

OHIO LAKE ERIE COMMISSION MEETING
Ottawa National Wildlife Refuge, Oak Harbor, Ohio
May 3, 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 10:03 a.m.

Commission Members Present:

Craig Butler, Director, Ohio Environmental Protection Agency (OEPA)
James Zehringer, Director, Ohio Department of Natural Resources (ODNR)
Gene Phillips, Director's Designee, 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)
Lyn Tolan, Director's Designee, Ohio Development Services Agency (DSA)
Harry Allen, Great Lakes Power Group, Chairman
Kevin Cogan, Ohio Bureau of Worker's Compensation, Chief Legal Counsel

Staff Present:

Karl Gebhardt, Ohio EPA/OLEC
Sandra Kosek-Sills, OLEC
David Emerman, OLEC
Amy Jo Klei, OEPA
Russ Gibson, OEPA
Cherie Blair, OEPA
Jessica Johnson, Ohio EPA
Andy Ware, ODNR
Scudder Mackey, ODNR

(15 observers)

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

(roll call)

Chairman Butler asked commission and audience members to go around and introduce themselves.

Chair Report: Craig Butler, Director, Ohio EPA

Director's Designee Phillips moved the following resolution:

Resolved, that the Commission approves the meeting minutes for December 14, 2016.
Director's Designee Hill seconded the motion.

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

Financial Report: Karl Gebhardt, Executive Director, OLEC

Gebhardt gave the commission an overview of the financial status of the commission, as well as discussed estimates for FY17, a good percentage is still remaining in the office budget. The Great Lakes Protection Fund distribution came in and was the amount OLEC expected to receive. Gebhardt mentioned that the license plate funds and the Lake Erie Protection Fund estimates were on course with what the first quarter numbers were showing. He also mentioned about the restructuring of funds that he would go over in the OLEC office report. Thanks to shutting down the office at Coastal Management and moving the office to Ohio EPA NWDO, it has saved on a lot of expenses.

Lake Erie Protection Fund: Amy Jo Klei, Ohio EPA, Grant Committee Chair

Klei presented the Lake Erie Protection Fund Grant proposals. Three proposals were recommended for funding this quarter by the Grants Committee. (slides with abstracts on file)

Commissioner Zehringer moved the following resolution:

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

- "Reducing Phosphorus Loadings to Lake Erie with Gypsum." Greenleaf Communities NFP, \$15,000
- "Microfibers in Wastewater Discharging to Lake Erie." BGSU, \$14,930
- "Green Infrastructure – Depaving the Cuyahoga River Area of Concern." Cuyahoga River Community Planning, \$15,000

Director's Designee Schlichter seconded the motion.

Discussion regarding Gypsum Study: Chairman Butler asked if this study would be looking at total phosphorus loads? Schlichter answered that is would be looking at combined phosphorus loads.

Chairman Butler asked if there as a possibility to add more fields? Kosek-Sills replied that this was a part of Kevin King's project and this would be adding one more BMP to that. Commissioner Cogan asked how many acres were in the study? Russ Gibson answered, that there would be an average of 15 acres treated, 60 acres total. Chairman Butler asked how long the project would take? Kosek-Sills replied it would be one year.

Discussion regarding Microfibers Study: Commissioner Cogan asked if this was the first study of its kind in Ohio? Klei replied that this partnership with University of Toledo was an initial first step in studying this issue.

Gebhardt also mentioned on the topic of Microfibers that this has been an emerging issue across the Great Lakes, similar to the issue of Microbeads a few years ago. He mentioned

that the International Joint Commission has started to look into this issue as well. Chairman Butler mentioned how the legislature stepped in on the issue of Microbeads, that eventually they may do the same on this one.

Discussion regarding Green Infrastructure: Chairman Butler asked if there was any connection between this project and the Northeast Ohio Regional Sewer District. Kosek-Sills said she didn't know if there was a direct connection because the Cuyahoga River Community Planning was the AOC partner. Klei replied to Butler's question as well, that the Northeast Ohio Regional Sewer District was on the advisory committee.

