work and public comment.

Lone Tree has obtained from the Michigan Department of Environmental Quality, through the Freedom of Information Act, 18 pages of staff criticism of the structure.

In addition to U.S. EPA, Region 5 (?) sent to the (inaudible) on May 5th, 2003, November 8th, 2004, some 12 pages of critical comments, including it is not an appropriate location for the disposal of sediments contaminated with high concentrations of dioxins.

Many in the public have been told about the impression that the proposed dredge materials disposal facility will not only enable shipping, but in fact remove contaminants from the river and improve the ecology.

That is simply wrong. In reality, it would make the problems worse. It will be an open slurry pit, concentrating the toxics and creating disposure pathways for humans and wildlife, destabilizing the river sediment and sending it downstream to the Bay – that's the EPA's comments – creating a site that will be vulnerable to flooding, erosion, and leaching of the contaminants.

Then there are the huge process failures. This is a major federal project, but no environmental impact statement has been completed. This will result in a major discharge of water to the river, but no federal MPBS (?) permit. And this is a major encroachment into wetlands and floodplains, but no local approvals and a total disregard for the reality of flooding.

This promises to be a battle and a contested case hearing with the administrative law judges that's on our docket, and the affected townships have already filed in various courts.

Does the Agreement cover everything it should? No, we don't believe it does. And what it does cover seems to suffer the same fate we deal with on a regular basis.

The lesson seems to be even if environmental laws are in place, treaties duly signed, and processes developed to promote cleanups and ensure projects are ecologically sound, powerful interests with sufficient political alacrity and money can circumvent that.

Yet after 26 years of working on environmental issues, I can only, perhaps naively, remain an optimist. If the IJC could or would be a force to be reckoned with, its plan would include, at least in respect to U.S. government units, the following: adequate funding for RAP implementation,; consistent control of all pollutants, both point and non-point; elimination of mercury emissions; return to zero discharge of persistent bioaccumulative toxics; replacing toxic chemicals with clean alternatives; the cleanup of toxic sediment; the protection of lakes, river, streams, and wetlands from nearby water withdrawals; strict limits on large water exports from the Great Lakes; strict limits on the private sale of Great Lakes waters; restoring and preserving wetlands, particularly emergent coastal wetlands; elimination of the discharge of raw, partially-treated sewage, including TEQs for dioxins and furans in the IJC list of persistent bioaccumulative toxics;

and because of its danger to wildlife and human populations, prioritizing dioxin remediation efforts; monitoring projects with the potential to impact water quality to ensure that governmental processes and protections have been followed.

Thank you very much for this opportunity.

DENNIS SCHORNACK: Thank you, Terry. You've obviously spent a great deal of time on those comments, and that's deeply appreciated. And I hope you have (inaudible)…

TERRY MILLER: I actually didn't have time to (inaudible)…reproduce the sources (inaudible)…

DENNIS SCHORNACK: Okay. One thing I do want to mention, as Terry referred to the role of the International Joint Commission, aside from this role that we're conducting today at the request of the governments to do public consultations, we're also, under the Agreement, charged with assessing the progress of the two governments in meeting the terms and conditions of the Agreement, and particularly assisting the two governments in the implementation of the Agreement.

And Terry referred to a report that we issued in 2002 – we do report out every two years assessing progress, and sometimes our assessment are very sharp, and sometimes they're (inaudible)…so with that, I'm going to turn (inaudible)…Brenda Goulet (?) ? Is she here yet (inaudible)…?

UNIDENTIFIED: (SPEAKER NOT SPEAKING INTO MICROPHONE, BARELY AUDIBLE) (inaudible)…

DENNIS SCHORNACK: (inaudible)…you don't have to speak (inaudible)…in that case, then we'll turn to Dan Schindler (?), from the Michigan Audubon Society, to be followed by Laura Ogar. Do I have that correct? Please speak into the microphone. Sorry.

UNIDENTIFIED: (inaudible)…

DENNIS SCHORNACK: I can sort of see it from here (inaudible)…that's better.

UNIDENTIFIED: (inaudible)…appreciate allowing us to speak. (inaudible)…my ten hours of work fitting it into three minutes (inaudible)…thank you.

DENNIS SCHORNACK: (inaudible)…can't see (inaudible)…

UNIDENTIFIED: (inaudible)…

DENNIS SCHORNACK: (inaudible)…

UNIDENTIFIED: I am, as you said, representing the Michigan Audubon Society, and though these pictures represent a local example, the issue is pertinent to the entire Great Lakes watershed.

But addressing (inaudible)…local history, when I was a child, 50 years ago, I could stand on the shoreline (inaudible)…three feet of water. I could see the rippled sand pattern (inaudible)…

Now, when I stand (inaudible)…I cannot see my feet when I stand in (inaudible)…the water is brown (inaudible)…it is a real problem that (inaudible)…within the same hour of the same day.

