



OHIO LAKE ERIE COMMISSION MEETING

Quarterly Meeting

September 3, 2021 10:00 A.M.

Call to Order and Roll Call – Laurie Stevenson, Director, Ohio EPA and Commission Chair

The Ohio Lake Erie Commission (OLEC) meeting was called to order at 10:05 a.m.

Commission Members Present:

Laurie A. Stevenson, Director, Ohio EPA, OLEC Chairwoman
Jack Marchbanks, Director, Ohio Department of Transportation
Mary Mertz, Director Ohio Department of Natural Resources
Dorothy Pelanda, Director Ohio Department of Agriculture
Gene Philips, Ohio Department of Health Designee
Commissioner Bill Wolf
Commissioner Jim Stouffer
Commissioner Danielle Giannantonio
Commissioner Diane Miller

Staff Present:

Joy Mulinex, OLEC
Lynn Garrity, OLEC
Nicole Knab, OLEC

(14 Observers)

Welcome and Agenda Overview – Laurie Stevenson, Director, OEPA

Director Stevenson called the meeting to order and welcomed everyone. She asked for roll call at 10:05.

(roll call)

Welcome from City of Ashtabula – Jim Timonere, City Manager

Director Stevenson introduced Jim Timonere, City Manager for welcoming remarks. Mr. Timonere announced the delisting of Ashtabula and spoke to how the city has become a regional destination for tourism in the last 10 years – becoming a major part of the economy for the city and county. The work that has been done on the river has led to substantial increases of water recreation, thus has grown businesses. Mr. Timonere noted the city will continue to do its part to protect waterways.

Director Mertz moved the following resolution:

Approval of June 9, 2021 Meeting Minutes. Mr. Philips seconded the motion. No discussion followed, and Commission members voted all in favor. The motion carried.

Life on Lake Erie Photo Contest Awards

Director Stevenson announced the 2021 Life on Lake Erie Photo Contest Winners. The photo contest highlights the many great features of the Ohio Lake Erie shoreline and encourages locals and visitors to get out and enjoy the views and environment. Director Stevenson took a moment to acknowledge and recognize the photographers' submissions that captures the spirit and energy of Lake Erie.

Director Stevenson recognized those winners who were unable to join in person:

- Morning Paddle – Lynda Kemp
- Sunrise Easter Morning Avon Ohio – Andrea Nagy

Director Stevenson recognized winners who were present and were welcomed to take the podium and speak to their photographs.

- Sandra Buescher, Edgewater Pier Contemplation.
- Gary Bluhm, Approaching Sunset at Lake Erie Bluff.
- Rick McBride, Growing Out of the Water & Catch at Sunset (Overall Judges Favorite).
- Michelle Wittensoldner, Crashing Waves at Sunset & Heron on Shore (Overall Judges Favorite).

Special Report: Ashtabula River Area of Concern Highlights – Advisory Council Co-Chairs, Matthew Smith

Mr. Smith provided information on the Ashtabula River and delisting, and credited Fred Leitert, who was not able to attend the meeting, as a big part of the cleanup involvement since the 1980's.

In 1987 the Ashtabula River was listed as an Area of Concern, in 1988 a RAP Committee was formed, and in 1991 the approach was switched to a partner format in efforts to get the river dredged. Between 2006-2009, the Ashtabula River was dredged and main containments were put into holding basin. Following the dredging, the partnership dissolved and returned back to the original RAP Committee format.

A few years later, Ohio EPA switched the format from RAP to Area of Concern Committees. There were 6 beneficial use impairments of the Ashtabula River. Over a period from 2014 – 2020, steps were taken to delist the beneficial use of the impairments.

Mr. Smith credited the involvement of people and organizations for the continuous movement of the efforts. As the Area of Concern Committee was restructured Mr. Smith was nominated to be one of the Co-Chairs along with Fred Leitert. Later, Ohio Lake Erie Commission partnered with Ohio EPA to take over the AOC program administration. Mr. Smith extended his thanks to EPA, partners, and local community for efforts in their help in cleaning up the river and working towards delisting.

