

No. 1989-34

## AN ACT

HB 1529

Authorizing the Commonwealth to participate in the Great Lakes Protection Fund.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Great Lakes Protection Fund Act.

Section 2. Legislative findings; declaration of policy.

(a) Legislative findings.—It is hereby determined and declared as a matter of legislative finding that:

(1) The Boundary Waters Treaty of 1909, United States - Great Britain, 36 Stat. 2448 et seq., established the rights and obligations of the United States of America and Canada with regard to the use of boundary waters, and reserves to each party thereto and their respective State and provincial governments exclusive jurisdiction and use of all waters within their boundaries subject to a duty to refrain from interference or diversion which would result in injury across their common borders.

(2) As a reaffirmation of the cooperation embodied in the Boundary Waters Treaty of 1909, the Government of the United States of America and the Government of Canada entered into Agreements on Great Lakes Water Quality on April 15, 1972, and November 22, 1978, amended and revised in October 1983 and November 1987, which proclaimed the intent of each country to prevent pollution of the Great Lakes Basin Ecosystem and boundary waters and to restore and maintain the chemical, physical and biological integrity of the waters of the Great Lakes Basin Ecosystem.

(3) The Great Lakes Basin Ecosystem is a precious public natural resource.

(4) The Commonwealth is a trustee of the Great Lakes Basin Ecosystem and as such has a duty to protect, conserve and manage it for the use, benefit and enjoyment of its citizens.

(5) The health, safety, commerce and prosperity of this Commonwealth and the people of this Commonwealth require effective management of the Great Lakes Basin Ecosystem and control of threatened toxic contamination of that ecosystem.

(6) In pursuance of its public fiduciary duty and responsibilities, and in furtherance of the public health, safety, commerce and prosperity of this Commonwealth and the people of this Commonwealth, on May 21, 1986, the Commonwealth was a signatory with the States of Illinois, Michigan, Indiana, New York, Ohio, Wisconsin and Minnesota to the Great Lakes Toxic Substances Control Agreement to establish a frame-

work for coordinated regional action to control toxic pollutants entering the Great Lakes System, to further an understanding of toxic contaminants and their control, to foster common goals, management practices and control strategies for toxic contamination, and to enhance water quality within the Great Lakes Ecosystem in furtherance of the United States - Canada Great Lakes Water Quality Agreement.

(7) The Great Lakes Toxic Substances Control Agreement embodies a regional approach to addressing the economic and environmental problems facing the Great Lakes Ecosystem.

(8) The commitment of the signatory states set forth in the Great Lakes Toxic Substance Control Agreement to enhancement of Great Lakes water quality requires a commitment for adequate and sustained financial resources to augment Federal commitments of financial resources, to provide a stable funding source for long-term program management and to provide a shared financial resource pool among the signatory states for activities which may not be the responsibility of the Federal Government or the individual states.

(b) Declaration of policy.—It is hereby declared to be the policy of the Commonwealth to promote the health, safety, employment, economic development and welfare of this Commonwealth and the people of this Commonwealth by providing for the participation of the Commonwealth in a Great Lakes Protection Fund, or its successor, in advancement of the principles, goals and objectives of the United States - Canada Water Quality Agreement and the Great Lakes Toxic Substances Control Agreement, and for the financing and support of Commonwealth and regional projects intended to protect and enhance the water quality of the Great Lakes Ecosystem and support related Great Lakes projects which:

(1) Accelerate the pace of research into the economic, environmental and human health effects of contamination of the Great Lakes.

(2) Fund cooperative research and data collection.

(3) Develop improved methods of measuring water quality and establish a firm scientific base for implementing a basin-wide system of water quality management for the Great Lakes.

(4) Support research to improve the science on which protection policies are based and devise new and innovative cleanup techniques for particularly complex problems of toxic contaminants.

(5) Supplement, in a stable and predictable manner, State and Federal commitments to Great Lakes water quality programs.

(6) Nurture cooperation among leaders from state legislatures, local governments, business and industry, labor, universities, environmental organizations and conservation groups.

### Section 3. Agreement.

(a) Authorization.—The Governor, or the designee of the Governor, is authorized to execute an agreement and to do all things necessary or incidental on behalf of the Commonwealth for the formation and operation of the Great Lakes Protection Fund jointly with other states or provinces.

(b) Effect.—Any agreement executed pursuant to this provision shall be effective and have the full force and effect of law within this Commonwealth upon execution of such agreement by at least three other states.

Section 4. Funding.

The General Assembly may make appropriations directly to the Great Lakes Protection Fund.

Section 5. Effective date.

This act shall take effect immediately.

APPROVED—The 6th day of July, A. D. 1989.

ROBERT P. CASEY