DENNIS SCHORNACK: May I ask…I'm sorry to interrupt you, but may I ask very specifically (inaudible)…

UNIDENTIFIED: It is (inaudible)…

DENNIS SCHORNACK: Thank you.

UNIDENTIFIED: (inaudible)…and the top page of the presentation (inaudible)…as well. (inaudible)…I guess my concern, our concern, the concern of the Michigan Audubon Society is that dilution is being used as the solution to toxics, and this is contrary to the 1978 Water Quality Agreement.

The state's water quality (inaudible) reads there shall contain no unnatural turbidity, colour, or (inaudible), floating solids (inaudible)…injurious to any designated (inaudible).

In regard to this (inaudible), we have been told that we cannot (inaudible) degradation (inaudible)…ankles. We are told repeated by the State of Michigan and industry that the (inaudible) treaty (inaudible)…safe to drink.

This is difficult to reconcile (inaudible)…suspended solids (inaudible)…I believe these are suspended because (inaudible)…

(TAPE CHANGES SIDES)

(inaudible)…a day of landfill leachate. After 40 years of complaint and concern – and I have two file drawers with complaints dating back to 1969 – the State finally conceded to a color problem, and the renewed MPDES (?) permit in 2005 proposes to solve this problem by implementing the 18th century remedy of

dilution by extending the flow line two miles from shore into deeper water, where the discharge will no longer be visible.

Since 1999, 800,000 gallons per day of type I and type II landfill leachate has been added to the biological (inaudible)…and subsequently entered Lake Michigan.

Attachment B in your document is the list of leachate, heavy metals, and toxins.

According to the Michigan Surface Water Permits Division, it is common practice in Michigan for leachate to be added to municipal or industrial aerobic ponds and discharged to the Great Lakes and more often to its tributaries.

While I'm assured by the State Permits Section that it's just a small amount of leachate diluted in trillions of gallons of water and meets federal and state standards, certainly this is contrary to the IJC 1978 amended Water Quality Agreement that emphasized virtual elimination of toxins and bioaccumulative contaminants in the Lakes.

A mixing zone for persistent and bioaccumulative toxic pollution does not work, because heavy metals are not treated by aerobic (inaudible). They are simply distributed further into the environment.

And over time, these non-detectable levels in the area of the discharge continue to accumulate. While toxic pollution in the Great Lakes has dropped over the past 30 years as a result of state permits tightening (?), scientists are

finding evidence of a new class of chemicals detected in increasingly higher levels.

The IJC 10th biennial report claims "considerable success in (inaudible)…point source discharges of toxic chemicals to the lake", yet the report recognizes new exposure to chemical soup (?) mixtures as "previously unidentified chemicals and chemical mixtures underscore a neurological, developmental, and transgenerational (inaudible)…persistent toxic substances."

Toxic chemicals entering the Great Lakes have been related to environmental health problems including poor egg hatching success, reproductive abnormalities, birth defects in fish, fish-eating birds, and mammals. Tumours and other deformities in some fish and wildlife species are also attributed to exposure to toxic contaminants.

Among the new contaminants of concern that are on the rise are those that can be found in landfill routinely discarded by consumers, including flame retardants, PBDEs, polybrominated diphenyl ethers, that are mixed into plastics, clothing, and other products, as well as chemicals to prevent stains and keep foods from sticking to pans, Teflon.

Homeowners casually discard (inaudible)…plastics, Teflon cookware, old thermometers, batteries, cell phones, electronic equipment, fertilizer and pesticide containers, (inaudible)…pharmaceuticals and toxic household products which find their way to the landfill and ultimately is part of the (inaudible).

In addition, landfill leachate will continue (inaudible)…illegal (inaudible)… Attachment C is a picture of some of that illegal dumping, and the article on the reverse side, happening several years, ’94, ’87, ’96, ’98.

So landfill leachate contains illegal dumping, toxics, as well as toxic leachate from items and industrial waste discarded prior to landfill classification.

Leachate allowed under the present MPDES (?) permit (inaudible) example here also includes the black liquid contaminated groundwater from (inaudible)…storage tanks (inaudible)…

Now, as I said, this is general policy in Michigan as the way to handle leachate, aerobically treat it, and put it in the tributaries of the Great Lakes. In spite of improvements since the 60s, fish advisories and beach closings are on the rise. Action from some point discharges is not comforting (?).

Preventative action is not imperative. Total elimination of mixing zones and zero discharge is important. Landfill leachate is in fact a chemical soup that may cause deposits (inaudible)…of the Great Lakes and that will constitute a violation of the (inaudible)…water quality standard.

