

**Ottawa River Coalition Meeting Minutes**  
**March 28, 2019 LACRPC Office – 130 W. North Street, Lima, OH**

*In attendance:*

Beth Seibert, Ottawa River Coalition	Cory Gonya, Nutrien
Kevin Cox, Perry Township	Tyler Black, Johnny Appleseed Metro Parks
Joe Gearing, Allen Co. Engineer's Office	Jim Morrissey, Lima Public Works
Steve Kayatin, Allen Co. Sanitary Engineering Dept	Denny Wilkins, Bath Township
Sierra Slusher, Husky Lima Refinery	Leslie Riley, Tri-Moraine Audubon Society
Marcy Bolek, Alloway	Kevin Haver, Johnny Appleseed Metro Parks
Sophia Fisher, Lima Allen Co. Reg. Planning	Casey Heilman, Allen SWCD
Nathan Davis, Allen Co. Engineer's Office	Thom Mazur, Lima Allen Co. Reg. Planning
Mike Elwood, Hardin SWCD	Roy Baldrige, LACNIP
Eric Markley, City of Lima Utilities	Albert Suniga, Allen SWCD

**Welcome and Introductions** – At 8:01 am Chairman Cory Gonya opened the meeting and welcomed those present. Self-introductions were made around the room.

Thom Mazur, Director of the Lima Allen County Regional Planning Commission (LACRPC) gave an overview of their agency, created in 1964. Their work is in township zoning, agricultural lands preservation, and as a local census affiliate. Their one big function is as a Metropolitan Planning Organization (MPO) serving all of Allen County, Delphos, Cridersville and Bluffton. They assist with the development and updates of land-based regulations including the Stormwater Management and Sediment Control Regulations (SMSCR). LACRPC has administration responsibilities to the Allen County Subdivision Regulations and Flood Plain Management Regulations. Thom also reported on Shawnee Township's current consideration of Riparian Setback and Floodplain Overlays. Floodplains can be zoned and that means nothing can happen in floodplains. Thom told the group that flood plain impacts have created water quality issues too as we have essentially removed the kidneys from the river systems. He feels these steps by Shawnee Township indicate that there is still hope in that the Trustees have realized this is a problem that needs corrected. He reflected on how the County and Townships don't like to say "no" and hurt development. As a result environmental restrictions become ineffective.

**Call for Additions to the Agenda** – Beth Seibert asked to report on the Jackson Township 4-wheeler incident under the watershed committee.

**Approve Minutes of the Previous Meeting** – *Motion by Kevin Cox to approve the minutes of the November 15, 2018 and January 12, 2019 meetings. Motion seconded by Roy Baldrige and carried.*

**Treasurer's Report** – Treasurer, Sophie Fisher presented the March Financial Report, outlining receipts, expenses and account balances since the November report. *Motion by Mike Elwood to approve the March Financial Report. Motion seconded by Joe Gearing and carried.*

**Committee Reports**

Executive Committee – Cory Gonya reported that they had met February 28<sup>th</sup> to prepare this agenda and finalize arrangements for the Good Friday Fish Fry Fundraiser.

Community Relations Committee – Casey Heilman reported that the annual Ottawa River Cleanup is set for April 27<sup>th</sup> from 9 to Noon. The partnering agencies are ready and expecting 600 participants.