Director Mulinex asked Mr. Smith how he thinks they made the progress they did, and what he credits to being part of the "secret sauce? Mr. Smith stated that the progress happened because of the effort put in from local communities, and the 30 years of work put into the project before the actual dredging took place. Credit to Karl Anderson who would go to D.C. and talk to legislators about the importance of getting the Ashtabula River cleaned. The boating community heavily supported the dredging, and things started falling into place between the industry who was committed to doing the cleanups and legislators who committed funds for the cleanups. Noted that the Ashtabula AOC is smaller in size than other AOC's. The partnership did a great job at getting everyone to the table to make sure the work was being done including: industry, agencies, and local communities.

Commissioner Jim Stouffer asked as it relates to the containments – did the industry adapt their ways and what was the dynamic in how the change occurred? PCB's were the main contaminate and they were discharged into Fields Brook. Over time industries have adapted practices. As Clean Water Act went into play in 1992, there were certain standards to abide by. That changed the amount of discharge of what was coming into the river. There were over 14,000 pounds of PCB's that were dredged out.

Director Jack Marchbanks asked what are the challenges in keeping the river clean? Mr. Smith noted that the Ashtabula River has good water quality, and the industry is already regulated by the Ohio EPA. You have the city that has the general stormwater runoff, and since the Ashtabula River has been designated as a State Scenic River, there's very good water quality.

Commissioner Diane Miller noted that the stakeholders have been an important part at keeping the momentum and asked what Mr. Smith was doing to keep younger people involved given the proximity of the college campus? Mr. Smith noted that there's always a challenge getting younger kids involved. Some of the ways to do this is through internships at college levels and getting out into the schools at younger ages to get them to see organisms in streams, fish, etc. When exposed at that young age it helps educate and expose them to what's available and enlighten passion to help and make a difference.

Director Jim Stouffer asked if boating has been enhanced or fishing improved? Mr. Smith noted boating has definitely been enhanced, especially since the river used to have areas of only a couple feet of water. Dredging has opened up marinas and provided better utilization of the river. One thing that was lacking in the Ashtabula Harbor was the amount of habitat available for fish spawning – part of the cleanup involved a slip that was no longer used by the railroad and worked with the railroad company to restore the slip and by doing so created fish habitat and dredged banks back to encourage fish spawning to restore habitat making it a great benefit to the boating community.

Commissioner Danielle Giannantonio asked if he was able to establish the cost of the delisting of the Ashtabula River? Mr. Smith said the numbers aren't available to him, however it was roughly 70 million to do the dredging. This didn't include agency staff and costs associated with surveying and engineering.

Director Stevenson asked how long has Mr. Smith personally been involved with the project? Mr. Smith stated that he's been involved since 2006. Director Stevenson followed up the question asking him if he envisioned getting to the delisting to which Mr. Smith said after dredging started, things really started falling into place and he could see the delisting happening. Director Stevenson credited the incredible effort and teamwork across the board.

Recognition of Ashtabula River Advisory Council – Chair Director Stevenson and Secretary Director Mertz

Director Mertz recognized Mr. Smith's involvement with the program. Director Mertz said that Matthew Smith has been with ODNR for 20 years, of which the last 15 have been spent in the Scenic River Program. Mr. Smith successfully manages 7 state designated Scenic Rivers in Northeast Ohio. He led efforts to get the Pymatuning Creek Ohio's 15th Scenic River back in 2018. Since 2006, Matthew was responsible for watershed planning for the Scenic River study for Ashtabula River finalized in 2008, and additionally served as Co-Chair of Ashtabula AOC. Director Mertz noted his dedication to Ohio's waterways and his passion to educate those around him. She recognized the tireless work he's done for the Department and AOC. Mr.

Smith was presented a framed photo marking the 2021 Delisting of the Ashtabula River. *Note:* Fred Leitert is also recognized for his work and long time service for over 30 years as co-chair of the Ashtabula AOC Advisory Committee but was unable to attend.

Ohio Lake Erie Commission Office Report – Joy Mulinex, OLEC

Director Mulinex recognized Lynn Garrity's involvement in the AOC as well as local, state and federal players involved.

Director Mulinex announced the departure of David Emerman who is now with Ohio EPA's Division of Surface Water Central Office. He will continue to work on dredge material program. Nicole Knab was also introduced to the Ohio Lake Erie Commission as an intermittent Environmental Communication Specialist for the next year.

