ALLIANCE for the GREAT LAKES

2020 Federal Policy Priorities

With the support of Congress, the Great Lakes region has made significant progress to protect and restore the Great Lakes. But, much more remains to be done.

The Alliance for the Great Lakes has identified key federal policy priorities for 2020. The priorities outlined in this document can have an immediate positive impact on the Great Lakes and the people live, work and play in the region.

Prevent Invasive Asian Carp from Reaching the Great Lakes

Invasive Asian carp were first detected in the Illinois River in the 1990s and have moved steadily closer to Lake Michigan.[1] Asian carp larvae have been detected less than 50 miles from the lake.[2] In June 2017, a live Silver Carp was found just nine miles from Lake Michigan.[3] In November 2019, numerous eDNA samples from two types of invasive Asian carp were detected just 2½ miles from Lake Michigan in Chicago's Bubbly Creek.[4] The establishment of invasive Asian carp in the Great Lakes would be catastrophic.

In May 2019, the U.S. Army Corps of Engineers delivered its Chief's Report on the Brandon Road Lock and Dam project to Congress. The recommended plan includes a number of technologies and both structural and non-structural measures to stop the movement of invasive Asian carp toward the Great Lakes. The lock at Brandon Road is a logical choke point location to install Asian carp control measures to prevent the fish from moving closer to the lake. The next phase of the project is for the Corps to begin the pre-

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[1] Irons, Kevin S., Koel, Todd M., Ratcliff, Eric, "Asian Carp Invasion of the Upper Mississippi River System," *USGS Upper Midwest Environmental Sciences Center*, 2000. https://www.umesc.usgs.gov/reports_publications/psrs/psr_2000_05.html

[2] "Update: Small Asian Carp Found in Marseilles Pool of Illinois River," *Asian Carp Regional Coordinating Committee*, October 30, 2015, https://www.asiancarp.us/News/Map103015.html

[3] "Silver Carp Found Nine Miles from Lake Michigan," *Asian Carp Regional Coordinating Committee*, June 29, 2017, https://www.asiancarp.us/News/silvercarpcapture.html

[4] Keith Matheny, "Asian Carp 'eDNA' found in Chicago creek near Lake Michigan. But what does it mean?" *Detroit Free Press,* November 25, 2019, https://www.freep.com/story/news/local/michigan/2019/11/25/asian-carp-edna-found-chicago-bubbly-creek-near-lake-michigan/4230603002/

construction engineering and design (PED) phase of the Brandon Road project, which is expected to take three years. Congress and the Corps must ensure that funding is available in FY21 for PED. Congress must also authorize construction of the protections at Brandon Road so that it can begin work immediately after PED is complete.

The Alliance supports:

- **Congressional appropriation of $4.94 million in FY21 federal funds for the U.S. Army Corps of Engineers for Brandon Road Preconstruction, Engineering, and Design (PED). PED is expected to take three years and is expected to begin in FY20. The total projected cost for the second year of PED, which should begin during FY21, is $7.6 million, with $2.66 million required from non-federal sources.**
- **Congressional authorization of the structural and nonstructural measures recommended by the U.S. Army Corps of Engineers in the Brandon Road Chief's Report[5] and full federal funding for the U.S. Army Corps of Engineers to construct the project in the next version of the Water Resources Development Act or other appropriate legislation.**
- **Ensure the project authorization allows the Corps to rapidly implement effective technologies at Brandon Road as they become available.**
- **Immediate implementation by the U.S. Coast Guard of navigation protocols to dislodge entrained fish from barge tows moving upbound (toward Lake Michigan) through the Brandon Road Lock.[6]**

Invest to Improve Outdated and Failing Drinking Water Infrastructure and Ensure Access to Safe, Affordable Drinking Water

According to the American Water Works Association, an estimated $1 trillion is necessary to repair, replace, and expand drinking water distribution systems over the next two decades.[7] In 2017, the American Society of Civil Engineers gave our nation's drinking

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[5]U.S. Army Corps of Engineers, *Chief's Report for The Great Lakes Mississippi River Interbasin Study – Brandon Road Final Integrated Feasibility Study and Environmental Impact Statement*, Todd T. Semonite, Lieutenant General, Chief of Engineers. Washington, D.C. 20019. https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll7/id/11399

