

A Citizen's Guide to the Detroit River Remedial Action Plan



Citizens Environment Alliance

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WHAT IS AN AREA OF CONCERN?

Public concern about growing pollution in the waters of the Great Lakes led to the signing of the Great Lakes Water Quality Agreement between the U.S. and Canada in 1972.

The original Agreement was intended to diminish phosphorous levels that had caused problems in Lake Erie, which had become known as the "dead lake".

It was amended in 1978, to deal with the more insidious problem of toxic contaminants in the Great Lakes. These contaminants were unlike the earlier phosphorous problems, in that they could not be seen, smelled or tasted.

The 1978 Agreement was an attempt, by both countries, to approach water quality issues and the entire ecosystem of the Great Lakes in a more comprehensive manner.

The clean up, protection and restoration of the environment cannot be achieved by isolating components such as air, water and land. They must be studied and dealt with as inter-connected mediums; this is called the 'ecosystem approach'. New amendments to the Great Lakes Water Quality Agreement embody the ecosystem approach and recognize the interrelationship between all living things and the environment, which is the ecology of which we are all very much a part. Despite the attempts by both the U.S. and Canada to deal with the enormity of the environmental problems in the Great Lakes Basin, much remains to be done.

The International Joint Commission (IJC) has identified 43 Areas of Concern (AOC) throughout the Great Lakes Basin. These Areas exceed environmental standards, and contain significant pollution from heavy metals and toxic chemicals, as well as bottom sediments that are heavily contaminated. There are 14 Areas of Concern in Ontario, one of which is the Detroit River, and these include the most heavily populated and industrialized cities and towns situated on the Great Lakes. What is a Remedial Action Plan?

In 1985, the Great Lakes Water Quality Board of the IJC called for Remedial Action Plans (RAPs) to clean up the Areas of Concern. The Lakes and connecting channels were to be restored to the 14 listed beneficial water uses, which would be identified as impaired. Some of these beneficial water uses include: drinking water consumption; taste and odour quality; fish and wildlife habitat; wetlands; and, degraded fish and wildlife populations.

The listing of beneficial uses had led to the Province of Ontario and the eight U.S. Great Lakes States to commit themselves to developing RAPs. RAPs will identify the specific requirements necessary to control existing sources of pollution, eliminate environmental contamination and, restore the Lakes and connecting channels to ecosystem health. The public is invited to share their concerns about the health of their AOC by participating in public advisory committees (PACs) for each individual RAP. The RAP process is divided into three stages.

STAGE 1 is intended to define and outline the nature of the pollution problems in each AOC. It will include a detailed definition of each beneficial use impairment and the geographic extent of these impairments, for example, the Detroit River AOC extends from the mouth of the River at Peche Island to the end of Grosse Ile at the entrance to Lake Erie.

STAGE 2 is an evaluation of both the improvements to be put into place as well as the alternative, additional measures to restore the beneficial uses of the Detroit River and define a schedule for their implementation. The industries, municipalities and agencies responsible for improvement measures will also be identified.

STAGE 3 is the beginning of the process for evaluating the improvement measures that have been identified in Stage 2 as well as progress on implementing the RAP. This will include: a description of surveillance and continuing monitoring techniques that will be used to track the effectiveness of the action plan to the AOC; and, confirmation of the restoration of the beneficial uses to the AOC.

THE DETROIT RIVER REMEDIAL ACTION PLAN

The Detroit River RAP has just completed Stage 1, and is in the process of submitting the Plan to the IJC for consideration. Stage 1 of the Detroit River RAP is an assessment of every known source of pollution involved and, an evaluation of other possible sources. Stage 2 has now started.

The key to success for the Detroit River RAP, and indeed all RAPs in the Great Lakes Basin, is to embody the ecosystem approach and the philosophy of 'Zero Discharge', as outlined in the Great Lakes Water Quality Agreement. The virtual elimination of those pollutants that are already within the AOC, and a total ban of all toxins that bioconcentrate and bioaccumulate in animals, fish and humans would also help reach this goal.

