



## 2011 Michigan Water Protection Agenda

Michigan's unique water resources must be protected. They are essential to Michigan's tourism, agriculture, manufacturing and other industries. "Pure Michigan" is built upon a Great Lakes way of life.

Michigan is literally defined by its water — the Great Lakes and our many other water treasures. When we think of Pure Michigan, we picture clean beaches, safe drinking water, abundant habitat for fish and wildlife, healthy people, and energy choices that protect our water; we picture a virtual water wonderland. But how can we be sure the foundation of our way of life is preserved now and for future generations at a time when some are calling for repeal of water protection regulations and extreme reductions in funding for environmental protections? How do we make sure we are Pure Michigan and not Pure Hype?

The following is Clean Water Action's [2011 Michigan Water Protection Agenda](#) that shows how the Governor and State Legislature can safeguard our waters. The Michigan Water Protection Agenda will be on our website and we will update it throughout the 2011 Legislative Session. Clean Water Action's [2011 Michigan Water Protection Agenda](#) will ensure that Pure Michigan is more than a slogan — that it's not just a state of mind but a state of being.

### **About Clean Water Action:**

A 501(c)(4) active since 1971, Clean Water Action has 1.2 million members nationally and more than 250,000 Michigan members. Clean Water Action is dedicated to citizen empowerment and works to develop strong grassroots coalitions, organizations and citizen leadership, and enables people to plan and conduct campaigns for changes that improve their lives, focused on health, consumer, environmental and community problems.

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### **CLEAN BEACHES AND SAFE DRINKING WATER**

Michigan's waters must be swimmable and drinkable and our [2011 Michigan Water Protection Agenda](#) prioritizes common-sense ways to protect our health and keep our waters safe.

### ***Repair Leaky and Outdated Sewage Systems***

Michigan's tourism industry relies on clean beaches, but visitors won't want to come to Michigan if the beaches are closed when they get here. Pollution caused 342 closing and advisory days for Michigan beaches last year as reported in Natural Resources Defense Council's annual report — *Testing the Waters: A Guide to Water Quality at Vacation Beaches*.

Beach closures are largely due to the presence of *E. coli* and other contaminants found in human waste released during large rain events. Sewage overflows happen because outdated sewer systems can't hold both waste water and stormwater. Planned sewage releases, Combined Sewer Overflows (CSOs), are required to prevent flooding in homes and businesses, but they dump billions of gallons of sewage into Michigan's waters.

In 2002, Clean Water Action released its "*Wasting Michigan's Water Wonderland*" report, which documented more than 50 billion gallons of raw and partially treated sewage entering Michigan's waterways annually. This

report was cited as key evidence of the need for the 2002 \$1 billion “Great Lakes Water Quality Bond” that won voter approval by more than 60%. We were active in drafting the bills that placed it on the ballot and in educating voters about the need to vote “yes” on the bond.

Fixing Michigan’s sewer infrastructure will not only protect Michigan’s tourism industry, it is a great job creator. There are a variety of solutions to sewage overflows, including green infrastructure — like rain gardens and permeable paving — which are low-cost and employ construction workers, engineers and landscapers. A regional Healing Our Waters report showed that sewer upgrades and green infrastructure projects had a 2-to-1 return on investment.

Fast-forward to 2010 and note that the state environmental agency’s most recent annual estimate reveals that 40 billion gallons of sewage are still entering our waterways. Unfortunately, instead of pushing to release the Great Lakes Water Quality bond dollars to communities to improve water quality and create jobs, the Michigan legislature raided the bond to plug other budget holes. We worked to prevent this from happening and, instead, called on the legislature to loosen the purse strings on the bond dollars for priority projects because Michigan voters intended those bond dollars to be used to eliminate sewage overflows.

*We will work with lawmakers in the House and Senate to enact the following legislative solution:*

- ▶ Working on behalf of Michigan voters to ensure the legislature allows for the timely **release of the Great Lakes Water Quality Bond dollars through grants rather than loans** in order to get the sewage out of Michigan’s water.