[6] U.S. Fish & Wildlife Service - Midwest Region, *Preliminary Results of Fish-Barge Interactions at the Electric Dispersal Barrier in the Chicago Sanitary and Ship Canal*, by Aaron D. Parker and Samuel T. Finney, Carterville, Illinois: Department of the Interior, 2013, https://www.fws.gov/midwest/fisheries/carterville/documents/barge.pdf

[7] U.S. House of Representatives Committee on Energy and Commerce, *Hearing: Reinvestment and rehabilitation of our nation's safe drinking water delivery systems,* 115th Congress, 13 (2017). (statement of John J. Donahue, CEO of North Park

water system a "D" saying that much of our drinking water infrastructure is nearing the end of its useful life.[8] The U.S. Environmental Protection Agency's Drinking Water Infrastructure Needs Survey and Assessment, submitted to Congress in March 2018, found that the Great Lakes states have an outsized infrastructure need, with the eight states representing nearly 24% of total national need.[9]

The Drinking Water State Revolving Fund (DWSRF) provides low-interest loans to communities to improve outdated and failing drinking water infrastructure. In 2018, Congress reauthorized the DWSRF and Water Infrastructure Finance and Innovation Act (WIFIA) program. WIFIA works in coordination with the State Revolving Fund programs to accelerate investment in water infrastructure by providing subsidized financing for high-dollar water infrastructure projects.[10] Authorization of WIFIA funds expires in FY21. WIFIA should be reauthorized and funding for both WIFIA and the DWSRF should be increased.

The Great Lakes region is experiencing an alarming trend of diminished drinking water safety while local costs continue to rise.[11] Low-income households are especially burdened by these costs. Congress should mandate a set-aside of DWSRF funds as construction grants to financially distressed communities.

The Alliance supports federal legislation to:

- **Provide at least $3.5 billion to the Drinking Water State Revolving Fund;**
- **Provide at least $50 million in funding for the WIFIA program and reauthorize the program;**
- **Prioritize funding for financially distressed communities in the form of grants via the Drinking Water State Revolving Fund; and**

Public Water District in Machesney Park, IL, on behalf of American Water Works Association), https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/20170316-EE-Reinvestment%20and%20Rehabilitation%20of%20our%20Nation%27s%20Safe%20Drinking%20Water%20Delivery%20Systems.pdf

[8] "2017 Infrastructure Report Card: Drinking Water," American Society of Civil Engineers, 2017, https://www.infrastructurereportcard.org/wp-content/uploads/2017/01/Drinking-Water-Final.pdf

[9] U.S. Environmental Protection Agency, *6th Drinking Water Infrastructure Needs Survey and Assessment,* Office of Ground Water and Drinking Water, Drinking Water Protection Division. EPA 816-K-17-002, Washington D.C.: USEPA, 2018 https://www.epa.gov/sites/production/files/2018-10/documents/corrected_sixth_drinking_water_infrastructure_needs_survey_and_assessment.pdf

[10] "Water Infrastructure Finance and Innovation Act (WIFIA)," U.S. Environmental Protection Agency, Accessed December 20, 2019, https://www.epa.gov/wifia/learn-about-wifia-program#overview

[11] Maria Zamudio and Will Craft, "So Close, Yet So Costly," APM Reports, February 7, 2019 https://www.apmreports.org/story/2019/02/07/great-lakes-water-shutoffs (Accessed January 16, 2020).

- **Establish a federal low-income water and sewer assistance program that is similar to the Low-Income Home Energy Assistance Program.**

Invest in Stronger, More Resilient Communities by Updating Outdated and Failing Wastewater Infrastructure

More than 70 percent of all combined sewers, which collect both sewage and stormwater runoff, in the United States are located in the Great Lakes region.[12] Combined sewer overflows during heavy rains lead to raw or poorly treated sewage polluting our lakes. In areas with significant paved surfaces and aging stormwater infrastructure, urban flooding and basement backups pose serious health risks and result in significant economic losses.[13] These challenges are expected to get worse due to the impacts of climate change.[14] The American Society of Civil Engineers' 2017 Report Card for America's Infrastructure gave the nation's aging wastewater system a "D+".[15] Capital investment needs for the nation's wastewater and stormwater systems are estimated to total $271 billion over the next twenty-five years.[16]

The Clean Water State Revolving Fund (CWSRF) provides communities with funding for wastewater infrastructure. The amount of funding available through the CWSRF should be increased with set-asides for construction grants to financially distressed communities.