The Detroit River RAP is classified as an international AOC and convenes an international public advisory body called the Binational Public Advisory Council (BPAC). The BPAC consists of people from all sectors of society that have a stake in the future of the AOC. This multi-stakeholder approach contains industry, municipalities, environmental groups, general citizens as well as state, provincial and federal government officials.

WHY ARE WE CONCERNED ABOUT THE DETROIT RIVER RAP?

The Citizens Environment Alliance (formerly the Clean Water Alliance Environment Group) has been deeply involved in the Detroit River RAP since its inception in 1987. The Citizens Environment Alliance (CEA) believes that the citizens of Detroit and Windsor could either be the victims or the beneficiaries if the Detroit River RAP process.

The CEA has identified many concerns and problems in the Stage 1 of the Detroit River RAP. Some of these include:

- Stage 1 of the RAP began in 1987 and a draft document was only released as of January 22, 1991.
- the Stage 1 document has been a top down process, that is, the Michigan Department of Natural Resources (MDNR) and the Ontario Ministry of the Environment (OMOE) have written the Stage 1 document and the BPAC has "rubber stamped" it. The four years it has taken to complete Stage 1 has not promoted public interest or ownership of the process;
- substantial amounts of data are lacking, about the environmental problems in the Detroit River AOC;
- failures to comply with government limits for waste discharges year after year;
- the Detroit Water Waste Treatment Plan (WWTP) is the largest discharger of waste water into the River;
- permits that are intended to regulate the quality of waste water from direct dischargers such as the Detroit River WWTP, actually allow for toxic pollutants such as PCBs to be discharged daily into the River. (The permits themselves are essentially PERMITS TO POLLUTE!);
- the Detroit WWTP has tripled its PCB charges since 1989. It is also the largest direct discharger into the Detroit River as well as the largest in the Great Lakes;

- the majority of direct loadings into the River comes from six discharges including: The Detroit River WWTP; Wyandotte WWTP; Detroit Steel Mills; General Chemical; West Windsor WWTP; and Ford of Canada;
- other large direct dischargers include Rouge Steel and, the municipalities of Windsor and Detroit through combined sewer overflows;
- impaired uses are not the only means of determining the overall health of the AOC. The entire ecosystem of the Detroit River must be considered; that includes air pollution, as well as sources of loadings from Lake St. Clair and, the impacts of the Detroit River loadings on the Western Basin of Lake Erie;
- health impacts and effects have not been considered.;
- many issues such as the Detroit River and St. Mary Rotary Kiln have not been included in the study of direct impacts to the AOC, and
- the City of Detroit has refused to be involved in the RAP process.

The CEA is very concerned that the Detroit River RAP has failed to meet the criteria for a Stage 1 RAP. Despite assurance from the MDNR and the OMOE, we are not convinced that the failures of Stage 1 can be rectified in Stage 2. Without public interest and ownership, the political will to effect a comprehensive clean up and protection plan for the Detroit River is unlikely. The legal and financial implications of the Detroit River RAP have yet to be negotiated. Most importantly, the Detroit River RAP Stage 1 document is not an ecosystem approach to a clean and healthy environment.

PARTICIPATE! GET INVOLVED!

Without your interest and input, this Plan will fail. Laws and regulations alone cannot be fully effective unless citizens of Windsor and Detroit take some responsibility for the daily harm, to which the Detroit River ecosystem is being subjected. Coordinated citizens' action must go hand-in-hand with international cooperation, to preserve and restore the Detroit River ecosystem for today and the future. You can become directly involved in the RAP process by attending the BPAC meetings as well as local group meetings held in Windsor. Stage 2 has now commenced, and there is need for more public involvement in order to overcome the shortcomings of the Stage 1 document. This will ensure that Stage 2 attains its objectives, as determined by consensus, accurate data, sufficient funding, and political will.

OTHER THINGS YOU CAN DO!

- Educate yourself about the Detroit River, and
- Express your concerns about the quality of the Detroit River environment to local elected municipal, provincial and federal representatives. Information about the RAP may be obtained by various sources such as: the offices of the International Joint Commission and the Ontario Ministry of the Environment in Windsor; the Southeast Michigan Council of Governments (SEMCOG) in Detroit; the Windsor Public Library; and the CEA.