I would agree with Mr. Miller, if the IJC could be a force to be reckoned with, maybe the state would (inaudible)…I’m at a loss for word…

DENNIS SCHORNACK: Do the right thing?

UNIDENTIFIED: …would enforce its own rules. Attachment D is the 2005 Michigan Audubon Society resolution requesting the prohibition of discharge of landfill leachate into the waters of the Great Lakes and tributaries.

As noted by (inaudible)…of the Michigan Environmental Council, it is time the Great Lakes states and provinces further reduce (inaudible)…permitting pollution and (inaudible)…

In the 2004 Biennial Report, the IJC steps back from its stance on persistent toxic chemicals. It does not even mention zero discharge. We petition the International Joint Commission to reinstate its 1987 call for zero discharge of toxins.

We petition the IJC to strengthen its commitment towards the non-degradation goal (?) that prohibits the 18th century (inaudible) dilution as a solution to pollution, with specific reference to the immediate elimination of all landfill leachate into the Great Lakes and its tributaries.

In order to restore and maintain the chemical, physical, and biological integrity of the Great Lakes, we request the IJC to set clear milestones in charge of (inaudible)…

As Tim Montague (?) stated, better fish advisories will not protect the children who eat Great Lakes fish. Zero discharge of persistent toxic chemicals will. And as Senator Gaylord Nelson said, warned in 1964, small changes wrought (?) by man will set off a chain of events that can change (inaudible)…

Recognition without action, maybe it will (inaudible)…we polluted Lake Michigan. We are increasingly aware that endocrine disruptors have become a problem causing species deformities and impacting the reproduction of fish, avian, amphibian and reptilian species

The argument that products must be proven as non-toxic prior to taking action is irresponsible. Continuing to use our waters as mixing zones for toxic waste (inaudible)…determining there is a problem is unsustainable (inaudible)…sons and daughters of the earth.

Dr. (inaudible) Kilborn stated in his (inaudible) epidemiology (inaudible)…effects of (inaudible) chemicals, the insidious nature of these toxic emissions befall us without benefit of a full-blown (inaudible)…disease, and as a result, all life (inaudible)…epidemic of (inaudible)… Thank you.

DENNIS SCHORNACK: Thank you. Okay, we have…I'm just going to summarize here a little bit. We have one, two, three, four, about five other people that want to speak, and we have about an hour and five minutes. So I'm just going to ask people to keep their comments in the kind of 7, 6-7-8 minute range.

And with that, I'm going to ask Laura Ogar (?) to come forward, and she will be followed by Leon Lesczyzinski (?). Did I get that right? Very good. Laura?

LAURA OGAR (Director of Environmental Affairs and Community Development, Bay County): Thank you very much. My name is Laura Ogar, I am (inaudible) Bay County. I am the Director of Environmental Affairs and Community Development.

And I want to take this moment to thank you very much for coming to Bay City and in hosting…having this meeting here. This is a community that is very concerned about water quality. We see it, I see it every day, from an

environmental aspect, as well as a community development, economic development standpoint.

It is extremely hard to promote our community for a destination, for new business growth, for either tourist destination, when frequently, with very little rainfall, we get, in our news reporting, we have combined sewage overflows.

It's quite a challenge to do that. And from my experience, I have seen across the board, whether it is the staunchest business developer to real estate agents, this is a united issue for this community, is water quality in our river and bay.

With that said, I will keep it short, I have some general comments. It's fascinating to me…I know one of your key questions is about, you know, how effective has the IJC been and the Water Quality Agreement.

I have been sitting here listening to folks speak. I was my son's age when I first knew, learned about the IJC – my son is 11 years old – and I remember hearing about the need for, you know, water quality agreements and the whole issue between Canada and the U.S. and realizing at that point and hearing these issues, that bald eagles were, you know, being deformed, egg thinning, fish were being impacted, and I remember almost distinctly, to the moment, thinking how can they do that to our Earth, how can they allow that to happen?

And it's fascinating now, in reflection, I know fourth grade classes, fifth grade classes, we have come so far in our education and awareness. And I have to disagree with Mr. Miller, I think that we have done a lot.

I think this agreement has done a lot as far as promoting people's awareness of the problem, especially through the schools, integrating this whole issue through the educational system, because our children are much more aware today on what the issues are.

And I have to say, however, it's still sad because this Bay area is an Area of Concern, and we do see it. Even last weekend, when our family was fishing, we see the impacts still on the fish.

With that in mind, specific comments to the Great Lakes Water Quality Agreement. There is…Annex 2 deals with the Remedial Action Plans and the Lakewide Management Plans. The Saginaw Bay, Saginaw River area does have a Remedial Action Plan.

