

OHIO LAKE ERIE COMMISSION MEETING
H.R. Collins Lab, Delaware, Ohio
December 14, 2016 – 10:00 a.m.

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

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

Commission Members Present:

Craig Butler, Director, Ohio Environmental Protection Agency (OEPA)
James Zehringer, Director, Ohio Department of Natural Resources (ODNR)
Gene Phillips, Ohio Department of Health (ODH)
John Schlichter, Director's Designee, Ohio Department of Agriculture (ODA)
Tim Hill, Director's Designee, Ohio Department of Transportation (ODOT)
Juliana Schultz, Director's Designee, Ohio Development Services Agency
Harry Allen, Great Lakes Power Group, Chairman
Paul Toth, Jr., Toledo-Lucas County Port Authority, President/CEO
William Murdock, Mid-Ohio Regional Planning Commission

Staff Present:

Karl Gebhardt, Ohio EPA/OLEC
Sandra Kosek-Sills, OLEC
Pam Allen, OEPA, Dredged Material Program
Amy Jo Klei, OEPA, Division of Drinking and Ground Water
Cathy Alexander, OEPA, Division of Surface Water
Jessica Johnson, OEPA, Director's Office

(9 observers)

Welcome and Agenda Overview: Craig Butler, Director, Ohio EPA

(roll call)

Chair Report:

Commissioner Toth moved the following resolution:

Resolved, that the Commission approves the meeting minutes for September 28, 2016.
Commissioner Allen seconded the motion.

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

Commissioner Allen moved the following resolution:

Resolved, that the Commission designate Ohio EPA Director as chairman and ODOT Director as secretary of the Commission for 2017.
Commissioner Murdock seconded the motion.

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

Lake Erie Protection Fund

Amy Jo Klei of Ohio EPA, grant committee chair, presented the Lake Erie Protection Fund Grant proposals. Three proposals were recommended for funding this quarter by the Grants Committee.

Commissioner Zehringer moved the following resolution:

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

- “Brandywine Creek Watershed Modeling Study.” City of Hudson. \$15,000
- “Modeling Streamflow and Salinity in the Mentor Marsh Watershed.” Youngstown State University. \$15,000
- “BMP Development for Swan Creek Watershed: Pilot.” University of Toledo. \$15,000

Commissioner Toth seconded the motion.

Discussion regarding Brandywine Creek: Commissioner Toth asked if this had been the first ever study/model regarding the Brandywine Creek Watershed to prioritize creek restoration opportunities? Klei answered that it would be the first one the city would be conducting.

Commissioner Zehringer asked if this modeling at Brandywine Creek is something that ODNR should be working with the Army Corps to be doing because there was a fatality caused from flooding and if flooding was a main part of the mission of this study? Sandra Kosek-Sills answered that flooding was a motivating factor but not sole reason for the study.

Discussion regarding Mentor Marsh Watershed: Chairman Butler asked if Klei could give a better description as to why they are going to be doing a model? Klei responded that with a better model it can help with mitigation.

Chairman Butler then asked if this study would coincide with tracking and removing the source? And he also asked how long is this project going to take? To which Keli replied that it is set to be completed by the end of 2017, so it is a one year project with them requesting an extension if they see it is needed.

Commissioner Toth asked if the salt was coming from a mine. Klei responded that it was coming from a previous source.

There was no discussion regarding the Swan Creek Watershed.

Commissioner Allen asked how many proposals did the Lake Erie Protection Fund receive. Klei responded that the Fund had received 6 proposals, with 3 being recommended to fund.

Commissioner Toth asked if the 15,000 allotted funding had been requested from the proposals or was a limit. Keli replied that this was a small grant cycle and that 15,000 was the max amount that could be requested.

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

Special Reports

Water Tributary Monitoring: Laura Johnson, Director, National Center for Water Quality Research. (presentation on file)

Gebhardt provided an introduction to Johnson and her work at Heidelberg University. He mentioned that thanks to the monitoring that Heidelberg has done over the last 30 years, we have baseline data that is important with moving forward and tracking progress for Annex 4 and the Collaborative.

Chairman Butler added that there has been an ongoing conversation with commodities groups, the Governor's office and cabinet members about the Phosphorus Task Force Goals, investments in infrastructure and BMPs. He said however that the next step is we need to start showing progress towards reduction and that is what monitoring will tell us. Monitoring the right places will tell us the right things to identify and that the investment is at the right level. It is important to have this dialogue, whether the steps we are taking are enough.