The H2Ohio Team sent the General Assembly the second H2Ohio Report which looks at the projects done during fiscal year 2021. You can find full report at h2.ohio.gov

Director Mulinex noted successes of the Ashtabula AOC and that work will continue in the three other AOCs in Ohio. Work is wrapping up on two major projects Penn 7 and the Otter Creek – Great Lakes Legacy Act Project – both of these are located in the Maumee AOC. Lynn Garrity has been coordinating with EPA Great Lakes National Program Office on the next set of GLRI and Legacy Act Projects for the AOCs.

GLRI priorities for Ohio continue to be identified and submitted back to US EPA. The Commission continues to coordinate with state agencies on the requests being sent to US EPA, and eagerly watching what's happening on federal side. The GLRI authorization had been increased, going up to \$475 million dollars. Included in the public infrastructure bill being considered is another billion dollars for the Great Lake Restoration Initiative (GLRI), and will be spread out over five years.

At the end of June, the Governor signed the State biennium budget. The Commission was provided a two year full budget of \$833,000 dollars over the biennium.

Work is continuing on the Lake Erie Quality Index which looks at data on Lake Erie to inform us on how the state of Ohio is doing on our portion of Lake Erie. OLEC is working on data and analysis and looks to have the report done by the end of the year, and timing will correspond with the OLEC 30th Anniversary.

The Western Lake Erie Basin Partnership led by NRCS is engaging with the Army Corps of Engineers to coordinate with Ohio/Michigan/Indiana on projects in the Western Lake Erie Basin to address nutrients. They are interested in our thoughts on nutrients reduction projects in Western Lake Erie Basin. OLEC is facilitating conversations on work that can be done on the wetlands, technologies, and agricultural NPS.

Funding that the Commission receives from the sale of the Lake Erie License Plate goes towards the Lake Erie Protection Fund. Over the years the Commission has granted out that funding for a variety of purposes. Sandra keeps track of the Lake Erie license plate sales which has been on a downward trend over the last 14 years. However, in 2021 figures show in upward climb by \$5,000.

Director Mulinex reminded commissioners to take the required ethics course which needs to be done every year.

Agency/Commissioner Reports

Bill Wolf, Commissioner: The IJC Water Quality Board is putting together a collaborative of 20-30 people to address manure impact on water in Ontario and Ohio with a focus on Lake Erie. The collaboration consists of scientists, professionals and other people that have been involved with clean water – hopes to kick off between October and the end of the year.

Director Marchbanks: ODOT is partnering with Put-In-Bay to upgrade Miller Ferry Dock which will extend and elevate the existing deck. Miller Ferry will still be operational, and construction will be scheduled to work around high-use times. It's a \$663k project and will be under contract by the end of the calendar year. ODOT is excited about the jobs that will come from the project and its focus on handling stormwater.

Gene Phillips on behalf of Bruce Vanderhoff, Director of Ohio Department of Health: ODH completed upgrades to the BeachGuard system regarding E. coli and harmful algal bloom reporting. Updates are consistent with harmful algal bloom recreation strategy updates made last year and available in the system. Additional updates are planned for later in the year. ODH completed distribution of fish consumption advisory brochures for 2021 to a number of agencies and organizations throughout the Lake Erie Basin and Ohio.

Danielle Giannantonio, Commissioner: Recognized the bipartisan federal infrastructure bill and excited to see there is \$48 billion in water infrastructure and the impact that will have on the Ohio community systems.

Diane Miller, Commissioner: Mentioned Maumee Bay GLRI projects that the students at the University of Toledo are involved in. Environmental Engineering students are working on a GLRI funded "Clean Up Lake Erie" project. This project partnered with the city of Toledo, Partners for Clean Streams, and others. This was funded through a 2-year grant to the city of Toledo for \$450K, and is a research and cleanup project in one. Involved the deployment of five trash collecting devices that they strategically located through the region and appropriate streams to place these in. The students have been working with the Professor and Chair of the Department of Civil and Environmental Engineering at the University of Toledo. The students are working to collect items that would eventually be broken down into concerning microplastics. The students have been collecting litter in "trash traps" and the research project includes finding out where the litter originated from. Being able to backtrack and find where the trash came from will allow them to go to the source of the problem so that less trash ends up in our streams and lake. Students are excited about what this project can do for the future. Miller noted that 22 million pounds of plastic end up in the Great Lakes every year and noted the students' excitement in helping contribute to the solution. Digital images were requested and will be sent to the rest of the commission by Lynn Garrity.