#### Stream Monitoring Committee

- Cory Gonya provided the *Regulatory Update*. With the new Governor DeWine in office there has been a lot of biennial budget talk. An H2Ohio Fund is very ambitious with the goal of \$900 million in dedicated funding over 10 years. Drinking water issues are a driver including HAB, nutrient pollution, and lead contamination. Ohio State Parks will get \$4.5 million for natural areas investments and invasive species. Oil and Gas programs will get \$14 to \$50 million. \$31 million for air pollution programs will be aimed at reducing diesel emissions with a goal of eliminating 400 ton of pollutants. Restoration of Mentor Marsh is a priority project. And \$20 million will be administered through Ohio Dept of Agriculture and Soil and Water Conservation Districts to target phosphorus. Dam Safety is also to receive increased funding. See more details online at <https://governor.ohio.gov/wps/portal/gov/governor/media/news-and-media/031419> “Water is vital to everyone, yet communities throughout the state face real and different challenges, such as algae blooms, failing septic tanks, nutrient pollution, and threats of lead contamination,” Governor DeWine said. “We cannot continue to lurch from water crisis to water crisis. I am proposing an H2Ohio initiative that would allow us to invest in targeted, long-term solutions to ensure safe and clean water across the state of Ohio.”
- Cory Gonya also updated the group on the *Kasich Executive Order to Designate Eight Distressed Watersheds in the Western Basin of Lake Erie*. As a result of the DeWine transition it is expected today “to be refilled”, as Ohio Dept of Ag (ODA) and the Ohio Soil and Water Conservation Commission (OSWCC) actions on the matter so far has been “to take no action”.
- Eric Markley reported on the *Lima CSO Equalization Basin Project*. Sixty percent of the floor has been poured and the west and north walls are being completed. Albert Suniga noted that about 30 of the 100 support columns have been installed to date. The floor is being installed in slabs from the west to the east. Eric noted that they are on time and budget – maybe actually a couple weeks ahead of schedule. The diversion structure and pump are in place. One hiccup this winter was the blowout of shoring due to freezing and thawing. Groundwater is captured and discharged from the site, although sampled first. Results are showing water quality similar to quarry discharge. Eric says to contact him at the Lima Wastewater Plant if you would like to tour the large hole in the ground at Simmons Field.

Lowhead Dam Committee – Beth Seibert reported that a number of Ottawa River Coalition members and partners participated in a January 31 phone conference with the USACE Section 404 of the CWA and OEPA Section 401 of the CWA per permitting requirements on the lowhead dam removal at Allentown. Cory Gonya told the group that Ohio EPA has been suggesting that a permit would be needed as well as sediment sampling above the dam. We had requested a site visit from USACE and OEPA to discuss and resolve the permit matters, but a phone conference was conducted instead. It sounds like OEPA will not require a permit if USACE decide they have no jurisdiction and the matter seems to rest on whether or not we would choose to remove the broken dam concrete material from the stream or leave it there for erosion control as originally planned. So we are leaning towards removing the material and transporting it off site. So liberation of the sediments was then discussed with the two agencies. Per the contaminated sediments issue, we have pointed OEPA to the results of their own sediment sampling in that dam

pool in the summers of 2010 and 2011 as reported in their 2012 biological study report of our Ottawa River watershed. Ohio EPA was going to discuss these matters further internally and respond back to us officially – which they have not yet done. So, as Cory explained, that leaves us with the issue of the mollusks or freshwater clams that will be stranded as the dam is breached and the water level will lower faster than they can move, which will likely strand them and kill them. ODNR Division of Wildlife is requiring us to engage a malacologist or certified mollusk person to perform and oversee the assessment and rescue activities. Nate Tessler of ODOT District 1 is such a certified professional and we have been discussing the possibility of his directing a group of our volunteers in such an exercise. Dr. Leslie Riley and Dr. Robert Verb of ONU have suggested they and their field biology students might be able to assist such a project. Again we pointed out the results of the OEPA 2012 biological study report of our Ottawa River watershed which indicates that no endangered clam species were identified in the Allentown dam pool or the area upstream. Beth spoke of how the water level drop affecting the clam population could easily extend for a mile upstream, or further. Beth reminded the group that the estimate we received from Degen Excavation for the removal of the dam is \$13,500. Cory noted that Dominion has removed approximately three trees to make way for the equipment. Tree removal had to be done prior to April 1 due to Indiana Bat habitat issues. Kevin asked about downstream monitoring requirements and Cory and Beth responded that pretty much rests with making sure that the liberation of sediments is not a massive or violent action that could kill aquatic life so notching the dam or removing it in phases is also being discussed. Steve Kayatin asked if utilization of a weir, adjustable weir or v-notch been considered as a more gradual way of dropping the water level and help with the clam issue. Joe Gearing spoke of how he feels this simple matter of removing an obstruction to water quality as OEPA starting posing to us, the watershed organization, in 2011 is being blown way out of proportion. He referred to the fact that the dam was installed for a reason that no longer exists – to support a stream gaging station. Cory related this point on the OEPA water quality attainment map as a speed bump in the river. Steve pointed out that timing of this event would be very critical and Cory agreed that is why we are looking at summer low flow conditions. Roy Baldridge added some humor to the conversation as he noted that the Indiana Bat is using the Civic Center for alternative habitat – something that he realized during the production of *The King and I*.