As part of that annex, Part 4, Section A 6) has a requirement to identify the persons or agencies responsible for implementation of remedial measures. When you do your review, I urge you to look at that and to see if there is ways to clarify and strengthen roles and responsibilities for the Water Quality Agreement.

I understand that the federal agencies and state agencies, as well as our local entities, use this as a basis for the work that we do and the goals we try to achieve, but there needs to be greater specificity on who does what, how they interact, when they interact, so that there can be greater accountability.

Again, this generational…I just don't think we need to be here in 25 years again having this same discussion. On one of your reviews, on your last review,

it was reported that the U.S. had spent $160 million for sediment remediation activities. Again, that's a success that I think has happened.

We have spent more than $3 billion for wastewater infrastructure improvements. That's a lot of money and no one is going to disagree with that.

We all know, from a public agency standpoint, working even at county government, it's not a matter of how many dollars you throw at a problem, it's how wisely are we using these dollars, how effective can we be.

And again, I think identifying roles and responsibilities very specifically in the annex, I think, in the Agreement itself, will go a long way towards stretching those dollars.

Annex 3 talks about the control of phosphorus. In fact, it has a phosphorus load reduction supplement. I would urge you to consider the control of nutrients and nutrient loading in the new review.

We have had some phosphorus activities that have lent themselves to elimination, in some detergents. However, there are other sources of phosphorus.

And interestingly enough, by my direct experience of working with implementing stormwater management plans here locally…this one gentleman had mentioned the agricultural industry.

And they have a compelling argument on why this non-point source pollution from phosphorus is not from agricultural activities. They talk about how farmers, you know, they have a very small cash regime that they're dealing with, and for every 40 pound bags of fertilizer that they spend or that they buy,

they know exactly where it's going, they know exactly how much is getting uptake (?) by plants and how much is being runoff, and they present a very compelling position that it's not them.

We have spent $3 billion…and by the way, I just want everybody to understand that that money that we spent on this is not just federal dollars, but those are also city dollars, county dollars. Bay City has done a lot for improvement their wastewater and it was local dollars as well.

But wastewater treatment facilities have upgraded, millions of dollars in the state to upgrade our facilities, and so then we say this phosphorus and nutrients isn't coming from wastewater facilities.

I was actually…you know, it may be time to review the sources of our contamination that we're talking about. You know, it's been 20 years since this last agreement has been looked at. I mean, I was in private consulting, so I know the phrase further study is needed, and I hate to fall back on that.

However, it may be time, that further study is needed to review sources, at least as we move forward again, to set priorities, to stretch those dollars. This is a wonderful document, we have had a lot of money thrown at it. How far really have we come?

You know, I think it's…it could be a time to review and prioritize, maybe not as ambitious, but maybe more specific about what are under these areas, what are our true priorities.

Getting back to the Agreement, Annex 4, 5, and 6 deal with discharges from vessels, oil and hazardous polluting substances, pollution from shipping sources. Possibly consolidating those in a more coordinated effort.

Again, I think this deals a lot with invasive species. Invasive species was not addressed under the Agreement other than under Annex 17, when it talked about research and development. I believe invasive species needs a whole separate annex onto itself.

When we're dealing with both animal plants, whatever species we're talking about, we need to deal with ballast water…there is a threshold that ships fall under when they talk about no ballast on board.

Those things need to be looked at as well, those no ballast on board shipping volumes, because they're very likely…there is discharge from those, even though they fall under that volume threshold.

Lastly, we talk about dredging. Again, we've had a lot of work done with that, dredging, and we've had ongoing work on the Saginaw Bay area. I would like to recommend that greater flexibility be considered on how we utilize those sediments.

I mean, this whole restoration activity is for beneficial…to restore the beneficial use of our waters. We also need to look at beneficial reuse of those sediments that we're pulling out of our lakes and streams instead of just moving them somewhere else, but somehow having a final, final resting instead of coming back 20 years later again and dealing with that issue.

Water withdrawals has been mentioned. And I know this is a water quality agreement. Water withdrawals, do address that, but possibly under a slush (?) research and development.

So anyway, thank you again very much. We do appreciate your time in being here, and we look forward to hearing…yeah, being part of the process in whatever is being done. Thank you.

DENNIS SCHORNACK: And thank you very much for your comments. And please note that we also deeply appreciate the willingness of the City to host us here in their wonderful chambers this evening.

And those were very thoughtful comments, Laura, and I look forward…I don't know if you're going to leave with us a written copy of your comments or if you to forward something at some point. We certainly have you on tape, so thanks again.

Okay, I am going to call Leon Lesczyzinski, and followed by Robert Beauvais. That's a French name? My Canadian colleagues will just murder me when they hear me try to speak French. Yes, please.