Green infrastructure helps to manage stormwater cost-effectively and yields environmental, public health and economic benefits. However, uncertainty regarding municipal obligations for operations and maintenance can be a barrier to implementation. A portion of CWSRF funds should be dedicated to implementing and maintaining green infrastructure.[17]

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[12] "Report to Congress: Combined sewer overflows into the Great Lakes Basin," U.S. EPA, Office of Wastewater Management, April 2016, https://www.epa.gov/sites/production/files/2016-05/documents/gls_cso_report_to_congress_-_4-12-2016.pdf

[13]Sampson, Natalie R.; Price, Carmel E.; Kassem, Julia; Doan, Jessica; Hussein, Janine, 2019, ""We're Just Sitting Ducks": Recurrent Household Flooding as An Underreported Environmental Health Threat in Detroit's Changing Climate," *Int. J. Environ. Res. Public Health* 16, no. 1: 6. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6338881/

[14] Pratik Pathak, Ajay Kalra & Sajjad Ahmad "Temperature and precipitation changes in the Midwestern United States: implications for water management," *International Journal of Water Resources Development*, 33, no. 6 (2017), 1003-1019, https://www.tandfonline.com/doi/full/10.1080/07900627.2016.1238343 (Accessed January 17, 2020).

[15] 2017 Infrastructure Report Card: Wastewater. American Society of Civil Engineers. Retrieved from: https://www.infrastructurereportcard.org/wp-content/uploads/2017/01/Wastewater-Final.pdf

[16] Ibid.

[17] Great Lakes Commission and Credit Valley Conservation, *Great Lakes Regional Green Infrastructure Policy Analysis: addressing barriers to implementation,* September 2018, https://www.glc.org/wp-content/uploads/GI-policy-analysis.pdf

America's Water Infrastructure Act of 2018 created the Sewer Overflow and Stormwater Reuse Municipal Grants program. The two-year funding authorization expired in FY20. The program set aside 20% of its funding for green infrastructure and prioritized financially distressed communities that need infrastructure investments to stay competitive.[18] Congress should reauthorize the program.[19]

The Alliance supports:

- **Providing at least $6 billion to the Clean Water State Revolving Fund for FY2021;**
- **H.R. 1497, the Water Quality Protection and Job Creation Act of 2019. We urge Congress to increase the proposed Clean Water State Revolving Fund authorization levels in this bill to $6 billion annually. We support critical components of this legislation including:**
    - **Prioritization of financially distressed communities in the form of grants via the Clean Water State Revolving Fund;**
    - **Dedicated funding from the Clean Water State Revolving Fund for green infrastructure including operations and maintenance, with priority given to financially distressed communities;**
    - **Reauthorization of the Sewer Overflow and Stormwater Reuse Municipal Grants program created under the America's Water Infrastructure Act of 2018.**

Reauthorize the Great Lakes Restoration Initiative and Provide at least $350 Million in FY21

Bipartisan support for the federal Great Lakes Restoration Initiative (GLRI) has resulted in significant on-the-ground environment and community improvements in all eight Great Lakes states. The GLRI supports efforts to clean up toxic pollution, restore fish and wildlife habitat, combat invasive species like Asian carp, and prevent polluted runoff from farms and cities.

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[18] 33 *U.S. Code 33* (2019), §1301. Sewer overflow and stormwater reuse municipal grants, http://uscode.house.gov/view.xhtml?req=(title:33%20section:1301%20edition:prelim)

[19] America's Water Infrastructure Act of 2018, U.S.C. s 2800 (2018). https://www.congress.gov/bill/115th-congress/senate-bill/2800/text

A 2018 study from the University of Michigan showed that every $1.00 of federal spending on GLRI projects between 2010 and 2016 will produce $3.35 in additional economic activity in the Great Lakes region through 2036. [20]

Last year, the U.S. House Transportation and Infrastructure Committee passed H.R. 4031, the Great Lakes Restoration Initiative Act of 2019, which would increase GLRI funding by $25 million per year beginning at $375 million in FY22 and reaching $475 million in FY26. [21] Congress should finish the work it started by passing the GLRI Act of 2019.

