

**OHIO LAKE ERIE COMMISSION MEETING**  
**Ottawa National Wildlife Refuge, Oak Harbor, Ohio**  
September 25, 2014 10:00 a.m.

**Call to Order and Roll Call – Craig Butler, OLEC Commission Chair; Director, Ohio EPA**

The Ohio Lake Erie Commission (OLEC) meeting was called to order at 10:06 a.m.

***Commission Members Present:***

Craig Butler, Director, Ohio Environmental Protection Agency (OEPA)  
James Zehringer, Director, Ohio Department of Natural Resources (ODNR)  
John Schlichter, Director's Designee, Department of Agriculture (ODA)  
Gene Phillips, Director's Designee, Ohio Department of Health (ODH)  
Sadicka White, Director's Designee, Ohio Development Services Agency (ODSA)  
William Murdock, Mid-Ohio Regional Planning Commission, Exec. Director  
Harry Allen, Great Lakes Power Group, Chairman  
J. Kevin Cogan, JonesDay, Of Counsel  
Darrell McNair, MVP Plastics, President, CEO

Gail Hesse shared the regrets of Tim Hill, ODOT and Paul Toth, Jr., Toledo-Lucas County Port Authority who were not able to attend.

***Staff Present:***

Gail Hesse, Executive Director, OLEC  
Sandra Kosek-Sills, OLEC  
Rian Sallee, OLEC  
Heidi Rife, OLEC

**Welcome and Agenda Overview: Craig Butler, Director, Ohio EPA, and OLEC Chairman**

Chairman Butler welcomed everyone to the meeting, provided a brief overview of the agenda, and then asked for a motion on the minutes from the June meeting.

**Kevin Cogan moved the following resolution:**

**Resolved**, that the Commission approves the meeting minutes for June 16, 2014.  
ODA seconded the motion. No discussion was offered. The Commission members voted all in favor and the motion carried.

**Lake Erie Protection Fund – Grants Committee Report**

Amy Jo Klei introduced the Lake Erie Protection Fund grants program.

The Ohio Lake Erie Commission administers the Lake Erie Protection Fund (LEPF) grant program with revenue generated by the sales of the Lake Erie license plate and other donations. Following the funding framework adopted by the Commission, the 1st quarter grant cycle was open to proposals of up to \$15,000 with no targeted topics.

Projects must assist with implementation of the Lake Erie Protection and Restoration Plan (LEPR) and provide a direct benefit to Lake Erie and its tributary watersheds in Ohio.

The Commission received four applications for the 1st quarter of the LEPF small grants cycle. The Grants Committee reviewed all applications and recommends the following grants for funding for a total of \$29,951 from the SFY15 small grants allocation:

• ***“Dredged Material for Stormwater Management.” Kent State University. \$14,970***

This project explores the beneficial reuse of dredged material for stormwater management on urban brownfields. The applicant seeks to evaluate the suitability of dredged material from Cleveland Harbor for use in green infrastructure technologies in brownfield remediation, and to produce a “green” aggregate from the dredged material for use in a field implementation project. The use of green infrastructure at brownfield sites is expected to produce multiple benefits including reduction of stormwater pollution, combined sewer overflow events, and wastewater treatment costs in Cleveland. The field implementation project will be monitored for green aggregate performance. Results will be shared with agencies and stakeholders to inform further exploration of the long-term viability of this type of beneficial reuse of dredged material.

• ***“Submerged Aquatic Vegetation in Maumee Bay.” Bowling Green State University. \$14,981***

This project will quantify the distribution of Submerged Aquatic Vegetation (SAV) in a section of Maumee Bay as a baseline for assessing invasive species effects and provide quantitative data on SAV distribution, composition and abundance relative to the fish communities associated with these habitats in Maumee Bay. The objective is to establish a relationship between SAV in Maumee Bay and the fish community to determine the effects to the nearshore area of Lake Erie as 1) restoration efforts are implemented to establish productive SAV habitat, and 2) to quantify the extent of SAV prior to the potential establishment of invasive Grass Carp in Lake Erie. It is expected that quantitative metric scoring for these habitats will be higher in areas where SAV exists, as opposed to areas it does not which may assist in goal setting and restoration planning in the Maumee Area of Concern.