Jim Stouffer, Commissioner: Noted recreational boating community has seen a great bounce back from 2020. Noted that the challenge with thousands of people coming to the lake for so many different reasons. He is excited when he sees investments in Cleveland/Toledo Metroparks as it draws in tourism for those that want to enjoy Lake Erie as one of the best assets in Ohio. Noted that people are willing to travel and spend dollars for a safe environment and what he's seen is very encouraging. Lake Erie Foundation, that he's involved in, has been very active over the summer. Stouffer will also be participating in the Maumee River Summit in Fort Wayne, Indiana that will tie back to the Maumee watershed and rivers that flow into the state. They are also involved with the Island Alliance, made up of islanders throughout the Great Lakes, about common interests and concerns.

Director Mertz – Ohio Dept. of Natural Resources: H2Ohio updates – ODNR has developed 60+ wetlands projects which are in process, with 20 complete. All summer, individuals from the higher education institution consortium LEARN have been gauging progress and taking samples. A presentation will be available to the public about progress made thus far on bringing wetlands online. We are pleased with the recent state budget funding and looking forward to executing future projects. The Great Lakes Commission appointed a new Executive Director, Erika Jenson. The Great Lakes Commission is about to engage on its next strategic planning process for the next five years. Part of the Ohio Delegation's goal is to focus on harmful algal blooms and the stress they're putting on the Great Lakes. Coastal Management Office recently awarded \$5 million dollars for coastal erosion grants. There are lots of capital improvements in parks/public land spaces both on island and coast with additional improvements coming next year. Campgrounds have been at full capacity, and we're moving in the right direction for people to safely be able to enjoy outdoor recreation.

Director Pelanda – Department of Agriculture: Agriculture contributes 85% of phosphorus in Maumee Basin. The Department's efforts have been concentrated on engaging farmers in the basin to engage in one or more of seven practices to keep nutrients on the land. Our first-year goal was to contract about 200k acres. Producers came forward and enrolled 1.1 million acres. We are entering the third year in 14 counties and expanding H2Ohio to an additional 10 counties. The program will change, moving into two phases. In phase one the first-year producers will be required to engage in a nutrient management plan and then practices. Developed along the way a partnership with OACI – a group of 37 organizations, including the Ohio Farm Bureau and researchers have come together for the first time to solve this problem. The Governor signed House Bill 7, which requires a Watershed Coordinator to be assigned to each of the seven watersheds in the state of Ohio which ODA hopes to have in place by October of this year. Recognized FFA and 4H as two of the most important youth programs, and those programs will produce the future leaders and are learning about nutrient and water management for overall benefit of water quality across the state of Ohio.

Director Stevenson, Ohio Environmental Protection Agency, Thanked ODNR and Matthew for work on the Ashtabula project. Noted that the world of infrastructure is going to be big – wastewater infrastructure development and drinking water infrastructure development is going to be an important focus under H2Ohio. Trying to get in economic disadvantaged communities to put in infrastructure where it doesn't exist in low-income areas. Working with Ohio Department of Development to administer the American Rescue Act funding that's related to infrastructure, that's an additional \$250 million dollars that they're working together to distribute to communities across Ohio. The project applications are coming in fast and furiously, the last report said we're exceeding a billion dollars in requested funding for \$250 million dollars available. The needs are massive, and leverage as much funding as possible to make the infrastructure improvements. Lake Erie, related items, in the Western Lake Erie Basin, a story map has been created to provide updates to the public on current status of H2Ohio related projects. David Emerman will join OEPA serving as Assistant Chief in Division of Surface Water and excited about what he brings to the table and high priority projects that he will be involved in.

Ohio EPA kicked off a statewide anti-littering campaign which included a summit on August 6 collaboratively with ODNR and Dept. of Transportation. Part of initiative includes how to leverage grant dollars from OEPA and organizations that support the anti-littering efforts, prevention and cleanup efforts across the board.

Bill Wolf asked about the news of the City of Maumee's SSO and what Ohio EPA is doing to prevent additional discharges and how to make sure that the city is following rules as far as allowable discharges. Director Stevenson explained that a set of orders with a specific compliance schedule for Maumee has been put into place moving forward.