As a member of the Healing Our Waters – Great Lakes Coalition, we support its legislative agenda, including funding the GLRI with at least $350 million in FY21. We support reauthorization of the GLRI through the GLRI Act of 2019.

Uphold Existing Environmental Laws and Restore the U.S. Environmental Protection Agency's Enforcement Ability

The U.S. EPA plays the critical federal role in safeguarding the Great Lakes, protecting our public health and keeping our water safe and clean. In recent years, however, more than 80 rules and regulations that the U.S. EPA has used to accomplish these goals have been rolled back.[22] These changes, together with staff cuts, have reduced U.S. EPA's ability to enforce the Clean Water and Safe Water Drinking Acts. Under the Trump administration, U.S. EPA pursued fewer cases and sought fewer civil penalties than during the Obama or Bush Administrations.[23]

Rollbacks and staff cuts undermine states' ability to protect the environment and people's health, undermine scientific research in government decisions, and reduce U.S. EPA's capacity to coordinate important regional projects like the GLRI and the Asian Carp Regional Coordinating Committee. Currently, Region 5 is 50 employees below the level of

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[20]Great Lakes Commission, *Assessing the Investment: The Economic Impact of the Great Lakes Restoration Initiative,* (Summary Report by Great Lakes Commission and Council of Great Lakes Industries, September 2018). https://www.glc.org/wp-content/uploads/GLRI-Project-Summary-Report-20180924.pdf

[21]H.R. 4031 Great Lakes Restoration Initiative Act, 116th Congress, 1st Session (2019). https://www.congress.gov/bill/116th-congress/house-bill/4031/text?q={%22search%22%3A%5B%22hr+4031%22%5D}

[22]Nadja Popovich, Livia Albeck-Ripka and Kendra Pierre-louis, "85 Environmental Rules Being Rolled Back Under Trump," *New York Times*, September 12, 2019, https://www.nytimes.com/interactive/2019/climate/trump-environment-rollbacks.html

[23]Eric Lipton-Danielle Ivory, "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *New York Times*, December 10, 2017, https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

positions authorized by Congress (995). Compared to 2015, the region has 150 less scientists, technicians, and other employees. Correspondingly, the number of inspections and enforcement actions have decreased, with 60% fewer inspections occurring (compared to a national decline of 30%).

It is essential that Congress support U.S. EPA to fulfill its mission to ensure that progress in restoring the Great Lakes is not undermined by weakening of bedrock laws that protect clean water and the Great Lakes, now and in the future.

The Alliance urges Congress to:

- **Do everything within its power including oversight hearings to ensure that bedrock environmental laws that safeguard the environment and human health;**
- **Restore U.S. EPA Region 5 funding and staff capacity to the levels necessary to fulfill its duties to protect water for humans and wildlife.**

Fund Federal Agencies and Programs that are Critical to Protect and Restore the Great Lakes

Along with the U.S. Environmental Protection Agency, the Clean Water Act, and the Great Lakes Restoration Initiative, there are many federal agencies and programs that are vital to successful protection and restoration of the Great Lakes. The National Oceanic and Atmospheric Administration (NOAA), U.S. Fish and Wildlife Service, U.S. Geological Society (USGS), U.S. Army Corps of Engineers administer important Great Lakes programs.

The Alliance urges Congress to fund the work of these agencies individually and collectively in order to protect and restore the Great Lakes. This should include:

- **Funding for NOAA's Coastal Zone Management Grants at $77 million;**
- **Funding for NOAA's Great Lakes Environmental Research Lab at $10 million;**
- **Funding for NOAA's Marine Debris Program at $15 million;**
- **Funding for NOAA's Harmful Algal Blooms work at $25 million;**
- **Funding for the U.S. Army Corps of Engineers Great Lakes Fishery and Ecosystem Restoration Program at $10 million;**
- **Funding for the Great Lakes Fish and Wildlife Restoration Act at $8 million;**