LEON LESCZYZINSKI: I would just like to speak on the quality of the water and basically the low water levels. And it says up there that you're committed to the physical, biological, and maintaining the integrity. And I think because of the low water levels, that affects the quality of both Lake Michigan and Lake Huron.

And referring to an article that I read in the Bay City Times, and I surfed the Internet and got some other articles about the Georgian Bay Homeowners Association, they had commissioned a study of why lake levels are low, and I think you're aware of it because your name was mentioned in one of these things.

And basically, what they said is that the reason lake levels are low is because of the erosion in the St. Clair River, because of the dredging and some other manmade factors, and that the problem can be solved, but it has to be a joint partnership between Canada and the United States.

And I want to make my comment that the United States and Canada should get together, and if there is merit to this Georgian Bay Homeowners Association maritime study, I think it should be looked into.

I believe there is merit to it and that it could be a relatively simple fix to raise the level of our lakes, which would definitely improve the quality on every aspect.

And I would like for you maybe to comment on this Georgian Bay…

DENNIS SCHORNACK: I'd be happy to do that. Usually, these meetings, I get to ask the questions and not answer them, but you are referring to a study that was commissioned by the Georgian Bay Homeowners Association.

They are about 4,000 folks up in the far northeastern reach of Lake Huron, and they commissioned a study by Baird and Associates, which is a respected hydrologic firm of engineers and consultants.

And they did reach some conclusions about erosion in the St. Clair River, perhaps caused by dredging, perhaps caused by the isostatic rebound of the bottom and if that's coming up in that area of the basin. There are some other elements.

And I would say that the IJC, starting this spring, is conducting a very detailed study of the upper lakes, it's going to be about a five-year study, and it's going to cost about $14 million to conclude. It will be split 50-50 between Canada and the United States.

And one of the very first things they're going to look at is the St. Clair River, and to validate or invalidate, as the case may be, the conclusions and assertions made about changes in lake levels due to something happening in the bottom of the earth. So that is going to be one of the first things we're going to be looking at.

And we just concluded our preparations for that by developing a very detailed plan of study, there were a couple of hearings held in Michigan, I think there were four, one of them was up in Midland just recently to allow other comments to come in before the plan is to begin to be executed, which will start this spring.

So it's going to take some time. I understand your concern about lake levels. Currently, in this agreement, this agreement does not address levels and flows.

That happens to fall under a different part of the International Joint Commission's work, in that we operate under a treaty between the United States and Canada that dates back to 1909, in which we look at levels and flows of boundary and transboundary waters.

And this, the St. Clair River, is certainly a boundary water, the boundary runs down the middle of it, and we are going to be looking at that soon, but it will take some time.

We just concluded a very detailed study of the lower lakes, which is Lake Ontario and the St. Lawrence River, and we have not yet changed…well, we have some wrap-up left to do on that project before we look at the upper lakes.

And hopefully, in the end, we're going to be putting those two plans together. Naturally, it will funding to complete this study. While we have the resources to start this spring, the carrying out of this study over the next five years is going to require continued attention by the two governments and continued funding support.

So we're looking forward to working on that and coming back with some conclusions based on the best science available as soon as we can, but it's going to take a little bit of time.

LEON LESCZYZINSKI: May I ask, on the lower lake levels, what were the findings on those levels? Are they up, down? The lower lake levels?

DENNIS SCHORNACK: Well, Lake Huron-Michigan is clearly, of all of the five lakes, Huron-Michigan, which is really one lake because we check one

elevation – there's really only four Great Lakes, I'm sorry to (inaudible) tonight, but it's really at one elevation – that is the one that is down the most. It's down approximately a meter right now.

With respect to Lake Ontario and the St. Lawrence River, the reason that we're looking at that area is that the IJC regulates a very large dam that crosses the entire reach of the St. Lawrence River called the Moses-Saunders Dam.

And that dam is used to retain water on Lake Ontario in the spring, when it rains and there's great inflows into the lake basin, to retain that water for the protection of navigation in the fall, when the water is less available.

There have been concerns over the years raised by riparian owners, people who have homes on the lake shore, that the retention of that water means it's higher and that (inaudible)…damages their property.

There have been concerns raised about the environment and that a regulated river is not particularly a good habitat for the various species in the river. And there has been concerns raised by others in the marina and boating interests.

And these are all…those three interests – the environment, riparians, and marinas – are not mentioned in our treaty. They are not priorities that we operate under in terms of how we regulate this dam.

What has come to us – and I'll be very short with this because this is really your hearing, not my chance to give speeches – but what has come to us has been a series of different plans of how to operate that dam to more closely meet the

interests of the parties that live on the river and that use the river and that live on the lake and use the lake.

We are pretty confident that we're going to have a better operating rule for the dam, for the Moses-Saunders Dam at the end of this. And part of the upper lakes plan of study will be to do the same for the dams up at Sault Ste. Marie, as well as look at the St. Clair River.