## Ensure Septic Systems Protect Rather Than Pollute Our Water



Photo: Kym Spring, Clean Water Fund

After sewage bubbled up into their yard, children watch their septic tank get a much needed pump out.

Although it is estimated that there are over 1.2 million septic systems in Michigan generating roughly 264 million gallons of liquid waste per day, Michigan is the only state without statewide standards for all aspects of septic system design, installation, operation and maintenance.

Domestic wastewater can contain bacteria and viruses that cause dysentery, hepatitis and typhoid fever. Soil and soil bacteria can effectively remove most pathogens (disease-causing microorganisms) from wastewater treated in a properly functioning septic system. Contaminants that may enter groundwater through septic systems also include heavy metals and toxic chemicals from small commercial establishments, toxic household products and organic chemicals typically found in septic tank cleaning products. Nitrogen and

phosphorus are the most common pollutants released by even properly operating systems. These can fuel algae blooms and lead to degraded water quality overall.

*We will work with lawmakers in the House and Senate to enact the following legislative solution:*

- ▶ **Establish a statewide sanitary code for septic systems** to protect Michigan’s water and our health from biological and chemical contamination contained in septic wastes.



Combined Sewage Overflows threaten communities, especially our beach towns.

Photo: Steven Pepple, Dreamstime

## Reduce Polluted Stormwater Runoff

According to federal government findings, rain washing off of concrete and asphalt threatens Great Lakes water quality as much as industrial water pollution. Agricultural waste is also a serious issue for many Michigan communities. Stormwater runoff not only harms water quality but can also change the natural flow of a river or stream resulting in flooding, streambank erosion and water temperature variations, all of which can damage important aquatic resources such as trout habitat. Flooding harms private property in low-lying areas and transports pollutants from sewers and flooded land.

The green infrastructure solutions useful to prevent sewer overflows from CSOs are also key to the management of polluted stormwater entering our waterways. Techniques like rain gardens, constructed wetlands, berms and other features keep the rainwater in the natural cycle, act as a buffer from pollution entering surface water, and prevent against flooding.

*We will work with lawmakers in the House and Senate to enact the following legislative solution:*

- ▶ Advance green infrastructure investments by **supporting legislation giving local governments the right to create local stormwater utilities** which would allow them to establish dedicated funding for stormwater management projects.

## ABUNDANT HABITAT FOR FISH AND WILDLIFE

Making sure our natural ecology of an area stays healthy is not only good for supporting wildlife; it is vital to making sure our neighborhoods and homes are protected. Clean Water Action will be a leader in putting practical policies to work for our wetlands.

## Protect Michigan's Remaining Wetlands

Michigan has lost approximately half of its original wetlands since European settlers arrived. Wetlands play an essential role in protecting our water because they filter and cleanse it, provide valuable habitat for fish and wildlife, and absorb stormwater that otherwise would flood streets and basements.

Clean Water helps represent the environmental community on the Wetlands Advisory Council, which was created in 2009 by the Michigan legislature. This Council is charged with identifying areas the state could improve its wetlands oversight program rather than sending it back to the federal government, which would lead to less oversight and protection as well as delay and uncertainty for businesses.

*We will work with lawmakers in the House and Senate to enact the following legislative solution:*

- ▶ By maintaining an active voice on the Wetlands Advisory Council, we work with stakeholders to **establish a plan for changes to Michigan's law that create a more streamlined regulatory program, while ensuring our vital wetlands are protected.**



Wetlands in Presque Isle County.

Photo: Jim McCormac

## HEALTHY PEOPLE

To keep our families safe from dangerous exposures to toxins Michigan must have strong environmental health protections against serious risks from harmful chemicals and other pollutants. Our laws have failed to keep pace with these threats. Clean Water Action proposes modernizing and strengthening protections against health-threatening pollution.