The SFY14 budget for LEPF Small Grants is \$150,000. With approval of the above projects, the remaining balance for the LEPF for SFY15 is \$120,049. Projects must assist with implementation of the Lake Erie Protection and Restoration Plan (LEPR) and provide a direct benefit to Lake Erie and its tributary watersheds in Ohio.

Klei then turned to Director Butler for action on the motion.

**Kevin Cogan moved the following resolution:**

**Resolved, that the following Lake Erie Protection Fund grant proposals be funded:**

- “Dredged Material for Stormwater Management.” Kent State University. \$14,970
- “Submerged Aquatic Vegetation in Maumee Bay.” Bowling Green State University. \$14,981

William Murdock seconded the motion. The Commission members voted all in favor and the motion carried.

**Questions:**

Director Butler asked how long the project period for the dredging study is and Klei responded that it is a total of two years. Hesse added that Kurt Prinic is the agency advisor.

Kevin Cogan then asked if coordination with other studies is being done. Klei responded that yes they are building off studies and research.

Sadicka White, ODSA, questioned whether it will be used in brownfield remediation. Klei said that this project is more of a suitability analysis. Hesse added that this is a “can this work” project for brownfield remediation.

Director Butler then asked what the value or importance of Submerged Aquatic Vegetation project. Klei answered that it will provide food, shelter, healthy benthic organisms for spawning communities and also serve as a metric for Lake Erie. Butler then asked if there has been a baseline established before. Klei stated currently not for this area but this project will work to establish it.

Klei then turned to Hesse to present the “Life on Lake Erie” Photo contest winners.

#### **“Life on Lake Erie” Photo contest**

Each year OLEC asks the public to submit photos of their experiences of “Life on Lake Erie”. Hesse mentioned that while we are all so focused on the policies and programs affecting Lake Erie, the photo contest is a reminder of how the public experiences Lake Erie every day. The photos show us many special moments that people have on Lake Erie, whether in various forms of recreation, spending time with family and friends or simply time in quiet reflection in nature. This year a new category was added for the unique winter that occurred on Lake Erie in 2013-2014 and encouraged photographers to send in any pictures of icescapes, ice fishing, etc. A slide show was presented of the winning photographs. Director Butler presented a certificate to each of the 2014 Life on Lake Erie photo contest award recipients that were present and invited each to say a few words about the moment they took their photograph.

**Ohio EPA introduced the motion to “Approve the 2014 Ohio Lake Erie Individual Award Dr. R. Peter Richards and 2014 Ohio Lake Erie Organization Award to the City of Lorain. ODSA moved the motion. The motion was seconded by Darrell McNair. The motion passed unanimously.**

Director Butler presented Dr. R. Peter Richards the 2014 Individual Lake Erie Award. The 2014 Lake Erie Organization Award was presented to Kate Hoffman and Derek Feuerstein on behalf of the City of Lorain. Each recipient made a few comments about their work and appreciation for the award.

#### **Special Reports**

Director Butler introduced Kimberly Kaufman, Executive Director of the Black Swamp Bird Observatory and Larry Fletcher, Executive Director of Lake Erie Shores & Islands- West. Kaufman and Fletcher provided an overview of the 2014 Biggest Week in American Birding and its regional economic impact.

Both Kim and Larry presented data and information on the birding events and the impact it had economically on Northwest Ohio and what it means to the future of birding and events in 2015. Both of their slides presentations are on file at the OLEC office.

Director Butler introduced Karl Gebhardt, Deputy Director of Water Resources at Ohio EPA, who provided an update on the algal bloom events of this past summer.

Karl Gebhardt began with an overview of microcystin detections in two Ohio public water supplies and the actions taken by the State of Ohio. In 2013 Carroll Township in Ottawa County detected microcystin in the finished water supply. Carroll Township was able to connect to an alternative source of water to provide a quick resolution to providing safe drinking water to area residents. The Toledo situation this past summer was more difficult, with more than 400,000 people affected. These two incidents made us all aware that we are more vulnerable than we thought. Thankfully, there were no known illnesses in either event. Gebhardt reviewed the timeline of the events last August beginning with detection in the finished water on August 1, resulting in a "Do Not Drink Advisory" after midnight on August 2. Governor Kasich issued a state of emergency at 10:00 am later that morning. Ohio EPA worked with the City of Toledo to address monitoring and protocols. The advisory was lifted August 4. Directors Butler and Zehringer had met previously with Toledo Mayor Collins when he was mayor-elect to discuss Lake Erie, water sampling, and water treatment situation in the city.

