
Meeting Minutes

December 7, 2022 – 1:00 p.m.

Vern Riffe Center for Government and the Arts

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

Commission Members Present:

Laurie Stevenson, Director, Ohio EPA, OLEC Chair

Mindy Bankey, Director's Designee, Ohio Department of Natural Resources (ODNR)

Dorothy Pelanda, Director, Ohio Department of Agriculture (ODA)

Tim Hill, Director's Designee, Ohio Department of Transportation (ODOT)

Gene Phillips, Director Designee, Ohio Department of Health (ODH)

Scott Ryan, Director Designee, Ohio Department of Development

Bill Wolf, Commissioner

Jim Stouffer, Commissioner

Crystal Davis, Commissioner

Danielle Giannantonio, Commissioner

Kate Bartter, Commissioner

Richard Hylant (via virtual connection), Commissioner

Staff Present

Joy Mulinex, OLEC

Lynn Garrity, OLEC

Sandra Kosek-Sills, OLEC

Nicole Mieske Knab, OLEC

Hannah Boesinger, OLEC

Welcome and Agenda Overview: Laurie Stevenson, Director, Ohio EPA

Chair Stevenson called The Ohio Lake Erie Commission (OLEC) meeting to order at 1:04 p.m. and welcomed everyone.

She asked for roll call. (roll call). A quorum was declared.

Chair Stevenson requested members of the public to sign up if they wish to address the commission during this meeting.

Chair Stevenson requested a motion to approve the September meeting minutes.

ACTION: Approval of September 21, 2022 Meeting Minutes

Motion to approve was made by Tim Hill, and Bill Wolf seconded the motion.

Motion carried with no dissent.

There was discussion about recognition of 50 years of the Clean Water Act, the Coastal Zone Management Act, and the Great Lakes Water Quality Agreement. The Chair outlined highlights of these acts and agreement.

ACTION: Recognition of 50 years of the Clean Water Act, the Coastal Zone Management Act, and the Great Lakes Water Quality Agreement

Motion to approve by Mindy Bankey, and Bill Wolf seconded the motion.

Motion carried with no dissent.

Chair Stevenson introduced Joshua Griffin from Ohio EPA to present information about the Maumee Watershed Nutrient TMDL.

Special Report: Maumee Watershed Nutrient TMDL

Josh Griffin, Lake Erie Program Manager, Ohio EPA

Josh presented a slideshow highlighting:

- A TMDL is a Clean Water Act required document that is used as a formal cleanup plan to address impaired waters. He reviewed the steps involved in Ohio's TMDL process.
- This TMDL deals with reducing phosphorus the Maumee River delivers to Lake Erie in order to address impairments to Lake Erie due to harmful algal blooms.
- Josh reviewed the primary sources of phosphorus to the Maumee River. This includes agricultural fertilizers, both chemical and manure, and soil sources. He highlighted legacy phosphorous in soils from past agricultural activities.
- Josh then explained the modeling methods used to develop this TMDL.
- Finally, Josh explained that this TMDL will present an implementation strategy. Josh noted that not just one BMP will be recommended, rather a suite of practices shown to make the most reductions.

Chair Stevenson introduced Kirk Hines from ODA to discuss his agency's H2Ohio progress:

Special Report: Nutrient Reduction in Ohio's Lake Erie Watershed

Kirk Hines, Deputy Director, Ohio Department of Agriculture

Eric Saas, H2Ohio Program Manager, Ohio Department of Natural Resources

Kirk presented a slideshow highlighting:

- Overall cropland enrollment in ODA's H2Ohio has exceeded the original planning expectations. Best management practice acres have met expectations. These come together to equal the 800k pounds of reductions noted above.
- The actual best management practices utilized under this program are: Voluntary nutrient management plans, placement & manure incorporation, cover crops & conservation crops. Kirk noted that the nutrient management plans add even more value because they allow producers to know which acres they do not need to apply as much phosphorus. This is an additional phosphorus reduction that is not currently accounted for.
- ODA H2Ohio 2023 planned initiatives are 2-stage ditches, more demo/field days, equipment purchase assistance funds, software integration, and other programs.
- The three-year H2Ohio funding for the original 14 counties will conclude in 2023. The additional ten counties to the east will finish in 2024.
- Kirk then noted a trend of how much fertilizer/manure contributes to crop needs. ODA has found that farmers are not putting on as much phosphorus as in the past. The result of this is that soil test phosphorus levels are being drawn down over time.
 - o Commissioner Bartter asked if anyone is looking into whether the implementation of these BMPs is economically helping producers beyond the H2Ohio/government subsidy? Kirk noted that the Ohio Agriculture Conservation Initiative (OACI) is developing a conservation certification program. This involves collecting data that can be used for economic inquiry.