### *Reducing Exposures to Toxic Chemicals*

All pollution eventually enters the water cycle, whether by leaching from landfills, air to water disposition of contaminants, or from discharges from industrial manufacturing facilities. Bodily exposure to toxics can come from something as seemingly innocuous as dust, household cleaners, or personal care products. Many chemicals bioaccumulate in humans and animals which leads to a multiplier effect from these exposures. Chemicals like flame retardants are transferred from mother to child during pregnancy and are found to be accumulating in increasingly high concentrations in aquatic species such as gulls, salmon, walleye, and trout.

Clean Water Action has worked for decades both in Michigan and nationally to help spearhead campaigns to reduce exposures to harmful toxics. We have fought for the right-to-know when dangerous chemicals are present in children's products, and we have pushed to create a market for Michigan-made derived from "greener" alternatives.

We have also helped lead the charge to reduce exposure to diesel pollution which is estimated by the Clean Air Task Force to kill 443 Michiganders every year, with hundreds more suffering non-fatal heart attacks and over 15,000 asthma attacks. The cost of health impacts from Michigan's diesel pollution problem is estimated to be over \$3.6 billion dollars a year. The U.S. Environmental Protection Agency has found at least \$13 in health care savings for every \$1 invested in air pollution reductions.

Because threats from climate change pose serious dangers to the Great Lakes, Clean Water Action is working to reduce carbon pollution. Black carbon, which is also known as soot, is a large contributor to climate change-causing pollution, but 90% of it can easily be removed with diesel emission filters, many of which are made here in our state. Michigan is #2 in the nation for employment in manufacturing vehicle pollution control technologies including these diesel filters.

Diesel pollution is also a matter of environmental justice since urban areas bear the brunt of the deadly soot emissions. However, we are all exposed to these toxic pollutants during our daily commute. This includes children who are exposed on school buses to air as much as 10 times dirtier than the air outside the bus.

*We will work with lawmakers in the House and Senate to enact the following legislative solutions:*

- **Giving parents the right to know when dangerous chemicals are present in children's products.**
- **Requiring phase-outs of specific toxic chemicals that can be replaced with cleaner alternatives,** especially green chemicals made in Michigan.
- **Implement policies to protect public health and create Michigan jobs by reducing diesel pollution** through legislation that among other things:



Installation of Diesel Particulate Filters means better health and more Michigan jobs.

Photo: Clean Air Task Force

- Sets up statewide idling limitations;
- Requires publicly funded construction projects to comply with clean diesel policies and allows reimbursement of the cost to retrofit contractors' fleets;
- Establishes a tracking system to determine the size of the diesel fleet in the state; and
- Dedicates state dollars to increasing large-scale investments in control technologies.

## ENERGY CHOICES THAT PROTECT OUR WATER

Michigan has been a hotbed of activity in transitioning to clean energy, creating new jobs and opportunities. To grow and protect that investment in Michigan's economy, we should make sure innovations like the electric car are supported, but make sure our choices aren't putting Michigan's most treasured resource — our water — at risk.

### *Ensure Responsible Drilling for Natural Gas*

A new natural gas discovery recently occurred in Michigan, revealing potential natural gas reserves 5,000 to 10,000 feet below the surface. Horizontal drilling and multi-stage hydraulic fracturing ("fracking") will be used to collect this gas, which is very different from the gas drilling techniques historically used in Michigan.

The "fracking" method operates 3 to 4 times deeper than traditional drilling, it uses up to 100 times more fresh water or up to 5 million gallons per well, it injects toxic chemicals into the fracking water, and permanently removes it from the water cycle by deep injection into oil and gas waste wells.

Clean Water Action and our partner organizations are working for better oversight and stronger state protections at the state level to ensure that new drilling projects proceed in a manner that protects Michigan's natural resources.

Michigan oil and gas drilling operations are not treated like other large water users, who are required to obtain permits for their water use. Further, there are hundreds of toxic chemical contaminants found in fracking fluid and companies have resisted disclosure of these contaminants based on claims of proprietary information. Combined, other states have documented thousands of suspected water quality violations from spills, collapsed well casings, and migration of fracking fluids. If Michigan is to endure what other states have endured with a rush to extract natural gas, we must avoid these threats to our water by strengthening our gas drilling protections.