There are 25 water systems in Ohio that use Lake Erie for drinking water. The Ohio EPA Divisions of Surface Water and Drinking and Ground Water have been working across the state for the past several years with public water supplies that use surface water. There are 125 surface water intakes statewide including the Ohio River that can learn from the Lake Erie situation regarding standards and response plans.

Ohio EPA is using the World Health Organization (WHO) benchmark criteria for microcystin, it is the best standard currently available. Minnesota has a lower threshold at 0.4 ug/L, and Vermont is higher at 4 ug/L.

Testing is voluntary but most treatment plants actively participate in regular monitoring. Public water systems are not required to test but that is expected to change. Ohio EPA has made \$1 million available to public water supplies that use surface water for cyanotoxin testing and training for public water supply operators. Ohio EPA is working with them to establish and/or improve in-house monitoring and testing capabilities. Toledo has 1940s technology – many others are also using older equipment and techniques.

Another issue is that Toledo has a single intake for their source of drinking water. In comparison, the City of Cincinnati has an alternate source for their Ohio River supply and was able to switch temporarily for 2-3 days during the West Virginia chemical spill episode earlier in 2014. Toledo was testing at the tap but needs to be testing the raw water at the intake. There is a 3 hour response time if sampling results taken at the intake in the lake are too high. Ohio EPA wants to address both monitoring systems and treatment processes working with public water supplies going forward.

There are several sources of nutrients that need to be addressed including both urban and agricultural nonpoint sources. We are focusing on the following sources: failing/leaking home sewage treatment systems, (point source) wastewater treatment plants and agriculture. Ohio EPA will be rolling out a watershed strategy soon.

Ohio EPA has made \$150 million available in zero interest loans for upgrades to wastewater treatment plants and public water systems for plant upgrades to address nutrients. Ohio EPA is conducting outreach to district staff and partner organizations to get the word out about the funding availability.

Nutrients in source waters are a wider issue than just Lake Erie. There is also Grand Lake St. Marys and other inland lakes.

Gebhardt concluded his remarks and turned to Director Butler for comments and questions.

Murdock asked about lakes in other parts of the state and do we expect problems elsewhere? Have there been lessons that translate from other inland lakes to use on Lake Erie?

Butler responded that we have detected microcystin in other inland lakes including those in southeastern Ohio. Failing septic systems near inland lakes are a big problem locally. We are providing technical assistance to WWTPs statewide and also information about standards and we are also assisting in interpretation of results especially with inconsistent testing routines and test protocols.

Ohio EPA has asked USEPA to accelerate the development of testing protocols. The WHO microcystin standard draws on a data set from 10 years ago. USEPA expects a new US water quality advisory for microcystin by May 2015 with development of a new standard by 2018. They recognize the current situation is inadequate.

McNair asked about other variables relevant to the Toledo crisis. Was the Toledo situation a perfect storm of multiple variables?

Butler responded that NOAA predicted a middle of the road bloom for 2014. However, while not large, this year's bloom was in a unique location immediately around the Toledo water intake due to wind and weather conditions. The city did not have the ability to monitor near the intake, resulting in a delay in response time. Aging infrastructure is also an issue. All of these factors contributed to the event in August.

Cogan commented on the importance of addressing both the consequences of the algal bloom as well as the causes. The phosphorus load needs to be reduced – has read that we must reduce phosphorus load by 40%. What can we do that will work quickly? Should we expect legislation and is it time to mandate agriculture standards, including nutrient management plans and manure management plans?

Butler responded that we are working on the following fronts: (1) Publicly-owned treatment works can access the \$150 million in zero interest rate loans for infrastructure upgrades (\$50 million for water treatment systems that use surface water and \$100 million for wastewater treatment plants). (2) We recently met with USEPA and other states in the region in Chicago to discuss the need for funding to address the causes. USEPA has added \$12 million in GLRI for Ohio for these purposes. (3) There is specific legislative activity on watershed actions and advanced practices for farming, WWTPs, and septic systems in the western basin. We've done a lot, but will do more. This is a long-term issue.

