

INTEGRATING DATA, RESOURCES, AND CAPABILITIES IN THE GREAT LAKES: IMPACTING FEDERAL, STATE, TRIBAL, LOCAL, AND PRIVATE PARTNERSHIPS THROUGH THE AREA COMMITTEE

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ABSTRACT: *The Great Lakes of the United States and Canada comprise, essentially, a closed freshwater system in which over 31 million individuals coexist within the industrial, agricultural, and recreational economies of the region. With annual replacement rates of less than one percent, pollutants introduced into the Great Lakes can, over time, concentrate, resuspend, and infiltrate the biologic system through annual lake turnover, navigational dredging, and cycling through the food web. Past spills of oil and hazardous substances resulted in highly elevated levels of byproducts such as polycyclic aromatic hydrocarbons (PAHs), heavy metals like mercury, and toxics including polychlorinated biphenyls (PCBs). These have resulted in stream degradation, fish consumption advisories, fish kills, and beach closures, with impacts felt at the local, watershed, regional, and binational levels. Traditionally, in the Great Lakes, local and regional policy groups have interacted with the Federal government through such programs as Areas of Concern (AOC) and the LakeWide Management Plan (LaMP) process; but these venues have not allowed direct interaction with the response and remedial community at any level. Area Committees, on the other hand, and also operating at more or less the local level and with a broad spectrum of participation, are uniquely situated to evolve and assist with specific issues on a timely basis. The coordinative and collaborative abilities of the Area Committee allow for initiating timely information gathering, focused decision-making, and action implementation, if necessary. The benefits of Area Committee involvement are two fold and profit both the policy and response groups in the Great Lakes.*

- *The concerns, historic practices, and larger-scale/longer-term vision can be vetted through the policy groups to the Area Committee.*
- *The Area Committee can, in turn, influence its members in specific directions through modified scopes of investigation and training/exercising that specifically address Area responsibilities.*

The Area Committee's ability to expand its audience and augment its knowledge base is critical to developing a fully integrated multi-tiered and multi-missioned planning, preparedness, and response community.

Discussion

Environmental planning efforts in the Great Lakes region have traditionally involved a very divergent process. The U.S. Department of Agriculture Natural Resources Conservation Service (formerly the Soil Conservation Service) focused planning and prevention work on soil erosion. The National Park Service studied how adjacent properties and additional acquisitions impacted their sites. Watershed groups looked at point and non-point pollution sources specific to a narrow area. Local Emergency Planning Committees were tasked to analyze and plan for potential acute releases within a political boundary. Single-issue-oriented groups dominated a fractured two-dimensional landscape of people and processes. Three-dimensional visioning was required to integrate these people and processes with appropriate and accurate data.

The Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (OPA), expanded Federal requirements regarding oil spill and hazardous substances preparedness at all levels of government for those facilities determined to have the potential to cause "substantial harm" or "significant and substantial harm" to the public health and environment. OPA mandated the establishment of new planning entities and requirements for the National Response System to deal specifically with oil spills and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) regulated hazardous substances during preparedness and response activities. To accomplish the coordinated planning process envisioned by OPA, Area Committees were established under the direction of the U.S. Coast Guard (USCG) or U.S. Environmental Protection Agency (U.S. EPA) pre-designated On-Scene Coordinator (FOSC). These Committees, which include experienced environmental and response representatives from Federal, state, international, and local government agencies, and the non-voting industrial and scientific communities, are charged with developing an Area Contingency Plan (ACP). The ACP, in conjunction with the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300) (NCP), is envisioned to be adequate to remove a "worst case discharge" from a facility or vessel

operating in the Area and to mitigate or prevent a substantial threat of such a discharge in the Area.

In conjunction with the Area Committee's planning and preparedness functions, it meets on a regular and ongoing basis to review and update the ACP, announce and relay topical issues from member agencies, and address concerns and events specific to the membership and OPA. As Area Committees and the preparedness and response communities have matured, they have expanded and increased both their knowledge bases and scopes of activities. One example of the beneficial and alternative use of the Area Committee occurred in Southeast Michigan in the spring and summer of 2001.

The Southeast Michigan (SEM) Area Committee is jointly chaired by the Captain of the Port (COTP) for the Marine Safety Office (MSO) Detroit, U.S. EPA Region 5, and the Michigan Department of Environmental Quality (MDEQ) – Surface Water Quality Division. The 15 county area includes the urban complexes of greater metropolitan Detroit, Ann Arbor, Flint, Saginaw, and Bay City, Michigan. The SEM Area also shares the international border with the Canadian Province of Ontario and the population centers of Windsor and Sarnia. It was here, just south of Sarnia in an industrial area known as "Chemical Valley" where the SEM Area Committee has played a key-coordinating role.