### Stormwater Committee

- Jim Morrisey gave the *City of Lima Stormwater Report*. Two major projects are underway with a total cost of \$2.5 million – Melrose Phase I and Schoonover Dam Restoration. The contracts have been awarded and trees removed ahead of the Indiana Bat habitat protection deadline. Dirt from the Melrose project will be used at the Schoonover dam project. Earth moving will start in June. The Elm Street Grade Separation Project is 3-6 months behind schedule due to a Century Link issue.
- Joe Gearing began the report on the *Allen County Stormwater Program* and spoke of how Jim Morrisey and Beth Seibert are currently working on their 2018 annual report submissions to Ohio OEPA on the Phase II Stormwater permit program. With Spring comes an increase in development in the City and County and Joe pointed out that Albert Suniga is conducting regular erosion and sediment control oversight for construction sites for both political subdivisions. Joe went on to talk about two ditch petition projects that will be addressed this year in Amanda and Shawnee Townships. He is also working on a log jam and debris removal project and various ditch and tile cleaning and maintenance issues. Joe expressed enthusiasm for the Shawnee Township steps to protect flood plains as these areas do need protecting and restricting due to upstream and downstream impacts to

other properties and county infrastructure. Joe also reported that OEPA is preparing for a TMDL study of the Upper Auglaize River watershed this summer.

- Casey Heilman reported on Allen SWCD's efforts to assist both the Lima and Allen County Stormwater Programs and OEPA permit requirements. Tomorrow at the Civic Center as part of the Chamber of Commerce's Real American Sunrise Program, eleven Stormwater Superstars will be recognized. This is the third year that a group of Lima businesses and organizations are recognized for best practices in stormwater management and protection. Casey is managing the Adopt-A-Roadway program and noted the extreme visibility of litter in our community during this time of year. She supplies bags, gloves and safety vests for such assignments. The program also installs roadway signage noting the name of the adopting entity or persons. Ideally an adopting group covers their site twice a year and reports their results to her. She has some that do it more frequently. The City of Lima 2019 Tree Rebate Program is underway and she explained how a Lima property owner is eligible for a 50% rebate to plant up to two trees, including the cost of the tree AND planting by a professional. Casey explained how someone meets with each landowner in the planning and selection process and also inspects the plantings before the rebate is issued.
- Albert Suniga spoke of how the contractors are waiting for the weather to be fit and the 2019 construction season to begin. There are a number of new projects in the City of Lima and Allen County. Albert noted that contractors have come a long way in the last few years in complying with stormwater controls on their sites.
- Beth Seibert reported that they have just concluded their internship interviews and have met an outstanding group of college students in the process. They rely on the summer interns to conduct the dry weather stream outfall screening each summer along with their service to other projects.
- Steve Kayatin reported that they are conducting a great deal of testing at Pike Run.