Chair Stevenson introduced Eric Saas from ODNR to discuss his agency's H2Ohio progress:

Eric presented a slideshow highlighting:

- ODNR's wetland restoration projects with the goal to reduce nutrients. The program sits at the nexus of nutrient management and habitat restoration. Enhancing wildlife habitat is an important co-benefit of this work. This increases the quality of the state's recreational outlets via nature/bird watching, waterfowl hunting, etc.
- Eric presented a map that shows the H2Ohio wetland projects are statewide, but with a focus on waters draining to western Lake Erie.
- ODNR has seven different divisions that work with H2Ohio projects and 2 staff to administer this program, soon to have a third. There are 59 non-agency project

partners. 15,000 acres of wetland have been created, restored, or enhanced. 110k acres of drainage area runs through these wetlands.

- ODNR's H2Ohio has also provided an incentive to the federal CREP program for wetland enhancement. These incentives have been used by 157 private landowners, creating about 3k acres of projects.
- Eric explained the LEARN (Lake Erie and Aquatic Research Network) program's involvement with H2Ohio wetlands. This is an academic consortium that includes experts in wetland and water quality science. The program is currently engaged in researching the water quality improvements from the H2Ohio wetlands.

Chair Stevenson thanked the speakers for their presentations and work.

Chair Stevenson introduced Joy Mulinex from OLEC to present the commission office report.

Ohio Lake Erie Commission Office Report Joy Mulinex, OLEC, Executive Director

OLEC continues to participate with the Great Lakes Executive Committee. The GLEC presented the Great Lakes Public Forum in September 2022, an every-three-years event that provides an opportunity for the public to review the State of the Great Lakes Report and Progress Report of the Parties on the Great Lakes Water Quality Agreement.

Director Mulinex outlined federal programs/bills that impact Lake Erie.

Water Resources Development Act provides funding to US ACE. This bill has seen movement in both the House and Senate. The bill includes an amendment to the non-federal cost-share for the Brandon Road lock project to prevent invasive carp from entering the Great Lakes is currently included in this bill.

GLRI funding goes through US EPA's appropriations. The federal budget is currently operating on a continuing resolution, to expire on Dec. 16. Joy noted that a shutdown is unlikely but worth watching. Other various funding sources are being tracked.

Joy shared a slide of the OLEC budget.

2023 OLEC meeting themes were presented on a slide. A past vote by commissioners was used in picking these themes. Joy asked for comments on these themes. She also noted that there will likely be a field trip in 2023.

OLEC Staff Lynn Garrity presented Lake Erie program updates.

GLRI Action Plan IV Planning: The Plan sets guidance by U.S. EPA on funding priorities for the federal funding under the Great Lakes Restoration Initiative. Action Plan IV would be for the period beginning FFY2025 through FFY 2029. State input has begun with more to come through U.S. EPA in 2023.

IJC Progress of the Parties: The triennial plan under the Great Lakes Water Quality Agreement is collecting public input through Dec. 23, 2022.

Annex 4 GLWQA has a public webinar the following day, Dec. 8. OLEC staff Sandra Kosek-Sills will present at this webinar.

Lynn noted two GLRI awards from Sustain Our Great Lakes and Great Lakes Sediment Nutrient Reduction Program. These grant awards total \$1.46 million to non-state agency parties. This is GLRI funding that comes to Ohio and not directly through state agencies.

AOC projects were highlighted with 56 projects currently underway in Ohio's AOCs that will contribute to the future delisting of these areas.

LE Communities and Coastal Resiliency Grant is GLRI funding through Ohio EPA DSW to OLEC. OLEC offered competitive grants for Ohio jurisdictions to apply for portions of this funding with a priority on underserved communities and coastal resiliency measures in the eight coastal counties. A grant selection board recommended seven entities, all local jurisdictions to receive a total of \$609.7k with grants ranging from \$45k-128k. Grant recipients will be notified in the next few days to proceed with the grants.

Lake Erie Protection and Restoration Plan. OLEC is required to develop this plan to set out priorities that will guide the Lake Erie Protection Fund priorities and the work of the Commission. The 2023 plan kickoff occurred in the last month requesting information from state agencies. Lynn expects to present the completed plan to the OLEC commissioners at the June 2023 meeting.

One LEPF grant closed in SFY Q2. The principal investigator was Dr. Qian of the University of Toledo. The project involved assessing agricultural conservation practices for nutrient removal effectiveness.

Finally, Joy explained that a calendar has been made featuring highlight photos from 30 years of OLEC. A video has also been produced celebrating the commissions anniversary.

Chair Stevenson requested commissioner reports.

Commissioner Reports:

Crystal Davis, Commissioner: Nothing to report.

Danielle Giannantonio, Commissioner: Noted the \$25 million going to the removal of the Cuyahoga Gorge dam is welcome news.