There are no dams, as you know, on the St. Clair River. They have been discussed from time to time, but there are none there, so there's nothing for us to manage or operate in that regard.

LEON LESCZYZINSKI: Well, my comment there is, like, I don't know how long it took them to do this study, but it didn't take $14 million and five years to do it. You know, I'd like to have something happen in my lifetime.

DENNIS SCHORNACK: Sure.

LEON LESCZYZINSKI: I mean, five years of study, I think if that was the first thing you're going to look at, the St. Clair River, you study, I mean, that could be addressed actually in the first six months or some of the study.

I mean, just looking at five years down the road and then doing something, by the time of a three to five-year study, the stuff…your data could have changed. I don't understand why we take so long to address this, say, this one issue.

Either prove it or disprove it, and if it's proven to be a correct scenario of what happened or why the lake level, let's fix it. Why take five years to study it and $14 million a study…you could fix a problem with a fraction of that cost, I

believe, by dumping rock into the mouth of the river there, you know, and bringing the bottom level up.

DENNIS SCHORNACK: Well, I appreciate your comments…

LEON LESCZYZINSKI: That's what I'm here for, to comment.

DENNIS SCHORNACK: And I do think, I mean, sometimes these things require some patience. There are these key elements, as I mentioned, looking at the operations of the dams in the Sault, which is a slightly different picture than looking at the St. Clair River.

It's very possible, and I'll take the recommendation back to my fellow commissioners and see if there might be a way of actually breaking the study up into two parts, in effect, in other words issuing an interim report.

That might be a possibility. I can't make that decision unilaterally, by myself. This is a commission that operates as a unitary body, and there are six of us, and I'm the only one here tonight. But I will convey your thoughts.

LEON LESCZYZINSKI: I would appreciate that very much. Thank you.

DENNIS SCHORNACK: Thank you. Okay, that would bring up Robert…help me again…

ROBERT BEAUVAIS: Beauvais.

DENNIS SCHORNACK: Beauvais. My French is a bit weak even though I've been in and around Canada, a bilingual country, for a very long time. Go ahead.

ROBERT BEAUVAIS: Hi, my name is Robert Beauvais. I am currently a student at Central Michigan University. And the main thing is I just want a point of clarification, I'm not sure if you can actually give it to me or not.

In the Great Lakes Water Quality Agreement, are sources of groundwater such as aquifers taken into consideration?

DENNIS SCHORNACK: The Water Quality Agreement as it's stated right now is the surface waters of the Great Lakes and the tributaries to them.

Now groundwater might be considered tributary to surface water – they eventually do connect – but it is not, to my knowledge, and my expert staff here can correct me if I'm wrong on this, but I believe that groundwater is not directly mentioned currently in the Agreement.

ROBERT BEAUVAIS: Okay. My next point is since it is not directly actually stated in the Agreement, I feel very strongly that it would be a good addition due to the fact that many of these aquifers discharge directly into streams, rivers, lakes, and other such areas, so if they were contaminated, it would get into the water sources, even though it would be greatly diluted, like, as far as the actual contamination.

Also, it would be beneficial because the same rivers, lakes, streams, and other sources of water act as recharge areas for these groundwater systems, which means that groundwater systems, which means that contamination…or contaminants that were actually in these water sources get into the drinking water supplies and other supplies that directly affect humans, animals, and other

organisms which, I think, is something that should be of great concern to everyone (inaudible)…thank you.

DENNIS SCHORNACK: Thank you. You were very concise and to the point. I appreciate that very much. Okay, I have two cards left, one is Valerie McCallum, she would be next, to be followed by Clay Kelderbourne (?). So if Valerie is here, she could be…I'm sorry? Clay is going to go ahead of you? Okay. Welcome, Clay.

CLAY KELDERBOURNE: Thank you for having this meeting this evening. My name is Clay Kelderbourne, I am from Huron (?) County, and I am an elected official in Huron County and a project supervisor of lake (inaudible)…and that is a shoreline community along Lake Huron.

My story this evening is not too much different than everyone else this evening. I've sat through earlier portions of your meeting and listened to concerns that were raised about water quality, and I think it's why we're all here this evening, concerned about pollution.

I was listening to some of the comments by (inaudible)…reading a few of the booklets and pamphlets, and there are four criteria, four elements you are looking at. I was just making some notes about the expectations, the effectiveness, the scope, public engagement.

And to address the first thing, expectations, I guess what we would all expect would be clean water. I don't think that is asking too much, knowing that we are the keepers of the largest natural bodies of freshwater in the world.

Some of the issues that we find in our community, and one of the reasons why I'm here this evening, is along my township, our beaches have been closed for the last five years because of elevated levels of E.coli, and that is of great concern to all of the residents of our community.

