

107TH CONGRESS  
1ST SESSION

# H. R. 2167

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2001

Mr. STUPAK (for himself, Mr. BONIOR, Ms. KAPTUR, Mr. BARRETT of Wisconsin, Mr. KILDEE, Mr. KIRK, Mr. HINCHEY, Ms. MCCOLLUM, Ms. BALDWIN, Mr. DINGELL, Mr. BARCIA, Mr. KUCINICH, Mr. LEVIN, Mrs. THURMAN, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Mr. LUTHER, Mr. LATOURETTE, Ms. RIVERS, Mr. OBEY, Mr. KLECZKA, Mrs. JONES of Ohio, Mr. CONYERS, Mr. STRICKLAND, Mr. JACKSON of Illinois, Mr. KIND, Mr. BLAGOJEVICH, Mr. OBERSTAR, Mr. ROEMER, Mr. TOWNS, Mr. EVANS, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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,*

3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Great Lakes Water  
5   Protection Act”.

6   **SEC. 2. FINDINGS.**

7       Congress finds that—

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

10              (2) the Great Lakes basin is home to over  
11   33,000,000 people and is a vital source of safe  
12   drinking water for millions of people;

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

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

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

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

## 5 SEC. 3. EFFECTS OF OIL AND GAS DEVELOPMENT ON THE 6 GREAT LAKES.

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

10 "SEC. 108A. EFFECTS OF OIL AND GAS DEVELOPMENT ON  
11 THE GREAT LAKES.

12        "(a) DEFINITIONS.—In this section:

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

## 15                   “(2) DRILLING ACTIVITY.—

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

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

22 “(i) directional drilling (also known as

24 (iii)  $\text{ca. } 1 \text{ mm}$   $\text{d. } 1 \text{ mm}$

1           “(3) GREAT LAKE.—The term ‘Great Lake’  
2       means—

3           “(A) Lake Erie;  
4           “(B) Lake Huron (including Lake Saint  
5       Clair);  
6           “(C) Lake Michigan;  
7           “(D) Lake Ontario (including the Saint  
8       Lawrence River from Lake Ontario to the 45th  
9       parallel of latitude); and  
10          “(E) Lake Superior.

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

15       “(b) INCENTIVES TO PREVENT DRILLING ACTIV-  
16       ITY.—

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

23       “(2) INCENTIVE GRANTS.—

24       “(A) IN GENERAL.—For each fiscal year  
25       or portion of a fiscal year in which paragraph

1 (1) is in effect, the Secretary of the Interior  
2 shall make grants to Great Lakes States.

3                             “(B) USE OF GRANTS.—A Great Lakes  
4                             State shall use a grant under this paragraph to  
5                             carry out conservation activities in the State,  
6                             including activities to conserve parkland and  
7                             protect shores.

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

1 the sale of oil and gas from the Great  
2 Lakes during the fiscal year.

8        "(c) STUDY.—

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

14                             “(A) water quality (including the quality of  
15                             drinking water);

16                             “(B) the sediments and shorelines of the  
17                             Great Lakes;

18                   “(C) fish and other aquatic species, plants,  
19                   and wildlife that are dependent on Great Lakes  
20                   resources;

23 “(E) public health of local communities.

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

4               “(A) the Secretary of Energy;  
5               “(B) the Administrator of the National  
6       Oceanic and Atmospheric Administration;  
7               “(C) the Chief of Engineers;  
8               “(D) the Great Lakes States; and  
9               “(E) as appropriate, representatives of en-  
10       vironmental, industry, academic, scientific, pub-  
11       lic health, and other relevant organizations.

12               “(3) INDEPENDENT REVIEW.—Not later than  
13       180 days after the date of enactment of this section,  
14       the Administrator shall enter into an agreement with  
15       the Academy under which the Administrator shall  
16       submit to the Academy, and the Academy shall re-  
17       view, the results of the study.

18               “(4) REPORT.—Not later than 1 year after the  
19       date of submission to the Academy of the study  
20       under paragraph (3), the Academy shall submit to  
21       the Administrator and Congress—

22               “(A) the study; and  
23               “(B) a report that describes the results of  
24       the review by the Academy (including any rec-

1           ommendations concerning the results of the  
2           study).

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

6           “(A) review the study and report;

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

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

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