Forty percent of Canada's refining capabilities are located in Chemical Valley. In addition, chemical giants Dow, DuPont, and Nova Chemicals, among others, have major facilities here. Together they are a major grouping of Canada's chemical and petrochemical facilities. Their properties front the St. Clair River, the international border. Downstream on the U.S. side of the St. Clair River are six municipal potable water intakes. There are also numerous environmental and economically sensitive areas, including First Nations lands on the Canadian side, and the fastest growing area in the Detroit Metropolitan area. In recognition of the potential for spills and the potential receptors downwind and downstream on both sides of the river, the Chemical Valley industries formed the Chemical Valley Emergency Coordinating Organization (CVECO). A part of the planning and response functions of CVECO includes a notification protocol developed jointly with the Michigan State Police (MSP), the designated State Incident Commander.

Notification to MSP is framed around the spill size, type, and potential to impact the Michigan shores and population. Routine notifications made within Canada have included numerous spill quantities that would normally not attain the U.S.'s "reportable quantity" threshold. Each release event, however, was reported to the First Nations peoples of Walpole Island, located on the Canadian side of the St. Clair River delta. In addition, releases deemed by CVECO to warrant U.S. notification were made to MSP. MSP would then evaluate the merit of notification to the local communities. Usually, this process has worked efficiently, with computer models and experience showing that waterborne spills originating in Canada will mostly hug the Canadian side with the prevailing winds and fast currents of the St. Clair River. On the U.S. side, individual and municipal interest was generally satisfied that is, until the local press started comparing reports coming to the U.S. versus those reports going to the Walpole Island First Nation. The Double-digit report totals to MSP did not jibe with the 700-plus going to Walpole Island. Additionally, MSP's outgoing reports to the local communities did not match with their incoming numbers from Canada. Thinking they were on to something, the local U.S. press pursued "an important story" with "high potential health impacts" to the residents of one

city, Mt. Clemens, located downstream on the shores of Lake St. Clair.

City and county lawyers, state representatives, watershed councils, and U.S. Representative David Bonior (then beginning his campaign for Governor) jumped into the fray. Town meetings were convened, investigations were proposed, additional press stories appeared in larger and larger papers, and more and more regional agencies became interested. It seemed everyone, save the Canadians, was involved.

It took the co-chairs of the SEM Area Committee attending one of these town meetings to bring the facts of this issue to light. The opportunely timed and regularly scheduled Area Committee meeting was moved to Mt. Clemens and the agenda reworked to accommodate the special interest topic. Because Canadian representation on the SEM Area Committee has been fostered since the beginning, locating and adding specific expertise to the agenda was easy. In addition, MSP personnel were advised to speak specifically to this issue in conjunction with their Canadian liaison. Also invited were the city and county lawyers, members of the press, and Walpole Island representatives.

To make a long story short, CVECO described their monitoring processes; Walpole Island explained their agreement to receive notice of all releases; MSP expanded on their notification procedures; and the Area Committee, acting as independent arbiter in this case, tied the planning and science portions together for those gathered. For the first time throughout the process, all concerned viewpoints were presented in a single forum. Essentially, concerns were dampened, awareness was heightened in a positive manner, and the Area Committee played a higher profile role by fostering local participation and international cooperation.

Conclusions

Along with this specific example, other Area Committees in the Great Lakes participate in numerous activities and organizations key to public health and safety and the environment. This outreach type of engagement helps broaden local government and community awareness of the Area Committee and its member's duties. Though sometimes on the fringe of "normal" Area Committee activity, this type of mission helps solidify the Area Committee's integration role, provides increased mission ownership among its membership, and heightens awareness of its activities.

If they remain strictly within the scope of their mission under OPA, Area Committees, their membership, and their wide-ranging expertise can be horribly under-utilized. Area Committee leaders should look for ways to expand each Committee's scope and audience. While the mandates of OPA will continue to dominate Area Committee responsibilities, the potential circle of each Committee's influence can grow beyond, and encompass appropriate aspects of, its member's defined duties and may include issues or situations involving weapons of mass destruction, water quality, broad-scoped international response and preparedness planning, and pollution prevention efforts should be fostered.

Biography

Thomas Rayburn works for the Great Lakes Commission in Ann Arbor, Michigan as Senior Project Manager for

Environmental Quality. Mr. Rayburn has worked for the Ninth Coast Guard District and various environmental/engineering consultants as an engineer, planner, responder, and scientist. He has a Bachelor of Science degree in Geosciences from Purdue University and has completed Graduate level work in Environmental Science and Engineering at Virginia Polytechnic Institute and State University and George Washington University.