We do not only see this in our community, but we see it in neighbouring communities along the shoreline. We feel that this is probably in part due to the lack of a uniform sanitary code in our state, and in conjunction with that, the movement into the state of industrial agricultural.

I notice on your overhead this evening that the last update, I believe, correct me if I'm wrong, was in 1987, and that has been some time. Industrial agriculture in our state, especially in my county, has been very prevalent in the last ten years, and Huron County being impacted by probably the largest number of confined animal feeding operations, the gamut from dairy, beef, poultry, hog, you name it, it's there.

And we feel that there is…the waters are being compromised through this type of land use. We're seeing nutrient overloads, high levels of E.coli, which I have noted earlier.

We've been participating in volunteer groups to do stream monitoring and bacterial level counts. Our county has received grants...most recently we received a grant from the USGS to study the level of pesticides and nutrient overloading in our streams and waterways, which greatly affects our lake.

Currently, we're working on doing a watershed management plan. That could be the cue (?) in our county to identify potential sources of pollution. What we are seeing at the forefront of our compromised bodies of water is pollution. And these issues, in whatever manner they need to be addressed, they do need to be addressed.

As far as effectiveness, when you gauge anything on its effectiveness, you look at the results of what is going on. I listened earlier about our level of awareness. We've raised the level of awareness with education, with our young people, but has the quality of our water improved?

I would have to say my area has not. And some other areas of the state, possibly. But I think we need to look at it as a uniform set of standards, that we have a level of expectation for clean water in any level of our Great Lakes.

Looking at the scope, I think we need to look at our land uses. Land uses will dictate or quality of water. From residential, commercial to agricultural, industrial, any manner of land use will affect our water quality, and I think that is something that we really need to look at.

Public engagement. These meetings are very beneficial, and it allows the public to have interaction with the IJC and other members who are in positions to make policy.

Again, I thank you for holding this meeting tonight, and I do look forward to finding out what your results are from your study. Thank you.

DENNIS SCHORNACK: Thank you, Clay. I have…there's actually two more people, and I would invite Valerie McCallum to come forward, and then to be followed by William Wright. So Valerie?

VALERIE MCCALLUM: Thank you. I'm with Clay, and so I'm not going to repeat what he said, but I did have some pictures here that I wanted to leave with you of our shoreline, that is showing the large areas of sludge. People that swam in this area did get sick.

There are pictures of weeds here that were growing along the shoreline, that are weeds that we were (inaudible)…wetlands type weeds.

And the testing that we've done on the Pinnebog River, which is a major river in Huron County, and part of the Saginaw Bay watershed, throughout the summer has consistently shown high levels of E.coli, too high for people to (inaudible)…

DENNIS SCHORNACK: Okay, thank you very much. I love it when people leave evidence, you know, and leave pictures. It's very helpful for us. I've always been a person that's believed a picture is worth 1,000 words. So with that, let me call William Wright, who, by my schedule here, looks like the last person that has expressed the desire to speak.

If there are others, I would encourage you to fill out one of these little cards and give it to Nick here, and he'd be happy to get you on the roster. William?

WILLIAM WRIGHT: First, I don't want to miss the opportunity, Dennis, to welcome you back home…

DENNIS SCHORNACK: Thank you.

WILLIAM WRIGHT: …to thank you and the IJC for the opportunity for the us here in the Bay City area to be part of the dialogue (inaudible)…of water quality.

I'd also like to thank Terry Miller for the excellent job he did of highlighting some of the salient environmental issues that we have been addressing here in this area, and believe me, he did summarize those briefly and only hit the hot spots. There's plenty of other things to talk about, there's a lot of work yet to be done.

Again, my name is Bill Wright. I am a member of several organizations here, but not speaking as a spokesperson for any of those. I had the privilege to be part of the Partnership for the Saginaw Bay Watershed. We are the Public Advisory Council for the Saginay River and Bay Area of Concern.

One of our major effort in recent years is the drafting of the Measures of Success document, which, I believe, was one of the first efforts to look at the process of de-listing and how one might measure progress toward that in an Area of Concern.

We have seen a number of things and a great deal of effort both in the IJC and here in Michigan, in our Department of Environmental Quality, moving towards the target of de-listing.

I've also had the privilege to be active with the Saginaw Bay Watershed Initiative Network, which is a sustainable development organization here in the area - and Mike Kelly (?), who is our coordinator, is here with us tonight – and also with the Saginaw Bay and Land Conservancy, which is a rather new organization working for the protection of parcels of property throughout the Saginaw Bay watershed and targeting in particular coastal wetlands, which we feel are critical and a very fragile resource here.