*We will work with lawmakers in the House and Senate to enact the following legislative solutions:*

- **Treat all large water users the same** by requiring drillers to:
  - obtain a permit;
  - register water withdrawals; and
  - use the science-based water withdrawal assessment tool to screen when their drilling operations are large enough to impact water bodies.
- Using a transparent process **create a science-based review standard, for when site-specific evaluations are found necessary by the water withdrawal assessment tool because of expected impacts.** The public needs to know what the state is evaluating when assessing the site.



Encana's Pioneer test well in Missaukee County.

Photo courtesy MDNRE

- **Require natural gas drilling companies to disclose which chemicals are present in their fracking fluids.** Michigan residents have a right to know which specific chemicals are being pumped underground and how much is staying there.
- **Put in place adequate and ongoing monitoring,** including microseismic monitoring during drilling to prevent groundwater contamination. Ongoing monitoring after drilling operations have ended will also be necessary to ensure no leakage of fracking fluids.
- **Ensure public participation during the permit process.** Policies such as compulsory pooling limit the rights of landowners so it is especially important that affected residents have a forum to air their concerns before permits have been issued.

## Strengthen Oil and Gas Pipeline Safety and Spill Response

Clean Water Action helped shine a spotlight on Michigan’s pipeline safety and spill response rules during last summer’s Enbridge pipeline rupture, which sent more than 800,000 gallons of oil into Tallmadge Creek and the Kalamazoo River. At the height of the spill response, we were fielding calls from companies wanting to donate Gulf spill-approved products to assist with the Enbridge spill, but response policies prevented the state from accepting these donations. Other states have been granted the authority to play the lead role in responding to spills, and we believe Michigan should assume this responsibility with the expenses covered by the companies who own the pipelines.

*We will work with lawmakers in the House and Senate to enact the following legislative solutions:*

- **Ensure increased monitoring of pipelines and other changes to Michigan’s rules to prevent future spills.** The Enbridge and Gulf spills show the very real dangers oil operations pose for our water.
- **Make certain Michigan has the power to oversee cleanups if additional spills occur in the state.**
- **Work to put a constitutional ban on Great Lakes drilling on the ballot to guarantee legislative bans are not overturned.** Threats of offshore oil spills in the Great Lakes are too great a risk to leave open the chance of drilling, and the state’s residents should have the right to vote on a permanent ban.

## Expand Michigan’s Clean Energy Economy

Clean Water Action knows that in order to protect our water from dangerous fossil fuel pollution, Michigan must continue to transition towards a 21st century clean energy future, using Michigan-made clean energy technologies. In addition to protecting our water from more hazardous mercury, arsenic, boron and other toxic substances, continuing along the clean energy path will protect Michigan ratepayers and continue infusing our economy with much-needed investment dollars.

Scientists expect climate change to affect the Great Lakes State by causing increased flooding, changing water temperatures, and altering lake levels. The National Conference of State Legislatures estimates the cost of these



Oil spill in the Kalamazoo River after the Enbridge pipeline rupture.

Photo: Global News Network

climate change impacts could be in the tens of billions, since these changes would affect ports, fishing streams, skiing areas, agricultural soils, as well as causing damage to homes and businesses.

Despite its many shortcomings, Clean Water Action and our partners worked hard to achieve passage of the 2008 clean energy legislation, which set the stage for renewable energy manufacturing and energy efficiency jobs. Since 2008, Michigan has attracted 48 clean energy companies that are projected to create nearly 90,000 jobs and \$9.4 billion of investment in advanced batteries, solar, wind-energy and vehicle electrification. At the time the '08 energy legislation passed, Clean Water Action made it clear that we would continue seeking stronger renewable energy and efficiency standards to speed the transition to clean sources of energy.