Zehringer added that we have added BMPs on over 40,000 acres in the Maumee watershed. We have been working with farmers to be part of the solution. Small and midsized farms do not have storage for animal waste and they are looking for solutions. We were working on this prior to the situation in Toledo. We believe a 40% reduction of phosphorus is attainable. We are also looking at other factors – increased rain events, effects of zebra mussels. We are looking to research to help understand effects and solutions.

Schlichter mentioned SB150 and the workshops that are underway for fertilizer applicators (the numbers attending range from 200 to 370 depending on the county). ODA is encouraging nutrient management plans, soil testing and why it needs to be done.

Kristy Meyer asked the Commission if the state is considering working with NRCS to leverage funds? What is the status of the discussions on prohibiting manure application on frozen

ground? And, do you expect the 40,000 acres of BMPs to continue or will they be converted back?

Zehringer responded that we expect the implementation of more BMPs to continue. There will be more sign-ups for cost-share for BMPs due to \$1.25 million in GLRI funding recently made available. We are keeping them close to the lake in the watershed and we are trying to monitor results so that we can understand the effects these practices are having.

Allen inquired about other states. How are others affected and how are they participating? Could we put more scientific power to work to solve the problem directing his question to Dr. Peter Richards.

Dr. Richards replied that part of it is how much of the state is in the watershed. The percentage of land draining to the western basin of Lake Erie is much smaller in other states.

Zehringer asked Dr. Reutter to comment on how OSU is coordinating research with universities in other states.

Dr. Reutter said that Ohio Sea Grant and other water institutes are coordinating research on phosphorus. The OSU and the Field to Faucet program is involved. All the Big 10 universities in the Great Lakes are working on some aspect of the issue. There is quite a bit of collaboration although funding is limited.

Hesse added that the GLRI-CSMI project of the Commission on internal phosphorus loading study is a research collaboration of several Ohio universities. This includes field sampling and modeling of nutrients into the Western Basin. OLEC staff will be helping with education and outreach activities. The project is scheduled to run through December 2015.

Tom Henry commented that 16 years ago, the WHO benchmark criteria was created which looks at 1 out of approximately 180 types of toxins. Has Ohio thought about setting its own standard? What about the other kinds of algal toxins?

Butler responded that Ohio has asked the USEPA office in Cincinnati to increase their work on microcystin. Ohio is working with the best minds and the best science on this issue and we are comfortable using the WHO level until USEPA gives us their recommendations next spring. We will look closely at what they put out in May 2015. We do not have the resources to do anything on our own nor do we feel that we need to with the collaboration that is underway.

As a follow up, Tom Henry asked what the response is with regards to accelerating efforts as result of the event in Ohio. Are you using the Clean Ohio funds differently because of this issue and what about funding in other states?

Butler commented that a lot of work is being done in Ohio and many resources are working together to address the multitude of issues; many places are experiencing problems with HABs. There is a need to address these issues in other places nationally. More than half of the states have reported problems.

Kim Kaufman asked about habitat restoration as a component of the watershed strategy? Wetland loss is part of the watershed problem. Can we use opportunities like this to convert land to wetland habitats? Wetland restoration needs to be part of the solution.

Butler stated we recognize the importance of wetlands and habitat loss in this issue. Sediments are coming down the river. Wetlands can help with preventing that discharge from reaching the lake in addition to the filtering of excess nutrients. Dredged material from the Cuyahoga River in

Cleveland is also an issue and that beneficial re-use of sediments can be part of a habitat restoration strategy. In Grand Lake St. Marys, some of the dollars spent were used on habitat restoration. We will be looking for beach nourishment and other restoration opportunities.

Tom Henry asked if Facility 3 is going to be investigated. Is there any possibility that it is a contributor to the algal problem?

Butler responded that Facility 3 has a dredged material storage area of 500 acres. SNL has taken sludge from the storage area and mixed it with soil to sell as a soil amendment. The latest permit from Ohio EPA requires four monitoring wells and for monitoring data to be submitted quarterly to Ohio EPA. To date only one quarter worth of data has been submitted. We still need the CDFs for disposal of contaminated sediments, especially in Cleveland. We are checking on output of phosphorus based on current activities there. There are concerns about storm water effects. We have discussed options with current and previous city administrations. There will be a project in Cleveland to recover sediments for beneficial re-use.