DENNIS SCHORNACK: If you don't mind my asking, Bill, is that related to the Nature Conservancy, which is a fairly large organization as well?

WILLIAM WRIGHT: We are a…

DENNIS SCHORNACK: Chapter?

WILLIAM WRIGHT: No, not a chapter at all, not related, not connected directly with the Nature Conservancy. The conservancy term simply refers to the land trust function of the organization.

I think perhaps where the Nature Conservancy focus much of its effort on the protection of habitat of endangered species, we are looking at more of a broader context, the protection of various types of resources, from wildlife habitat to soil preservation, addressing issues like farming, open space preservation, and other efforts like that.

DENNIS SCHORNACK: Thank you.

WILLIAM WRIGHT: We work rather well with the Nature Conservancy personnel that are in this area, as we have referred potential parcels back and

forth between the two organizations. But they are huge and nation-wide, maybe worldwide in scope; we're just really (inaudible) local.

But one of the things that I think we've had the chance to learn in the efforts that all of these organizations have undertaken is we still need to learn a lot more about our Great Lakes, and particularly about the relationships that our lakes have to the land and the people and people's activities…

(TAPE CHANGES SIDES)

…activities, whether it's from a governmental perspective, from non-government or from industry's perspective, need to be coordinated to pursue sustainability as a primary goal.

And as we define sustainability within the Saginaw Bay (inaudible) process, that means that we need to address the environmental, the economic, and the social context of every action that we take.

And how those things interact with each other not just presently, but throughout the foreseeable future, I think, should guide our actions in all of this that we do.

We cannot separate one of those issues from the other without it ultimately coming back to the detriment of whatever issue we think we were focusing on.

Relating to the notion of our Area of Concern in particular, and AOC efforts in general, the activity to try to restore and de-list Areas of Concern needs to be supported, both at the state and national level and the local level.

But we ought not to leave anybody with the impression that by focusing now on getting something restored and de-listed and identifying criteria and then saying, okay, once we've done this, we can de-list, we are not in any of this to be about a process of moving the goalposts.

We don't need to rush the process of restoring the ecological and biological integrity of the Great Lakes in such a fashion that we may compromise that process.

It's taken us 150 years to mess up the Great Lakes up to now. Maybe it's been longer than that. But if you look at the human impacts on the Lakes, they've been going on for a long time. There are things out there that we're beginning to deal with today that have been out there for a long time.

It may take longer than 150 years to clean up all of the mess that we've made so far. We don't need to kid ourselves about the fact that we are in for a very long struggle.

However, that should not cause us to move slowly from the point that we are today. And if you will forgive me for throwing in a one-liner, I heard it said earlier tonight, but we've already, in our effort to protect the Lakes, we're down from 5 to 4, we've really got to get on the stick before we lose another. (LAUGHS) Thanks a lot.

DENNIS SCHORNACK: Okay, thank you very much, Bill. That concludes the list of speakers that have…or people that have expressed a desire to

speak. Unless I see anybody else raise their hand and say they want to say something, that's going to draw a close to this public consultation tonight.

I will say, as a person who is returning home to Bay City after being for a very long time, that you have done my home community proud. You have done a very good job in coming forward tonight.

I appreciate everybody having taken out the time from their schedules and have come here on a Tuesday evening and to present. And clearly, many of the presentations have been very thoughtful, very carefully prepared and very specific, which is very helpful, I think, to the Commission, and it should be helpful to the two governments as they proceed with the review of this agreement.

We've heard a lot of things here tonight. We have heard about water quality in particular because that's the focus of the Agreement. We've also heard about water quantity.

And we have heard about everything from the different elements, from biological integrity to concern about E.coli and bacterial pollution in the Great Lakes. We've heard a concern about invasive species. We're heard concerns about the physical elements, the St. Clair River being chief amongst those.

And we've also heard again about chemical pollution, which continues to be a concern in the Lakes, and the fact that the Agreement perhaps doesn't identify or deal with some chemicals that are of nearly emerging concern.

I think that has been a very productive meeting. I wish my co-chair from Canada could have joined me here tonight. Unfortunately, the Right Honourable

Herb Gray was not able to be here tonight. But I have tried to fill in well in his absence, and I hope you all had a very interesting evening. It's been a good one for me.

And I would encourage you to continue to refine your ideas, to submit them to us in whichever form you wish. You had a chance tonight to hear people speak.

If you wish to submit comments in writing, you may do so at any time between now and, I suppose…I'm sorry, between now and the end of November, I'm told. So that's not too long from now, so if you're going to prepare comments, prepare them quickly.

So with that, I will again thank you for coming tonight, and I want to thank the City of Bay City, and particularly Mayor Katt for enabling us to use these wonderful facilities, and it has been a very productive evening. So with that, we are adjourned. I've always wanted to smack that table…

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