#### Watershed Committee

- Cory Gonya spoke to the group about the February vote in Toledo regarding the *Lake Erie Bill of Rights (LEBOR)*. A group of Toledo citizens, assisted by a nonprofit out of Pennsylvania organized and paid for a special ballot to be conducted. LEBOR attempts to give an inanimate object, in this case Lake Erie, rights in court. Up to this point no such action has been upheld in any US court. But LEBOR made its way onto a Toledo ballot through a petition with the appropriate number of signatures and on February 26 a special election was held. Six to nine percent voter turnout was reported and the measure did pass. Cory noted how the 2014 Toledo algae and drinking water issue still had a partial impetus on the ballot issue passage. Now that it has passed it strives to give any Toledo citizen the right to sue anyone who harms Lake Erie. Lawyers are contesting this saying it violates home rule and gives no say in the matter to those outside Toledo. Very quickly the first suit against LEBOR was brought by a Wood County farmer. Beth Seibert noted that ahead of the Feb 26 referendum, Ohio Farm Bureau was contacting their members and suggesting enrollment of farm parcels in an Ag District through the local County Auditor's Office as a tool for protection against a LEBOR suit. Steve Kayatin gave some clarification on the use of an ag district designation by farmers as he told about how the Gracely Farm was protected by such when the sanitary sewer and water utilities were extended down Eastown Road. So the \$60,000 cost of construction associated with that parcel and connecting to that utility was deferred until it was developed by the nursing home project and that obligation that had essentially been put off by the farmer through ag district protection was quite a shock to the new property owner. The Ohio Revised

Code affords the farmer protection against collection of a utility assessment, but the obligation to the utility remains should it come out of agricultural use. Cory also talked about the curious nature of citizen filings as LEBOR will be under the jurisdiction of the Lucas County Common Pleas Court. If damages are awarded in such suits that money is to go back to the City of Toledo for Lake Erie impact mitigation. Cory also noted how the City of Toledo's wastewater treatment plant could be liable in such a suit. He noted that the City of Toledo actually campaigned against the referendum. US District Judge Zach Zouhary is currently considering the issue based on conflict of interest.

- Cory Gonya also gave an *update on Waters of the State (WOTUS)*. USEPA has gone out for public comment on the matter as there is much "gray area" that still needs clarified. Six areas of clarification include navigable waters, tributaries of navigable waters, certain ditches including canals, certain lakes and ponds, and water impoundments. They have clearly stated what is NOT a water of the state: ephemeral bodies where surface water stands only after it rains, groundwater (although Ohio law includes groundwater), road ditches, prior converted cropland, and more. Cory also spoke of a new issue that is on the regulatory front and that is a federal lawsuit involving deep well injection system impacts in Hawaii. He will keep an eye on this and report more in the future, as this decision could impact us here in Ohio.
- Beth Seibert gave an update on something she reported on at the November meeting. The Ottawa River intersects a *Jackson Township landowner's property and he is trying to understand his rights in preventing trespass of adults on 4-wheelers who are regularly driving up and down the stream bed*. They are disrespecting his argument that they are trespassing on private property. Beth took the matter to the ODNR Division of Wildlife Allen County Game Protector Craig Barr and Allen County Sheriff Matt Treglia. Both agree that 4-wheelers have no rights to travel the stream bed and both have requested that if the landowner has future problems with these offenders he should call them and they will address the matter. Kevin Cox asked what the difference between a boat and a 4-wheeler having access. Kevin Haver responded that it goes back to a matter of WOTUS and that boats float on top of a stream bed and tires come in contact with the stream bed. Steve Kayatin suggested the use of game cameras by the landowner and Kevin Haver agreed that such would be a useful tool to document their access and also be of use should a matter go to court. Eric Markley talked about their use of cameras at the reservoirs. Kevin Haver said that JAMPD is also using these kinds of cameras to monitor park areas.