Jane Ruvolo asked if the CDF in Toledo is leaching phosphorus, wouldn't it be leaching other contaminants? Do we have samples of all of that?

Butler answered that we are just starting to collect data. We want to compare reports over time.

Hesse wrapped up the discussion with thanking everyone for their attention, interest and questions. Opportunities to come together to exchange information and discuss these issues is important. The role of OLEC staff includes the CSMI grant, participating in GLWQA Annex 4, convening the Phosphorus Task Force, and summarizing the monitoring activity being undertaken by the state, university, and federal participants.

### **OLEC Office Report**

Gail Hesse presented the OLEC office report to the commission.

- Lake Erie Quality Index update
- Ohio Balanced Growth Program
- Ohio Coastweeks 2014 – in full swing. Summary information will be available at the December meeting.

### **Agency Reports:**

**Gene Phillips, ODH:** E.coli beach monitoring ended on Labor Day and ODH is now receiving reports and analyzing the data. JCARR approved the new home sewage treatment system rules and the new rules will become effective January 1, 2015.

**James Zehringer, ODNR:** ODNR is looking forward to the \$5.4 of the \$7.4 million dollars from USEPA to implement additional BMPs including cover crops and soil testing. Also concentrating on drainage control and not putting chemicals or manure on frozen ground as well as storage facilities for the waste. ODNR is promoting the use of cover crops on farm fields.

**Commission Chair and Director, Craig Butler, OEPA:** no further report (the focus of the Agency's Lake Erie activities were covered in the Special Report earlier in the meeting).

**John Schlichter, ODA:** Certification classes have been well attended by farmers in response to SB 150.

**Sadicka White, ODSA:** Winter season is soon approaching. Last year low to moderate income homes had difficulty obtaining propane due to significantly increased costs. The EMA committee is looking at programs and options for future propane use. There are a considerable number of residents that use propane for heating. A major use of propane is in agriculture to dry corn. 1 million people use the ODSA call center to get help. Mary Cusick with Tourism Ohio may want to be involved in the birding promotion for 2015. Governor Kasich had a specific goal with minority business and there was a significant increase in business use.

**Agency Partner Reports:**

**Ohio Sea Grant College Program, Jeff Reutter:** Fondriest donated a buoy to Ohio Sea Grant and is located just north of Gibraltar Island. Anyone can now go on the Ohio Sea Grant website to see the output of the buoy. It can also give readings for blooms. A misleading statement was made last week in the media that the bloom was past when it is still with us. The bloom grew a little more on the 24<sup>th</sup> of September. Frank Lichtkoppler is retiring from Ohio Sea Grant after 33 years of service. Tori Gabriel will be taking over as the OSU Extension Coordinator. Two new positions will be opening up. The first week of October is the fall clean up. Ohio Sea Grant will undergo a national on-site review on November 13 and 14.

**Natural Resources Conservation Service, Cheryl Rice:** RCPP application deadline is October 2, 2014. It has had high national response. The end of the NRCS fiscal year is wrapping up. Terry Cosby, NRCS state conservationist, has been up on the Lake Erie watershed talking with producers and looking at practices.

**Toledo Metropolitan Area Council of Governments, Kurt Erichsen:** We are partnering with local and state governments for a workshop on Oct. 17th regarding the Balanced Growth program. Today, Sept. 25 at 1:30, TMACOG is presenting a program on dredged sediment at Toledo Harbor for sources and solutions for HABs.

**Northeast Ohio Area wide Coordinating Agency:** not in attendance

**PUBLIC COMMENT PERIOD**

No Public Comment

**Director Butler adjourned the meeting at 12:20 p.m.**

Powerpoint presentation slides used at this meeting are on file at the Ohio Lake Erie Commission Office.

**NOTE:** Next Lake Erie Commission Meeting: Wednesday, December 17, 2014, 10am-12pm  
Ohio Department of Natural Resources, West Conference Room, Bldg. E, Assembly Center  
2045 Morse Road Columbus, Ohio 43229