

RES. 399-17

(As Amended 20171003)

Resolution Urging the United States Environmental Protection Agency (USEPA) and Ohio Environmental Protection Agency (OEPA) to Include the Waters of the Western Lake Erie Basin as “Impaired” Under the Clean Water Act (CWA) Section 303(d) List.

WHEREAS, in August 2014 the City of Toledo was required to issue a “do not drink” advisory leaving more than 400,000 people without safe drinking water, thus serving as a unifying call to action to restore the health of Lake Erie; and

WHEREAS, on July 5, 2016 this Council adopted Resolution 247-16 urging Congress to improve the Total Maximum Daily Load (TMDL) Program under the CWA by authorizing direct Federal regulation of non-point source pollution; and

WHEREAS, since adopting that Resolution in 2016, on August 23, 2017 of this year, it was reported that the Ohio Department of Natural Resources had investigated at least three cases of manure spread across farmland too close to the arrival of a major thunderstorm, resulting in ammonia flowing into nearby creeks which reduced the oxygen level in the water and causing fish to be killed on August 4, of 14,600 in a Hardin County stream, August 6 of 36,800 in Allen County’s Jennings Creek, and August 17 of 15,000 of in Williams County, and

WHEREAS, the water quality of the Western Lake Erie Basin continues to threaten the economic opportunity, health, and quality of life of this community by negatively impacting the use and value of the public water supply, the public confidence in the safety of the water, propagation of fish and wildlife, recreation, and other purpose; and

WHEREAS, Toledo and Lucas County are in a geographically unique position, being at the receiving end of dissolved phosphorus runoff, but with little or no ability to implement changes within the greater Western Lake Erie Basin, since they have no jurisdictional authority to either act on a local level to regulate the many sources and contributors to the nutrient loading, including agricultural activities, or implement programs designed to reduce sources of phosphorus reaching Lake Erie; and

WHEREAS, the state of Michigan, Lucas and Ottawa Counties, the Cities of Oregon and Northwood, TMACOG, and others have previously passed resolutions calling on the Federal government to declare the Western Lake Erie Basin as “impaired”; and

WHEREAS, the Western Lake Erie Basin encompasses three states and numerous rural, and urban political jurisdictions, and while there are collaborative efforts underway, such as the Great Lakes Water Quality Annex process, they do not have the force of law; and in addition, other plans to reduce phosphorus, like the international agreement between Ohio, Michigan, and the Province of Ontario to reduce phosphorus loading by 40%, will take many years to have an impact, and this compact does not include Indiana as a signatory despite that state’s significant contribution to the runoff problem; and

WHEREAS, a significant and necessary tool in restoration and remediation that would address the entire Western Lake Erie Basin would be to identify it as “impaired” pursuant to the Section 303(d) list under the CWA; and

WHEREAS, it is important to note that listing the Western Lake Erie Basin as “impaired”

under the 303(d) list in no way competes with or compromises other processes or action plans at the state or regional level related to the restoration of Lake Erie; and

WHEREAS, the potential continuing negative impact on the region's quality of life, including adequate access to safe drinking water, health, economy, natural habitat, and recreational enjoyment, will only continue to grow, unless listing the Western Lake Erie Basin on the 303(d) list, which will insure we are utilizing every tool at our disposal to attack this complex, multi-source, multi-jurisdictional problem by maximizing the value of the available resources, especially financial, in a coordinated and efficient way, leaving the region in a stronger economic position if this environmental challenge is acknowledged; and

WHEREAS, with the adoption of this Resolution, we, the Council of the City of Toledo join the call of others, including the Mayor of the City of Toledo, Paula Hicks Hudson; State of Michigan; Lucas and Ottawa Counties; the Cities of Oregon and Northwood; U.S. Representative Marcy Kaptur; and numerous organizations, individual elected officials, and community leaders, for the Western Lake Erie Basin be added to the 303(d) list; NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. That the USEPA to include the Waters of the Western Lake Erie Basin as "impaired" under the CWA, Section 303(d) list.

SECTION 2. That it is ordered and directed that, once adopted, the Clerk of Council shall send a copy of this Resolution to The President of the United States of America, the Governor of the State of Ohio, the heads of the USEPA and OEPA, all members (House and Senate) of the Ohio Legislature and the United States Congress that represent the citizens of Toledo.

SECTION 3. That this Resolution shall be in full force and effect from and after the earliest date allowed by law.

Adopted: _____: yeas _____, nays _____.

Attest: _____
Clerk of Council President of Council

Approved: _____
Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council _____.

Attest: _____
Clerk of Council