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

Sandra Kosek-Sills also got up to give the commission a report on the Lake Erie Protection Fund Grant allocations for the year so far. She wanted to discuss this for the next meeting to see how the commission felt about allocating 50,000 for FY18 and FY19 for the large grant program for OSU Sea Grant. She said they would need to know by next meeting because their grant planning process will begin soon.

Kirsten Fussell with OSU Sea Grant got up and presented a little more on OSU Sea Grant's process. Fussell mentioned that they have a very extensive selection process for grants and push their projects to have a strong outreach and education component. (slides on file)

Fussell also mentioned they operate on a two year fiscal cycle which is why Kosek-Sills wanted to bring it before the commission. Their review process will begin next week, so although the commission could not have a formal motion, not being in that FY yet, she did want to discuss the large grant program with OSU Sea Grant.

Gebhardt also chimed in stating that OLEC has worked with OSU Sea Grant to expand coordination. Financially Gebhardt mentioned that OLEC should be able to afford the partnership. He also thanked OSU Sea Grant for adapting their processes to fit some of OLEC's priorities from the Lake Erie Protection and Restoration Plan into their criteria.

Chairman Butler asked if there was any reservations about partnering with Ohio Sea Grant and seeing no more discussion on the matter, Butler agreed to put this topic on the agenda next meeting for a vote. He asked Kosek-Sills to put something together to show where this grant money is going, where it can go and Department of Higher Education grant information for the next meeting.

Special Reports

Russ Gibson, Ohio EPA – AOC Program (presentation on file)

Gibson presented on Ohio's Areas of Concern Program. This program started out of the Great Lakes Water Quality Agreement (GLWQA). There is 10 annexes that focus on collaboration efforts on priority issues, Ohio EPA has identified 3 of these annexes as

priorities: Areas of Concerns, Lakewide Area Management (LAMP) and nutrients. There have been four areas in Ohio that have been labeled as an area of concern: Ashtabula River, Cuyahoga River, Black River, and Maumee River. The Maumee being the largest at 787 square miles.

Gibson mentioned that in 2014 Ohio EPA published a framework to set forth Ohio's Remedial Action Program to support Ohio's AOCs. This framework included the GLWQA AOC goal of restoring all 43 Great Lake's AOCs using an ecosystem approach, making the AOC program voluntary but push for local participation, and reestablish beneficial use impairments (BUIs).

Gibson then transitioned to discuss what beneficial use impairments were and the list of BUIs that Ohio views as priorities. BUIs priorities included: restrictions of fish and wildlife consumption, degraded fish and wildlife populations, fish tumors or other deformities, eutrophication or undesirable algae, and loss of fish or wildlife habitat. Gibson presented a chart with the status of BUIs in Ohio's AOCs.

Gibson then moved to discuss what it takes to identify a plan to delist an AOC. He mentioned the importance of developing a strategic approach, setting clear goals and having an adaptive management approach. A portion of that approach is emphasizing coordination with local, state and federal partners such as the Great Lakes National Program that assisted with the Black River plan. Gibson then when on to highlight the roles of AOC partners.

Gibson closed with thanking the plans and partnerships now in place regarding Ohio's four AOCs. The Ashtabula River is expected to be delisted in in either 2017 or 2018 and Black River is expected to follow in 2020. He described some of the challenges and opportunities that are still out there for Ohio's AOCs but said he was hopeful about the progress made.

Director Zehringer thanked Gibson and his team on the progress they have made. He asked if they had been able to remove the Black River slag? Gibson replied that they were not able to remove the slag. Zehringer followed up with asking how having the slag still there was able to improve the AOC? Gibson answered that they were able to improve on the discharge and influence of the slag and were recycling it.