### **New Business**

Beth Seibert presented 30 annual membership agreements for approval – 29 voting memberships: Tri-Moraine Audubon Society, Allen SWCD, American Township, Anne Decker Marketing, Beam Designs, Alloway, Hardin SWCD, Allen County Farm Bureau, Allied Environmental Services, Kohli & Kaliher, Allen County Public Health, City of Lima Utilities, Husky, Sugar Creek Township Allen County, Johnny Appleseed Metro Park District, Allen County Sanitary Engineering Dept, Village of Ada, Shawnee Township, Perry Township, Village of Kalida, National Lime and Stone, Guardian, LACNIP, Interdyne, Nutrien, Bath Township, Allen Water District, LACRPC, Lima Public Works, AND 1 nonvoting membership: Ford Lima Engine Plant. *Motion by Kevin Haver and seconded by Kevin Cox to approve the 30 annual memberships as presented. Motion carried.*

### **Member and Partner Reports**

- Marcy Bolek reported on an exciting new project for Alloway and Hoffman Analytical Services now doing business as EnviroGo. This is an environmental sampling and monitoring on-the-go unit, housed in a 4x6 trailer. It is being customized to suit the

specific customer needs and was designed for manhole sampling, stormwater locations, etc. It is equipped with shore power, battery power, solar panels, a chiller, peristaltic pump, 24 hour compositor, manhole picks, shelving units, meters, and sondes. It is ideal for respirometry use, is the first of its kind to be built, and the prototype is located for viewing at the OEAMC facility on South Main Street in Lima.

- Tyler Black talked about a busy 2019 at JAMPD with a dozen or so projects. He noted that 80% are part or fully funded on grants. Phase II of the Miami Erie canal path involves 4.5 miles between Spencerville and Delphos. Overall they are placing nine miles of crushed lime pathway. They plan to award the bid for this phase in early April and be done by the end of July. Teddy Bear Park is getting a new playground in early May. This will be the first of many playground improvements in the various parks. The Bluffton Motter Metro Park is getting interpretative signage with 26 signs across five different habitats – stream, riparian, prairie, woodland, and wetland. This should be completed by early summer. The signage should aid a more natural park experience and habitat understanding. They are ramping up to officially open the Lauer Historical Farm Park this spring and are booking reservations. They are interviewing next week for a new environmental education supervisor.
- Kevin Cox gave an update on Perry Township happenings. 2019 road, tile and crossover repairs are being planned. They continue to use their durapatcher and Kevin noted that pavement is expensive and money is short. Their Fire Dept is gearing up for an April 13 pancake and sausage fundraiser. The new Aldis is open and Chief Supermarket at Eastgate is doing some remodeling.
- Leslie Riley reported on Tri-Moraine Audubon Society activities. Next week (April 2) they are having a family fun night. Their annual Environmental Education Weekend at Camp Myeerah near Bellefontaine will be held April 26-28 and is a great family friendly event. Their May 7<sup>th</sup> meeting will feature a presentation on Warblers.
- Jim Morrissey reported on the work of the City of Lima's Urban Forest Council. They are working on a tree resource educational activity to be conducted during the Alter Ego Comics May 4<sup>th</sup> Event that hosts nearly 2,000 people in downtown Lima.
- Mike Elwood reported on the Scioto Marsh Solar Field in Hardin County. The project will claim 4,000 acres or nearly ¼ of the marsh and is projected to be completed in the next two years.
- Beth Seibert reported on the Allen SWCD tree seedling sale and offered to place any interested person on their extra tree contact list. The seedlings are expected to be packaged in mid-April. ASWCD has been conducting the tree seedling sale for over 45 years as a way to provide low cost plant materials to local landowners and as a modest fundraiser.

*Motion by Leslie Riley to adjourn the meeting. Motion was seconded by Mike Elwood. Motion carried and the meeting adjourned at 9:56 am.* The next regular meeting of the Ottawa River Coalition is scheduled for Thursday, May 23<sup>rd</sup> at 8:00 am at Husky Lima Refinery.

Minutes transcribed by Coalition Coordinator, Beth Seibert.