As Johnson explained, 2016 saw a low load year but not as low as 2012. Total Phosphorus trends have remained pretty flat, while Dissolved Reactive Phosphorus recently been flat the last couple of years, traditionally since the 1990s it has been more U-Shaped.

Load targets were met this year, but that was due to low flows. Flow weighted Mean Concentration was still above the targets.

Johnson presented new charts in regards to Flow Weighted Mean Concentration and how FWMC is still related to flow, just not quite as much as loads.

Tracking progress was seen through load and discharge charts. Both appeared not to be linear. The target line was drawn against flow. It was angled, not horizontal. Looking at watersheds, tracking shows there are differences in annual concentrations.

Looking at 2017, our researchers will be making some adjustments and adding a few stations. This includes new additions not just Lake Erie but also Ohio River. USGS will also be adding new stations in the Maumee.

OEPA Monitoring: Cathy Alexander, Ohio EPA, Division of Surface Water.
(presentation on file)

Gebhardt introduced Alexander as the person who runs the water monitoring for the Ohio EPA.

Alexander presented how the Clean Water Act requires states to monitor and assess their waters. She gave an overview of what OEPA has done up to 2015 and how they have learned what they need to redesign/ adjust to monitor loading. It is all a part of new priorities geared toward Annex 4 goals. By moving some of the stations to match the collaborative watersheds, OEPA can increase their frequency. Funding for Alexander's program and adjustments to watershed monitoring has come from GLRI and Healthy Lake Erie Funds.

Gebhardt also commented on Alexander's presentation by saying that Heidelberg, USGS and OEPA have all connected and coordinated on this monitoring, which Indiana and USEPA have appreciated Ohio's efforts. He is hopeful that this is the concept of the Collaborative already working.

Chairman Butler also expressed that this teamwork is important for targeting since resources have not been unlimited. There needs to be progressed shown. In the past it has been a jigsaw of how we collect, store and maintain data.

After Johnson and Alexander's presentations, Commissioner Allen asked how Ohio compared itself to other states such as Michigan or Indiana on being a leader in this network of monitoring. Alexander replied that she has not seen a lot of states with the network that Ohio EPA has put in. Ohio seems to have a leg up because of the work Heidelberg has been doing. Michigan has less resources so Ohio has seemed to be a leader.

Commissioner Allen then preceded to ask if Ohio has used any good resources or information that has come from the Chesapeake Bay project? Karl Gebhardt responded that Ohio has used some pieces from the Chesapeake Bay project but that the resources and information is being used in a different environment. Ohio has also taken a leadership role in this data. Ohio has been flexible and have continued to work with ODA and researchers to figure out where it is coming from, whether it is coming from edge of field, small watershed, large watershed, etc. Alexander added that their modeling of this will help too. Johnson also added that Heidelberg is also working with Kevin King and others to make the links and find the BMPs. There need to be enough changes to be able to detect water quality changes.

Commissioner Murdock asked if for Lake Erie Protection Fund Grants, if OLEC should target grants who are looking to do research in trouble or priority watersheds? Gebhardt replied that in OLEC will be looking at that with new legislature language.

Gebhardt said that OLEC needs to keep looking at the funding cycle. OLEC staff will be moving funds from GLPF and add that money to fund projects in the next year or so.

Chairman Butler also responded that with proposed legislative changes to OLEC, staff hopes to make their goals more strategic and focused. Although it did not get passed in this last general assembly, it should easily get picked up in the next one.

Johnson mentioned that smaller projects will help adapt in the watershed and be used to supplement future larger projects.

Dick Bartz, USGS, said they can add more monitoring funding with OEPA and ODA. USGS had a couple of projects that are funded through GLRI that have created a network, other besides just the Maumee. This report will be coming in February/ March.

Alexander said that they would be making Maumee's Waterville Water Quality Station a "supergage".

Lake Erie Dredged Material Program: Pam Allen, Ohio EPA. (presentation on file)

Chairman Butler gave an introduction about Pam Allen with OEPA, who he mentioned has been working on a goal of OLEC's for a little over a year to help redirect dredged material. Pam will retire at the end of the year, but Chairman Butler said that OLEC and OEPA will continue its path to not waster this economic development opportunity.

Pam Allen mentioned that most of the material about OEPA Dredged Material Program can be found on OEPA's website. Thanks to Senate Bill 1, as of July 1, 2020 there can no longer be open lake disposal. One of the biggest issues that faces this program is that the US Army Corps would conduct most of the dredging but their budget is tied to the Base Plan or Federal Standard that is open disposal. Another option for USAC would be have to come at the cost of local or state governments. With Senate Bill 1 passage, there was no funding measures put in to offset the additional costs so now OEPA is looking for cost neutral solutions.