Chairman Butler mentioned how there was an article in the Toledo News about the contaminated sediment in the Ottawa River and what steps have been taken to improve that. Cherie Blair got up to discuss Ottawa River as an example the progress in areas that are contaminated. She mentioned the original fish consumption advisories went up in 1991, saying people could not even touch a fish from the Ottawa River. Since then with funding from the Great Lakes Legacy Act, they have almost completely remediated the area and have lowered the consumption advisory with the promise to hopefully get it fully removed one day.

Commissioner Cogan then asked how do you identify an AOC, how do you set a timeframe to delist? Gibson answered that to set a timeframe you need to evaluate the history of where the AOC was, where it had come from and talk with locals to see where it was in their eyes. That will help to estimate a time to work towards delisting and creating a management plan.

Director's Designee Tim Hill asked if the management lists were online? Gibson said they were on the AOC advisory committee website. Chairman Butler added that often when dealing with GLRI projects you only see the environmental benefits, but there is also socioeconomic benefits tied to these projects as well. Gebhardt mentioned that he hopes this will improve coordination on beneficial use projects such as wetlands created by dredge material.

Sandra Kosek-Sills – GLRI Funds (presentation on file)

Kosek-Sills started off by explaining that Congress originally allocated \$2 Billion to 14 federal agencies for specific projects they had proposed. From that funding, USEPA received the largest portion. Of that portion that went to USEPA, Ohio has received 76.4 million for 110 projects with specific focus areas. Of those 110 projects, 51 have a focus in Nonpoint source pollution. Ohio has received other funding from other agencies that were allocated GLRI money, but to track all projects and where that money has gone has proven difficult Kosek-Sills mentioned.

Kosek-Sills went on to state that Ohio EPA received 51% of the money that came to Ohio from USEPA. Other places Ohio's GLRI funding from USEPA went to counties, cities and NGOs. She then went on to state that there are several nutrient reduction projects where the funding is going that include: beach health, monitoring and dredged material. The largest portion of nonpoint source projects are going to nutrient reduction in the western basin.

She then grouped together the funding from NRCS that was going toward nutrient reduction with the USEPA funds for nonpoint source projects, this totaled \$97.9 million. Kosek-Sills said that since the allocation of money in 2010, there has been a significant increase allocated for nutrient reduction.

After Kosek-Sills concluded, Gebhardt explained that her research in tracking where funding is going to projects in Ohio is part of a greater plan he is trying to have OLEC do, which is track all the dollars that come into Ohio for Lake Erie projects.

Water Monitoring Summary – Sandra Kosek-Sills (fact sheet available)

Kosek-Sills mentioned how there is a lot of monitoring going on around the lake. Thanks to this monitoring, when evaluating results we have been able to see what progress has been made up there. She discussed an example of this progress is that we can see that 2016 was a dryer year and that not a lot of nutrients were pushed into the western basin compared to 2011 which was wet and more nutrients were pushed into the Lake.

All of this monitoring has led to the Water Monitoring Summary that tracks nutrient levels from March to July. Thanks to partnerships that include Heidelberg University, USGS and Ohio EPA, they are hoping this summary becomes a consistent reporting tool.

Gebhardt added how good data like this can help improve the Domestic Action Plan.

Chairman Butler asked if they had received the flow data yet? Kosek-Sills replied that they had not received that yet but she would be seeing Laura Johnson at the Annex 4 meeting in a week where Johnson would be reporting on it. Kosek-Sills mentioned that although it is looking like it won't be a dry year, the results are ticking just above normal.

Lake Erie Commission Office Update: Karl Gebhardt, OLEC

Gebhardt began by discussing the State of the State Address that was given in Sandusky in April by Governor Kasich. All partnering agencies for OLEC held events to demonstrate some of the projects they have going on in the area. Gebhardt introduced Scudder Mackey, ODNR, to discuss the Sandusky Bay Initiative Event.

Mackey mentioned that for phase 1 Ohio EPA and ODNR awarded the City of Sandusky \$1 million to fund 4 projects. This funding would be for the engineering, design and permitting of 4 habitat restoration projects that beneficially use dredge material. Good progress has been made on phase 1 of those projects as the committee met yesterday (5/2/17) to narrow down the selection of projects. Phase 2 of this Initiative will be looking at flow through wetlands.