Michigan has wagered millions on our clean energy economy, and we must move quickly to increase investments in renewable energy and efficiency. A recent Pew study reported that China invested \$34.6 billion in clean energy and energy efficiency in 2009 — more than any other country. The U.S. was a distant second with \$18.6 billion invested. With the right policies in place, our state could lead the nation — and the world — in clean energy technologies.

*We will work with lawmakers in the House and Senate to enact the following legislative solutions:*

➤ **Passing policies that promote clean, electric vehicles including:**

- Speeding installation of charging stations;
- Creating incentives to promote off-peak charging; and
- Studying ways to reduce the carbon content of fuels.

➤ **Instituting long-term energy planning for all utilities** that allow for public input and promote investments in clean energy and efficiency. Our water resources have long been impacted by dirty energy choices, so it's time to weigh health and environmental impacts in our energy decisions.

➤ **Removing the so-called “efficiency spending cap” which limits investments in the cheapest form of energy.** Increasing Michigan's energy efficiency investments will save residents money while ensuring energy need is met in a clean, job-rich manner.

➤ **Leveling the playing field for Michigan-made energy products by treating efficiency and renewables the same as traditional sources of power.**

➤ **Allowing commercial, industrial and residential ratepayers to have more energy options** that allow them to make a profit on the renewable energy they create and sell back to the grid.

### STANDING-UP FOR “PURE MICHIGAN”

If financial support is a measure of Michigan's priorities — and it is when it comes to funding environmental protection — then Lansing is short-changing our Great Lakes system at a huge cost to our future.



Electric vehicles like the Chevy Volt, Car of the Year, are the future of the Michigan auto industry.

Photo: GM

## Funding and Enforcement of Environmental Protections

Over the past decade, annual funding for environmental programs has dropped by about 75% from roughly \$100 million to about \$25 million. This shortage of funding has led to decreased enforcement and monitoring by the state, which is putting our natural resources at risk from unchecked pollution. Michigan's top industries of agriculture, tourism, recreation, and forestry all depend on the health of our "Pure Michigan" natural resources.

Clean Water Action worked hard to get many environmental laws on the books that are now falling by the wayside because of lack of departmental resources devoted to monitoring and enforcement. We advocate for facing the funding challenge head-on by immediately acting to recapture revenue from tax loopholes that are no longer serving their purpose of Michigan job creation. A \$55 million dollar a year tax credit is given to polluting entities just for meeting the requirements of law. Over \$1 million per oil well is lost from low-flow oil wells that are being taxed at a lesser rate than more productive wells. Tax subsidies are also given out for things like \$17.7 million to tobacco distributors or breaks for vending machine snacks which caused a loss of \$25 million a year.

Clean Water Action believes the state has the right to create standards that exceed those of the federal government, since Michigan's economy could not function without the revenue derived from natural resource-based industries.

*We will work with lawmakers in the House and Senate to enact the following legislative solutions:*

- ▶ **Identifying new sources of revenue that are needed in order to adequately protect Michigan's natural resources.** Fees, such as Clean Air Act permit fees, have been in the works for years and Michigan is now in risk of losing the state's air quality program.
- ▶ Recapturing revenue by **eliminating tax breaks** still on the books that aren't serving their intended purpose of creating Michigan jobs.
- ▶ **Creating a dedicated source of funding should be examined** similar to measures that have recently passed in other states like Iowa and Minnesota.
- ▶ **Requiring unannounced site visits of polluting facilities to promote compliance with environmental regulations.** Many businesses are doing the right thing, but they need to be certain that the field is level and all companies are following the same rules.
- ▶ **Guaranteeing the state's right to put in place regulations to protect our citizens and our natural resources that are stronger than those of the federal government.**

Clean Water Action and our members look forward to working with you on these and other issues that pertain to our [\*2011 Michigan Water Protection Agenda\*](#). We will soon make an announcement of the web-based version of this document. Please feel free to contact Clean Water Action with questions:

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