- **Funding for the U.S. Army Corps of Engineers to carry out the Great Lakes Coastal Resiliency study at $1.2 million; and**
- **Funding for the USGS Great Lakes Science Center at $17.5 million.**

Ensure the Great Lakes are Protected from Aquatic Invasive Species

Aquatic invasive species wreak havoc on the ecosystems of the Great Lakes and cost our communities millions of dollars every year. Since the opening of the St. Lawrence Seaway in 1959, fifty-five percent of the invasive species found in the Great Lakes were brought here in the untreated ballast water of ocean going vessels.[24] Once introduced, they can be spread throughout the lakes by vessels that only operate in the Great Lakes.[25] Together, the U.S. EPA and U.S. Coast Guard (USCG) are tasked with regulating ballast water discharges to protect the Great Lakes from the introduction and spread of aquatic invasive species.

Signed into law in 2018, the Vessel Incidental Discharge Act (VIDA) establishes a new framework for regulating ballast water under the Clean Water Act (CWA). In 2020, the U.S. EPA will release draft standards for ballast water discharges from vessels and has one year to finalize them. Two years after that, the USCG will develop regulations for implementation, compliance, and enforcement of the U.S. EPA's standards.

VIDA also created the "Great Lakes and Lake Champlain Invasive Species Program" led by the Great Lakes National Program Office (GLNPO) at U.S. EPA Region 5. Funding for this program supports invasive species monitoring to enable rapid response and also supports the development of ballast water treatment for commercial ships operating solely within the Great Lakes, commonly referred to as "Lakers".

The Alliance urges Congress and the U.S. EPA to:

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[24] Kelly, David. "Vectors and Pathways for Nonindigenous Aquatic Species in the Great Lakes ." Vectors and Pathways for Nonindigenous Aquatic Species in the Great Lakes . Transportation Research Board Special Report 291, June 2007. http://onlinepubs.trb.org/onlinepubs/sr/sr291_kelly2.pdf.

[25] Cangelosi, Allegra. "Great Waters Research Collaborative: Great Lakes Ship Ballast Monitoring Project Technical Report." Great Waters Research Collaborative: Great Lakes Ship Ballast Monitoring Project Technical Report. Lake Superior Research Institute, May 2018. https://www.uwsuper.edu/lsri/publications/upload/LSRI-GWRC-TR-GLSBM-1_FINAL-FOR-RELEASE_31May2018_2_ForSignature.pdf .

- **Support revised ballast water standards with no new exemptions to existing ballast water exchange requirements for oceangoing vessels and that mandate ballast water treatment for all vessels that operate in the Great Lakes including "Laker" vessels;**
- **Fund the Great Lakes and Lake Champlain Invasive Species Program at the authorized level of $50 million and prioritize:**
    - **Research and development of ballast water management and monitoring systems for commercial vessels that operate solely in the Great Lakes ("Lakers"); and**
    - **Early detection and rapid response to new aquatic invasive species to prevent establishment and spread in the lakes.**

Nutrient Pollution: Unsafe Drinking Water, Closed Beaches, and Dead Zones

Nutrient pollution, which fuels massive toxic algae blooms, is a significant threat to the region's drinking water, quality of life and economic well-being. Nonpoint sources - specifically agricultural sources - are the largest contributor of phosphorus pollution in western Lake Erie.[26] (Phosphorus is the main driver of harmful algal blooms in western Lake Erie.) In August 2014, nearly a half-million people in communities around western Lake Erie experienced multi-day drinking water bans as a result of toxic algae.[27] Harmful algal blooms are a significant problem in other parts of the Great Lakes, including Green Bay, WI, Saginaw Bay, MI and Genesee River, NY. As a result, the U.S. and Canada set a 40% reduction target for phosphorus loads entering western Lake Erie by 2025.[28] Additionally, four counties and the Oneida Nation have set a 30% phosphorus reduction target by 2030 for the Lower Fox River, which flows into Green Bay.[29]

This is a solvable problem. Researchers estimate that the extremely wet fall of 2018 and spring of 2019 resulted in less planting and less fertilizer application across western Lake