Lake Erie Advisor Reports

Scott Hardy, OSU Sea Grant

Ohio State and partners will host the annual "Understating Algal Blooms Science Conference" on Sept 8. It is free and open to the public.

Last month, the Ohio Dept. of Higher Education HAB Research Initiative announced funding decisions for 19 projects across 8 institutions working to address state HAB priorities. An annual report summarizing the findings of the last round of HABRI research grants will be released next week.

Ohio Sea Grant, Cleveland Water Alliance, and International Association of Great Lakes Researchers are planning the upcoming IAGLR--State of Lake Erie meeting on March 16-18, 2022 in Cleveland.

Ohio Sea Grant continues to connect with the US Army Corps of Engineers HABRI research efforts with state agencies-- efforts include new publication and research findings, connecting researching, and highlighting funding opportunities. The Army Corps will be presenting early research ideas to Western Lake Erie Basin partnership. Ohio Sea Grant is planning a workshop titled Status and Approaches to Assess Lake Erie Central Basin Hypoxia.

Sea Grant recently hired an aquaculture specialist who will be putting together a video series of projects around the state.

Director Mulinex asked how big of an education issue microplastics is for the general public -- how much do they know about issue? Scott responded that people see plastic on beaches/ground and can conceptualize it. Microplastic is less on people's radar -- great research is being done at OSU, Toronto, Toledo and as a scientific community starting to understand more about microplastics, but educating public is more of a hurdle to education what people can't see.

Director Mulinex ask whether there are specific things that the state of Ohio should be considering for dealing with plastics in the future? Mr. Hardy said that the business community in coastal regions would argue that state level bans are restricting - rather use financial support for research, education, and outreach to educate. This helps push science forward and help bring awareness and support for the issue.

NOACA REPORTS Katie Moore – Manager of Environmental Planning for NOACA

On September 10, NOACA will be holding its Annual Meeting beginning at noon. NOACA's Annual report is available on its website. Projects to watch: Focus on Cuyahoga River and the Cleveland section of the Lake is the Irish Town Bend Project. NOACA also funded a project for trails along Lake Erie. Recently, we've been wanting to increase the understanding of nutrient reduction progress throughout watersheds, and to extend volunteer monitoring program through a model from NE Ohio Regional Sewer District.

Public Comment

Director Mulinex read public comments submitted prior to the meeting from Sandy Bihn, to be read into record during the public comment period of the Lake Erie Commission meeting September 2, 2021. Comments follow:

Dear Ohio Lake Erie Commission:

- 1. Please hold Lake Erie Commission meetings on the western end of Lake Erie. It has been a long time since there has been a meeting in the western basin, or, in the alternative consistently have commission meetings half way between the Ohio eastern and western ends of Lake Erie. Also, please have a virtual option for attending the meetings.
- 2. Please be aware that the Ohio Department of Agriculture held a public hearing in August for a CAFO in the Tiffin/Maumee/Lake Erie watershed for a new 6,000 swine facility to reportedly be managed by someone who will be attending OSU as a freshman this year. This new 6,000 hog facility will generate 1.3 million gallons of liquid manure that will be land applied untreated. And this week, there is another public notice for a new 6,000 hog facility in the Auglaize/Maumee Lake Erie watershed. This new 6,000 hog facility will generate 1.6 million gallons of liquid manure that will be land applied untreated.
- 3. Please also be aware that CAFO's in China are required to treat manure for e. coli and also, that China limits the number of animals in a watershed (see attached research report). (These practices were verified by a waterkeeper who visited Chinese CAFO's in 2016.)
- 4. This is a request to the Lake Erie Commission to ask Governor DeWine and the legislature, for the Ohio Department of Agriculture to ban additional and new Cafo's in the Maumee/Lake Erie watershed, and to provide Lake Erie to have the same policies as China that require treatment for Ecoli and that limit the number of animals in the Maumee/Lake Erie watershed. At a minimum, Lake Erie's water deserve policies that equal or exceed those for CAFO's in China.

Jim Stouffer moved to adjourn the meeting. Danielle Giannantonio seconded. A roll call to vote followed.

Meeting was adjourned at 12:00 pm.

Next meeting: December 8, 2021 at 10:00 am

Signature of Secretary: Mary Metz

Date: December 14, 2021

Signature of Chair: Laurie A. Stevenson

Date: December 14, 2021