Gebhardt also mentioned another event hosted by Ohio EPA that was held at Barnes Nursery regarding stakeholder outreach for the beneficial use of dredge material. Barnes Nursery has used dredged material from private dredging to incorporate into nursery materials.

Chairman Butler mentioned this event also kicked off the materials market exchange. This is a waste exchange that is on the Ohio EPA website. Since the kick off they have had 200 companies sign up with the market. They are just awaiting their first actual "exchange" to get the program truly started.

Gebhardt mentioned at the Barnes event they had the USACE present. He said they have been working closer with the USACE on beneficial use projects.

This led into Gebhardt introducing David Emerman. David is a new employee for OLEC who has taken over the dredge material program as well as serving as general counsel for the commission.

David came up front to tell a little more about himself. He mentioned he had previously worked at the Ohio Attorney General's Office on their dredging and environmental

cases, specifically the Cleveland USACE case. He said his main goal in taking the job is to focus on ending the open lake disposal by 2020, making sure harbors gets dredged and conducting a lot of stakeholder outreach.

Gebhardt moved then to discuss Senate Bill 2. He mentioned it made it through the Senate and was now in the House of Representatives. He said that Director Butler gave testimony on the bill the week before and Gebhardt was scheduled to do the same this week. Gebhardt said the OLEC parts of SB 2 will help to continue the efforts of reprioritization. It will help to establish terms and get some new commissioners appointed.

Gebhardt mentioned that the Budget Bill just passed out of the House and was on to the Senate. Gebhardt would be giving testimony regarding OLEC funding. In the bill changes include changing GLPF funding towards more programing and demonstrations and moving staffing and operations to GRF.

Gebhardt also discussed progress on the Domestic Action Plan. He mentioned that he would soon be reaching out to state agencies to help identify stakeholders who should serve on the DAP advisory committee and obtain public input. He said he would be attending the Annex 4 meeting in a week that would include GLWQA and covers DAP topics.

Lastly, Gebhardt mentioned that him and Chairman Butler participated in the Erie Hack Summit sponsored by the Cleveland Water Alliance. He said it was a great crowd, and it is events like these that energize groups to work on phosphorus reduction. He also said there is another conference similar to Erie Hack called Water Technology Conference sponsored by Negev Foundation in Israel. If anyone wanted more information on it to contact him.

Chairman Butler concluded the OLEC Office report by adding that Senate Bill 2 really serves as a bigger focus for state agencies to see the changes that Gebhardt has worked on to move OLEC into the future. And hopefully the portion regarding dredge material criteria will help clear a stigma to it and help us toward our 2020 goal.

Agency Reports

John Schlichter, ODA – Schlichter stated the last few months ODA has pushed OSU's training sessions for certified custom applicators. So far there has been 17,000 attend a training session, while there has been 16,000 get certified. Schlichter said he wasn't certain the difference from the class to getting certified, but mentioned ODA would be catching up with folks as they actually start the enforcement process.

Tim Hill, ODOT – No report.

Director Zehringer, ODNR – Glad to be a part of State of the State events in Sandusky, including the Sandusky Bay Initiative and Fish Forecast Event with the Ohio Charter Boat Captains. Fish Forecast for this year is very good. He said he was looking forward for a great season for walleye and others. Turkey Season is in full swing with harvest up 20% from last year. Finally Bird Watching Season have kicked off as well.

Gene Phillips, ODH – The E.coli Beach Monitoring season will be kicking off soon. ODH has started working with local entities on that.

Director Butler, Ohio EPA – Butler discussed how this year in the state budget, agencies had been working to make up for budget shortfalls and have come up with what Butler believes is a pretty sound budget. At the federal level, however things are still uncertain at what might happen to USEPA's budget. Some GLRI funds have been saved. He mentioned how Ohio EPA only really gets a budget of \$10 million from the state and that most revenue it receives is from fees and federal categorical dollars. Since things are uncertain at the federal level, Butler said he is preparing/planning on a reduction from USEPA and GLRI. Butler did want to express how there is clearly a positive investment as seen through discussion today on projects being funded. That is why he will continue to advocate for these funds.