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[26] Wilson, R.S. et al. "Achieving phosphorus reduction targets for Lake Erie." November 2018. Journal of Great Lakes Research 45. Retrieved from: https://lakeeriefoundation.org/wp-content/uploads/2019/03/Phosphorus-Reduction-Targets-For-Lake-Erie-Elsevier.pdf

[27] Wines, Michael. "Behind Toledo's Water Crisis: A long troubled Lake Erie." New York Times, August 4, 2014. Retrieved from: https://www.nytimes.com/2014/08/05/us/lifting-ban-toledo-says-its-water-is-safe-to-drink-again.html?_r=0

[28] Canada and U.S. 2016. The United States and Canada adopt phosphorus load reduction targets to combat Lake Erie algal blooms. February 26, 2017. Retrieved from: https://binational.net/2016/02/22/finalptargetsciblesfinalesdep/

[29] **Schneider**, Doug. 2019. "Cleaner water: County leaders commit to prioritize health of Green Bay, Fox River." Green Bay Press Gazette, March 5, 2019.

Erie's agricultural lands. Concurrently, there was a noticeable reduction in nutrients flowing into the lake.[30] Reduced manure and fertilizer inputs in 2019 played a role in a 24% reduction of bioavailable phosphorus loads into Lake Erie.[31] Reducing fertilizer on the land means an immediate reduction of pollution into Lake Erie.

A recent study indicates that the 40% phosphorus load reduction target for western Lake Erie is possible with the immediate adoption of multiple conservation practices across 50-80% of agricultural land.[32] In a recent survey of farmers in western Lake Erie, a majority of respondents indicated that they accept that adopting new best management practices are part of the solution to water quality issues in Lake Erie.[33] And at the 2019 Fox Watershed Farmer Roundtable near Green Bay, WI, 92% of the farmers felt that achieving a 25% reduction in phosphorus entering the Bay was very important for agriculture and the watershed. Funding and technical assistance are needed to implement these practices, reduce nutrient pollution, and measure performance in waterways.

In the coming year, the Alliance supports:

- **Full funding for Farm Bill Conservation Programs as authorized in Title II of the Agriculture Improvement Act of 2018;**
- **Linking federal conservation funding with measurable water-quality improvements and achievement of Clean Water Act Total Maximum Daily Load (TMDL) goals;**
- **Creating a TMDL for phosphorus pollution for the western Lake Erie basin by U.S. EPA and Ohio, Michigan, and Indiana.**
- **Funding for water quality monitoring and annual reporting on whether existing pollution control targets are being achieved in western Lake Erie and Green Bay.**

[30] Winslow, Christopher. 2019. "2019, Knowns and Unknowns" presented to Great Lakes Funders Collaborative: State of Lake Erie webinar with data provided by Dr. Laura Johnson of Heidelberg University. Ohio Seagrant. Retrieved from: https://zoom.us/recording/play/XXE4QMYaxjzpJDcoQrUsqBi7dHJAlWy2Sxse9A1Fw0_9mG6rHKyldG76_RBqYl8a?startTime=1570210208000

[31] Ibid

[32] Scavia, D., et al. 2016. "IInforming Lake Erie Agriculture Nutrient Management via Scenario Evaluation." Ann Arbor, MI: University of Michigan Water Center.

[33] Beetstra, M., Tellez, C., and Wilson, R. 2018. 4R Nutrient Stewardship in the Western Lake Erie Basin Part II: A Panel Study. Columbus, OH: The Ohio State University, School of Environment & Natural Resources.

- **Provide permanent and dedicated funding to the Land and Water Conservation Fund to ensure continued conservation of natural areas, wildlife habitat and open spaces from urban parks to large landscapes. The Land and Water Conservation Fund preserves wetlands, forests, watersheds and green space which are critical to protecting water quality.**

About the Alliance for the Great Lakes

The Alliance for the Great Lakes is a nonpartisan, nonprofit organization working across the region to protect our most precious resource: the fresh, clean, and natural waters of the Great Lakes.

Our staff are headquartered in Chicago, with field offices in Buffalo, Cleveland, Detroit, and Milwaukee. Our Board of Directors represent a wide range of interests and expertise from around the Great Lakes region.

Learn more at www.greatlakes.org or follow us on Facebook, Twitter, and Instagram.