

News From:
Advocates for a Clean Lake Erie



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OEPA DRAFT REPORT TO FEDS PROTECTS BIG AG, PUTS TOLEDO IN REGULATORY CROSSHAIRS

TOLEDO – Environmentalists today charged that a draft report from the Ohio EPA should be scrapped because it fails to protect drinking water for hundreds of thousands of people, allows industrialized animal feeding operations to keep dumping 700,000,000 gallons of untreated manure each year on fields above Lake Erie and uses false arguments to place Toledo's sewage treatment plant under the microscope.

At issue is Section 303.d of the agency's 2016 "[Integrated Report](#)," prepared every two years and released three months late, on July 29. It recommends to the U.S. EPA that it designate some near-shore sections of Maumee Bay impaired, but according to Advocates for a Clean Lake Erie (ACLE), "would destroy any chance we can hold polluters accountable for poisoning Lake Erie."

Susan Matz, an ACLE coordinator, said, "After getting to the bottom of this almost incomprehensible draft, we are more convinced than ever that a federally-mandated impaired designation is the only way we are going to get Lake Erie cleaned up, since the Ohio EPA makes crystal clear it is operating under the influence of industrial feedlot operators and the Ohio Farm Bureau."

Environmentalists have pushed the U.S. EPA for several years to designate the Western Basin of Lake Erie as impaired, requiring an inventory of sources and amounts of excess nutrients and pollutants responsible for toxic algal blooms that imperil Toledo's drinking water source. Under the federal process, enforceable Total Maximum Daily Loads (TMDLs) are then determined which put the lake on a "pollution diet" to prevent repeat problems.

State EPA officials have promised they will hold a public hearing in Toledo during the comment period following release of its draft.

ACLE says it plans to oppose the draft on at least the following grounds:

- The "impaired" area includes only near-shore portions of Western Lake Erie extending out to the water intakes for Toledo and Oregon, *not* a total, watershed-wide impaired designation for the lake's Western Basin.

(more)

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- Determining sources and amounts of pollutants requires water sampling conducted under all conditions, especially during wet weather when hundreds of millions of gallons of liquefied feces and urine from animal feedlots, spread on farm fields, are flushed into ditches and streams primarily via underground drainage tiles, but the report recommends only dry-weather samplings.
- The OEPA continues to falsely interpret federal law. In section J, pg. 14 (attached), the report states, "*The TMDL process does not provide additional authority to either Ohio or U.S. EPA to regulate nonpoint sources of pollution...*" (emphasis in the original). This is clearly untrue because just this year the U.S. Supreme Court refused to hear a lawsuit by the American Farm Bureau and its allies that tried to claim that same point. The lower court ruling stood, which says on pg. 6, "*In addition to regulating point sources, non-point sources are also regulated under the CWA (Clean Water Act).*"
- The above points taken together mean that any TMDLs will only limit Phosphorus and other excess nutrients that come from constant sources like sewage treatment plants in the limited off-shore impaired areas of Western Maumee Bay.
- The report makes no distinction between Total Phosphorus going into Lake Erie and Dissolved, Reactive Phosphorus, which is widely known to be the main determinant of how much algae is produced.

“This report demonstrates to all that the word ‘Protection’ in the OEPA’s name covers the Farm Bureau and its members who run CAFOs (Concentrated Animal Feeding Operations), not Lake Erie, not its wildlife, not people drinking water from Lake Erie. We reject this draft report and urge the public to speak out at the public hearing OEPA officials have promised will be held in Toledo during the 30-day comment period,” Matz concluded.

ACLE urges people to write to Craig Butler, Ohio EPA Director and copy Karl Gebhardt, Deputy Director; Rahel Babb, TMDL Coordinator; and Darla Peelle, Public Involvement Coordinator. Tell them to honor the written assurances Ms. Peelle and Ms. Babb made to ACLE members that a public hearing will be held in Toledo on the 2016 Integrated Report.

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