

107TH CONGRESS
1ST SESSION

S. 1033

To amend the Federal Water Pollution Control Act to protect $\frac{1}{5}$ of the world's fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2001

Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DAYTON, Mrs. BOXER, Mrs. CLINTON, Mr. DURBIN, Mr. CORZINE, Mr. WELLSTONE, Mr. BAYH, and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to protect $\frac{1}{5}$ of the world's fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Great Lakes Water
3 Protection Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the Great Lakes contain $\frac{1}{5}$ of the world’s
7 fresh water supply;

8 (2) the Great Lakes basin is home to over
9 33,000,000 people and is a vital source of safe
10 drinking water for millions of people;

11 (3) the Great Lakes support many wetlands,
12 sand dunes, and other fragile coastal habitats;

13 (4) those coastal habitats are home to many en-
14 dangered and threatened wildlife and plant species,
15 including the piping plover, Pitcher’s thistle, and the
16 dwarf lake iris;

17 (5) the Great Lakes are crucial to the econo-
18 mies of the Great Lakes States for recreation, com-
19 mercial shipping, and industrial and agriculture
20 uses; and

21 (6) oil and gas development beneath the water
22 in any of the Great Lakes could—

23 (A) expose a valuable fresh water supply of
24 the United States to serious contamination; and

25 (B) cause serious environmental damage to
26 the water and shoreline of the Great Lakes.

1 **SEC. 3. EFFECTS OF OIL AND GAS DEVELOPMENT ON THE**
 2 **GREAT LAKES.**

3 The Federal Water Pollution Control Act is amended
 4 by inserting after section 108 (33 U.S.C. 1258) the fol-
 5 lowing:

6 **“SEC. 108A. EFFECTS OF OIL AND GAS DEVELOPMENT ON**
 7 **THE GREAT LAKES.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ACADEMY.—The term ‘Academy’ means
 10 the National Academy of Sciences.

11 “(2) DRILLING ACTIVITY.—

12 “(A) IN GENERAL.—The term ‘drilling ac-
 13 tivity’ means any drilling to extract oil or gas
 14 from land beneath the water in any of the
 15 Great Lakes.

16 “(B) INCLUSIONS.—The term ‘drilling ac-
 17 tivity’ includes—

18 “(i) directional drilling (also known as
 19 ‘slant drilling’); and

20 “(ii) offshore drilling.

21 “(3) GREAT LAKE.—The term ‘Great Lake’
 22 means—

23 “(A) Lake Erie;

24 “(B) Lake Huron (including Lake Saint
 25 Clair);

26 “(C) Lake Michigan;

1 “(D) Lake Ontario (including the Saint
2 Lawrence River from Lake Ontario to the 45th
3 parallel of latitude); and

4 “(E) Lake Superior.

5 “(4) GREAT LAKES STATE.—The term ‘Great
6 Lakes State’ means each of the States of Illinois, In-
7 diana, Michigan, Minnesota, New York, Ohio, Penn-
8 sylvania, and Wisconsin.

9 “(b) INCENTIVES TO PREVENT DRILLING ACTIV-
10 ITY.—

11 “(1) IN GENERAL.—To be eligible to receive an
12 incentive grant under paragraph (2), a grant under
13 section 601(a), or a grant under section 1452 of the
14 Safe Drinking Water Act (42 U.S.C. 300j–12), a
15 Great Lakes State shall not issue any oil or gas per-
16 mit or lease for drilling activity.

17 “(2) INCENTIVE GRANTS.—

18 “(A) IN GENERAL.—For each fiscal year
19 or portion of a fiscal year in which paragraph
20 (1) is in effect, the Secretary of the Interior
21 shall make grants to Great Lakes States.

22 “(B) USE OF GRANTS.—A Great Lakes
23 State shall use a grant under this paragraph to
24 carry out conservation activities in the State,

1 including activities to conserve parkland and
2 protect shores.

3 “(C) AMOUNT OF GRANTS.—For each fis-
4 cal year or portion of a fiscal year, the amount
5 of a grant to a Great Lakes State under sub-
6 paragraph (A) shall be equal to the product ob-
7 tained by multiplying—

8 “(i) the amount available for grants
9 under this paragraph for the fiscal year or
10 portion of a fiscal year; and

11 “(ii) the ratio that—

12 “(I) the amount of funds that
13 the Great Lakes State would have re-
14 ceived, but for paragraph (1), from
15 the sale of oil and gas from the Great
16 Lakes during the fiscal year; bears to

17 “(II) the amount of funds that
18 all Great Lakes States would have re-
19 ceived, but for paragraph (1), from
20 the sale of oil and gas from the Great
21 Lakes during the fiscal year.

22 “(D) MAXIMUM AMOUNT OF GRANTS.—
23 For each fiscal year, the Secretary of the Inte-
24 rior may make grants under this paragraph in

1 an aggregate amount not to exceed
2 \$50,000,000.

3 “(c) STUDY.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this section, the Adminis-
6 trator shall conduct a study to examine the known
7 and potential environmental effects of drilling activ-
8 ity, including any effects on—

9 “(A) water quality (including the quality of
10 drinking water);

11 “(B) the sediments and shorelines of the
12 Great Lakes;

13 “(C) fish and other aquatic species, plants,
14 and wildlife that are dependent on Great Lakes
15 resources;

16 “(D) competing uses of water and shore-
17 line areas of the Great Lakes; and

18 “(E) public health of local communities.

19 “(2) CONSULTATION.—In designing and con-
20 ducting the study, the Administrator shall consult
21 with—

22 “(A) the Secretary of Energy;

23 “(B) the Administrator of the National
24 Oceanic and Atmospheric Administration;

25 “(C) the Chief of Engineers;

1 “(D) the Great Lakes States; and

2 “(E) as appropriate, representatives of en-
3 vironmental, industry, academic, scientific, pub-
4 lic health, and other relevant organizations.

5 “(3) INDEPENDENT REVIEW.—Not later than
6 180 days after the date of enactment of this section,
7 the Administrator shall enter into an agreement with
8 the Academy under which the Administrator shall
9 submit to the Academy, and the Academy shall re-
10 view, the results of the study.

11 “(4) REPORT.—Not later than 1 year after the
12 date of submission to the Academy of the study
13 under paragraph (3), the Academy shall submit to
14 the Administrator and Congress—

15 “(A) the study; and

16 “(B) a report that describes the results of
17 the review by the Academy (including any rec-
18 ommendations concerning the results of the
19 study).

20 “(5) ACTION BY CONGRESS.—It is the sense of
21 Congress that, after receiving the study and report
22 under paragraph (4), Congress should—

23 “(A) review the study and report;

24 “(B) conduct hearings concerning the im-
25 pact of drilling activity; and

1 “(C) determine whether to eliminate the
2 condition under subsection (b)(1).

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as are nec-
5 essary to carry out this section.”.

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