Mindy Bankey Director's Designee, Ohio Department of Natural Resources (ODNR): Highlighted the work H2Ohio work that Eric presented. Noted the various ribbon cutting for H2Ohio wetland projects. Excited about continued progress with wetland projects and funding.

Jim Stouffer, Commissioner: Congratulated the commission for taking to heart what the Clean Water Act envisioned. Noted that the investments in Lake Erie's natural resources has brought about a massive amount of economic benefit to Ohio.

Bill Wolf, Commissioner: Noted the Cuyahoga River fires of the past and how far natural resource protection has come. He also noted that Lucas County has purchased equipment for nutrient sampling to help assess the sources in the river.

Kate Bartter, Commissioner: Thanked OLEC staff for such a meaningful agenda. Happy to see how much GLRI funding has come to Ohio and the focus on nutrient management. Stressed the continued need for understanding of how the economic market can help achieve nutrient reductions. Noted that the Ohio State University really appreciates the collaboration with state agencies. They are very excited about the pilot watershed study and how it will support public investment.

Scott Ryan, Director Designee, Department of Development: Introduced himself to the commission as a new director designee for Development. Outlined several figures of development investment throughout Ohio's Lake Erie region.

Noted Ohio received \$250 million statewide (out of \$1.4 billion in requested funding) from the Builds Initiative.

He mentioned state tourism has been reported as up in 2022. Leisure travel sustained this increase as business travel is still recovering from the pandemic. Next year's Ohio Tourism Day on the statehouse lawn will occur on May 10, 2023.

Gene Phillips, Director Designee, Ohio Department of Health (ODH): Noted that the beach monitoring data from this year has been submitted to U.S. EPA. Health is working on final report of this year's Lake Erie beach recreation assessment.

Tim Hill, Director's Designee, Ohio Department of Transportation (ODOT): Noted a \$2 million coastal erosion study has been awarded. However, part of SR 531 has been closed recently due to erosion. This highlights both short- and long-term fixes continue to be needed.

Dorothy Pelanda, Director, Ohio Department of Agriculture (ODA): The Director noted that Kirk did a great job in his presentation. She highlighted the budget proposals for the upcoming biennial budget. The Director noted how ODNR has ventured to other

parts of the state with their H2Ohio projects, but ODA has not. The ODA H2Ohio work is based on three-year contracts. With first round of 14 counties is just coming off their first contract, ODA is exploring ways to get producers leaving a contract to continue the conservation practices. Finding ways to expand enrollment to other producers is also ongoing. The director noted the two-stage ditch and demo farms that will be highlighted in 2023.

Finally, the director noted that ODA is confident that the 40% phosphorus reduction goal can be met, but weather and other elements do provide road bumps.

Richard Hylant, Commissioner: Nothing to report.

Laurie Stevenson, Director, Ohio EPA: The Director noted that she is excited about the Cuyahoga Gorge dam removal project, and thanks to the OLEC staff work on this project. She mentioned \$25 million investment from the PCB Advisory Council.

The Director then noted that she announced her retirement from Ohio EPA this day. Her final day will be December 31, 2022. She thanked the commission for the opportunity to work with her through the years. The room offered a round of applause in appreciation for her service.

Public Comments

James Rose – Lake Erie Waterkeepers board member:

Mr. Rose opened by thanking the commission for their efforts. He then shared observations and pictures of the western Lake Erie harmful algal bloom from this year. Noted that the bloom persisted later this year than in past years, and the different type of algae emerged. He also stated that the bloom was double what was forecasted.

Mr. Rose explained that Ohio continues to permit confined animal feeding operations. A new hog feeding operation under consideration for expansion intends to apply manure on soils that have soil phosphorus levels well above the agronomic level. He noted that he is not sure why this application is being considered.

Next, Mr. Rose noted a Wood County farm that received quantities of liquid manure in October from other farms, some from out of state. He said that this manure was applied to tile drained fields, some fields very close to the Portage River. He says Ohio EPA was contacted, and ODA responded that the manure application was permitted.

Mr. Rose mentioned a petition that 50 NGOs had submitted to U.S. EPA that explains that liquid manure is being discharged to waters. This petition requests the U.S. EPA issue an NPDES permit to address this manure.

Finally, Mr. Rose requested that the OLE Commission considers a mandate on new and expanding CAFOs.

Executive Director Mulinex shared a slide showing 2023 commission meeting dates.

Chair Stevenson asked for a motion to adjourn.

Motion to adjourn by Jim Stouffer, and Bill Wolf seconded the motion.

The motion carried on a voice vote.

The meeting was adjourned at 3:06 p.m.

Signature of Secretary: Mary Metz

Date: March 21, 2023

Signature of Chair: Aime M Vogel

Date: March 21, 2023