Lyn Tolan, DSA- Tolan said the Ohio Development Services Agency participated heavily in State of the State activities. Altogether they had 20 events mostly focused on small business and tourism, since it was the time most folks are planning their summer activities. She mentioned that May 10th is Tourism Day. DSA will be having a big event on the statehouse lawn that day to market the great spots around the state.

Chairman Butler concluded agency reports by thanking the Ottawa National Wildlife Facilities for hosting May's OLEC meeting.

Agency Partner Reports

Jon Allen, Office of Great Lakes, State of Michigan- Allen introduced himself and what his agency is focused on. He mentioned that the Office of the Great Lakes works on regional and cross border coordination on various items. Allen said that the Governors and Premiers Summit would be coming soon to Detroit. He thanked Lieutenant Governor Mary Taylor for chairing that association. He also said the focus of this year's summit will be 40% reduction, Asian carp and better coordination.

Allen mentioned how he had been working with several Great Lakes Islands, that they will be hosting their first ever summit and possibly look at forming their own coalition. Lastly, Allen stressed the importance of the GLRI funding, not just for restoration but also the socioeconomic benefits as well.

Kirsten Fussell, OSU Sea Grant – Fussell stated that on Jul 13, OSU Sea Grant will be having a HAB webinar to discuss the forecast from the March-July data and how that may influence late summer. They will be hosting the other Great Lakes Sea Grant programs

in Cleveland this year. This is a networking meeting while also giving them the opportunity to highlight Ohio's accomplishments. Mary Taylor is expected to give opening remarks. Finally, they turned in their final reports to Ohio Department of Higher Education. Their final document will come out the end of May highlighting projects.

Kurt Erichsen, TMACOG – Erichsen mentioned they were working on a relaunch of clean water treatment plan where they plan to release it during the Stormwater Coalition Meeting in June. He also mentioned that they are approaching halfway point with nutrients, that they are working on identifying critical areas.

Public Comment

Dave Spangler, Ohio Charter Boat Captains – Spangler declared that the USACE released the permit for the Ballville Dam. Hoping for Dam to be out by 2020.

Last few days there has been 3 Gail warnings. Visibility on the Lake has been bad. He mentioned people he knows have already reported rainfall above normal, which he worries what that could mean toward the end of summer.

Sandy Bihn, Lake Erie Foundation – LEF has seen growth in membership and would like to have a possible role moving forward on nutrient reduction. Hoping to see a reduction in the amount of phosphorus going into Lake Erie. Would like to see more of where the funding is going to projects and what progress those projects are making.

Dave Millinger, Township Resident and Farmer – Issue with City of Toledo and a quarry being filled up with water treatment lime. Concerned about the heavy metals and links to drinking water through private wells and ground water. Wants to prevent anything from happening, that is why he came before the commission.

Chairman Butler addressed Millinger's concerns by stating that the permit for this project is before the Ohio EPA. Would be happy to meet with Millinger to discuss his concerns further.

With no further public comment, Chairman Butler asked the commissioners if there was any remaining items they wished to discuss.

Commissioner Allen said he would like to address Bihn's comments. He agrees with her that he would like to see the results of many of these projects and studies and as a commissioner will work to get them. Commissioner Cogan seconded Allen's comments and said his focus is driven toward nutrient reduction so his kids and grandkids can enjoy the lake like he has.

Chairman Butler thanked those who presented and attended.

Gebhardt mentioned they may move meeting further out from original date and will look for a central location on the lake to host.

Commissioner Cogan moved to adjourn and Commissioner Allen seconded the motion.

Director Butler adjourned the meeting at 12:22 a.m.

Signature of Chair:

C. W. Butler

Date:

7/10/17