All this material can be found in the Lake Erie Dredged Material Program draft document. This document was meant to be a document for OLEC to list tasks for the agencies because we also want to reduce sedimentation so that the need for dredging is not as high.

Pam also mentioned how she conducted a Dredged Material Business Workshop. This had business leaders, governments leaders and others interested in learning about the beneficial uses of dredged material.

Sandusky Bay Wetland Project: Karl Gebhardt, OLEC. (map on file)

Gebhardt discussed how a the City of Sandusky was awarded a grant from the Healthy Lake Erie Fund for 1 million to begin engineering design work for 2 or 3 water wetland

habitats development projects out of dredged material. He said as many might know Sandusky Bay is a microcosm of Lake Erie. OEPA and ODNR's Division of Coastal Management are hoping that this is a pilot for others. Hope to have designs done later this spring. Gebhardt did not know yet how much material will be used since there was not as much of a need in Sandusky.

Gebhardt mentioned that there is already two similar projects in Toledo, being the City of Toledo and City of Oregon as partners. This project has the potential of being up to 130 acres. Coastal Management is also assisting with this project. Had a meeting with USAC on a project but they are interested in farther east.

Laura Johnson mentioned that there could be scientist interest in monitoring and nutrient/sediment questions related to shift in beneficial-use of dredged material policy.

Tiffani Kavalec, OEPA, mentioned that OEPA put in for a \$100K grant from USEPA to focus on the Sandusky Bay. Tetrattech will do the work. Developed a 9 element watershed plan.

Lake Erie Commission Office Update

Gebhardt gave an update on the Ohio Lake Erie Commission office. He began with discussing Senate Bill 333 that that changes regarding OLEC in the bill. He said there was no issues with interest groups and just due to the timing of lame duck was not picked up. He said however that next general assembly, OLEC will be bringing it back up, whether in its own bill or potentially in the budget.

Next Gebhardt gave an update on the Great Lakes Commission. He mentioned that the Commission was currently gathering a list of priorities and projects for the next presidential administration. He also mentioned that the GLC recently commented support on legislation that was headed to the president desk called the Water Infrastructure Improvements for the Nation Act or WIIN. ErieStat, P markets

Gebhardt mentioned that Ohio EPA will be meeting with the Cleveland Water Alliance on Thursday, December 15 to discuss various ideas. One element is their new use of challenge grants that help to develop new uses in water use and water technology.

Commissioner Toth asked where the Cleveland Water Alliance received their funding. Gebhardt replied that he believed it was from private funding sources.

Gebhardt also discussed that he and others with Ohio EPA, OSU Sea Grant and DNR Coastal management would be meeting with NOAA on December 20 in Ann Arbor to discuss improving coordination on monitoring. NOAA conducts a lot of monitoring and research projects.

Gebhardt said that OLEC was putting together final budget figures that would be introduced in the next budget in 2017. OLEC staff has been discussing long term finances, both grants and operation funds, and shifting GLPF for projects.

Thanks to the reduction in rental costs with moves into existing agency buildings and moving some funds to OLEC from water resources already allocated, will lead to more funding for projects.

Gebhardt mentioned that OLEC staff are going to wait until after the first of the year to hire dredged material person. From the original posting, OLEC didn't get the right person to apply. They are still tweaking to add more of a business development angle. Maybe make a Commission position funded by OEPA.

Finally, Gebhardt discussed the proposed dates for 2017. (see slides)

Chairman Butler also wanted to share the news that Commissioner Murdock will be resigning. On behalf of the commission, Chairman Butler thanked him for his services.

Commissioner Murdock thanked everyone he has worked with on the commission for the last 8 years and said now his focus has been driven to mostly central Ohio. He said he is glad to see how the commission's focus has progressed in the recent years making the lake a resource for all Ohio.

Chairman Butler asked the commission to start thinking of names to make recommendations for appointments to the Governor's Office to fill now two vacancies. Butler also asked if there was any other business from the commissioners.

Commissioner Allen brought up an issue of commercial fishing activity in his area of Lake and Ashtabula Counties. It was brought to him to ask ODNR to revisit their commercial fishing limit.

Commissioner Zehringer said he would bring it up to ODNR Department of Wildlife.

Agency Reports

John Schlichter, ODA – Director's Designee Schlichter said that The Department of Agriculture was continuing to work with Gebhardt on the Collaborative, Annex 4 and water quality issues. He mentioned that ODA is seeing some results out of edge of field monitoring. He also expressed Commissioner Daniels' and ODA sentiments of wishing everyone happy holidays.

