



For Immediate Release
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Indiana Water Rules Still Don't Protect Lake Michigan

The public has until Jan. 30 to comment on a federally mandated water quality rule proposed for Indiana, which still falls short of protecting Lake Michigan.

Introduced in 2008 and since vetted at four public meetings, the draft rule contradicts the intent of federal antidegradation laws, which are meant to protect water quality while it still exceeds standards.

Instead, Indiana's rule would trigger an antidegradation review only when a new or increased discharge would increase the level of a pollutant already in the water to the degree it poses a potentially "detrimental effect."

"Waiting to review a pollutant until it reaches levels where it could potentially make the water undrinkable, unswimmable or harm aquatic life misses the whole point that this is meant to keep clean waters clean," said Lyman Welch, Alliance Water Quality Program manager.

Other concerns:

- * The rule includes several unjustified exemptions for some key provisions, and excludes phosphorus, sediment and other key pollutants for which no thresholds exist -- even while these pollutants are known to harm water quality.

- * The rule exempts so-called "de minimis" -- or low-level -- new pollutant discharges from meeting federal requirements of proof that new discharges are a necessary byproduct of important local economic or social gain.

The result: Using the methods proposed in the draft rule, state regulators could permit multiple new low-level discharges of a pollutant that together have a significant cumulative impact on Lake Michigan's water quality, without any evidence the additional pollution is justified.

Welch said the draft rule doesn't go far enough to protect Lake Michigan from new or increased pollution, and is inconsistent with federal requirements.

"Indiana's draft standards, if adopted, would take us two steps backward in terms of protecting the Great Lakes at a time when we should be moving forward," he said.

The Alliance is working through a coalition of groups in Indiana to strengthen the federally mandated rule, which sets a limit for how much new pollution can be discharged to Lake Michigan and other waterways in the state.

The federal Clean Water Act requires states to update their water quality standards at least every three years, and to develop and adopt statewide antidegradation policies for water quality standards.

Indiana's rules are being debated against the backdrop of the public outcry that followed the state's issuance of a wastewater permit in 2007 that would have allowed British Petroleum's Whiting, Ind. refinery to increase its pollution discharge to Lake Michigan. The BP permit drew concern that Indiana's law doesn't do enough to protect water quality, and an independent review found the state's inconsistent antidegradation policies caused some of the confusion.

Indiana's current antidegradation requirements were developed under the Great Lakes Initiative of the 1990s and apply only to the Lake Michigan basin.

Comments must be postmarked, faxed or hand delivered by Jan. 30.

For more information:

<http://www.in.gov/legislative/iac/20091216-IR-327080764SNA.xml.pdf>

<http://www.greatlakes.org/Page.aspx?pid=335>

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Formed in 1970, the Alliance for the Great Lakes is the oldest independent Great Lakes citizens' organization in North America. Our mission is to: conserve and restore the world's largest freshwater resource using policy, education and local efforts, ensuring a healthy Great Lakes and clean water for generations of people and wildlife. More about the Alliance for the Great Lakes is online at www.greatlakes.org.