Gene Phillips, ODH – Director's Designee Phillips said ODH's final beach report will be released early next year. He also mentioned that ODH applied for a CDC Associate as part of the sewage program to help monitor local health districts on sewer plans. working on model for that. Providing ? materials.

Tim Hill, ODOT – Director's Designee Hill gave an update on salt management and storage. He said they are taking measures to carefully handle to prevent spills at loading sites. He also discussed the new technology that keeps salt on the road rather than bouncing it right off into the drainage and that salt trucks are equipped with new sensors that triggered when a truck is in an environmentally sensitive areas and give more of a prescribed treatment. This has actually had great cost savings and ODOT is not using as much salt.

Juliana Schultz, ODSA Agency – No report.

Jim Zehringer, ODNR – Commissioner Zehringer mentioned he recently attended the Council of Great Lakes Governors meeting in Ohio. He said the council is putting a focus on water reporting data and conservation.

Craig Butler, OEPA – Water Supply Revolving Loan Program is gearing up for their 2017 projects. Nutrient Reduction and HAB funding support will be reaching close to \$1 billion again. OEPA will be starting a new effort to do longer review/allocation to help with local planning.

OEPA will be working with ODH to continue our partnership to provide funding for wastewater and septic system help to local health districts. Will be providing close to \$12 Million for HSTS. Local health districts have been successful in getting projects going. Some priority watersheds have 100% failure rates. Need to invest there.

In the last year, there have been more advancements on the nutrient reduction front but there still needs to be more collaboration. Everyone needs a seat at the table, like Ohio Department of Agriculture and NPS since we all have a stake and need to make a contribution.

Gebhardt also introduced Jessica Johnson, who is now working in the Director's Office at OEPA and will be assisting with Ohio Lake Erie Commission items.

Commissioner Toth brought up how he had worked to get energy efficiency upgrades to go under special improvement districts. He was curious if that was something that could be done for home septic systems? Toth was looking more watershed wide at helping those to pay for efficiency upgrades and reduce enforcement costs for allowing homeowners to borrow at a lower cost.

Commissioner Butler replied to Toth's question that he knew of the money that went to county health districts that the interest was low and that the money was issued on a low-income base. Butler agreed with Toth in that designating that as a special improvement district may be a better fit. Butler mentioned it was similar to looking at tax credits to issue farmers.

Commissioner Allen asked Schlichter if there had been any studies in Ohio regarding recycling manure to remove nutrients? Which Schlichter replied that he knew of some

across the state. Commissioner Allen followed up to see if there was anyway OLEC could funnel in something for a manure or agriculture project as a proposed LEPF Grant? Schlichter mentioned that there would still be high nutrient levels in the manure. Gebhardt said that that is why he was interested in seeing what the Cleveland Water Alliance had to offer in terms of challenge grants.

Agency Partner Reports

OSU Sea Grant Program (Dr. Chris Winslow) (presentation on file) –

Winslow mentioned research funding through LEPF small grant process to go through Sea Grant small grant process. 50k from February 2017-January 2018. Thinking ahead to large grant cycles, Sea Grant is looking to partner with OLEC and add some of their priorities to OSU grant RFP. Sea Grant gives out 60k grants, that if project were to meet a commission priority then OLEC would add 15k to grant, allowing the project to receive 75k. Commissioner Toth agreed to matching funds.

Other updates included OSU Sea grant received a NMFS grant. The Ohio Board of Regents grant report will be out in June. that Winslow mentioned is he will be sitting on Annex 4. Winslow had previously been on Annex 2. Foundation support for outreach and education. Program rated very strong by NOAA recently. Numbers show OSU being 3rd or 4th best sea grant programing with them being 18th in funding. Winslow said that had to do with the good partnerships they have.

Natural Resources Conservation Service – No report.

NOACA (Pam Davis) – Source water protection plan for Painesville. There will be a meeting next week for the Ohio Regional Councils. They recently created a Water Quality Subcommittee to better coordinate with other areawides. NOACA executive director is interested in OLEC membership and will be working on applying.

TMACOG – No report.

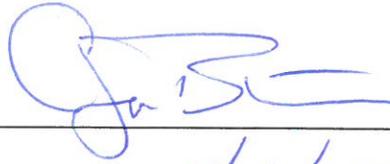
Public Comment

No Public Comment.

Chairman Butler called for any last thoughts? Commissioner Allen just added Merry Christmas all!

Commissioner Zehringer adjourned the meeting at 12:26 a.m. Commissioner Murdock seconded the motion.

Signature of Chair:



Date:

5/4/17