

Written testimony provided by the Toledo Metropolitan Area Council of Governments

Senate Bill 2 – Create State Watershed Planning Structure

Provided to the Senate Agriculture and Natural Resources Committee

June 12, 2019

Thank you to the leadership and members of the Senate Agriculture and Natural Resources Committee for the opportunity to provide testimony on Senate Bill 2, which creates a state-wide watershed planning structure for the State of Ohio. TMACOG commends the efforts of SB 2 sponsors Senator Peterson and Senator Dolan for recognizing the need for a coordinated statewide watershed planning effort as a first step in meeting water quality objectives. Addressing nutrient loading from agricultural sources in the western Lake Erie basin (WLEB) is especially important to the citizens, stakeholders and local governments of northwest Ohio who are intimately familiar with the impacts of algae in Lake Erie. We feel that this bill will help to fill watershed planning gaps with ground-level support in areas of the state where important planning work is not currently happening. Following conversations with watershed planners and managers in northwest and northeast Ohio, TMACOG would like to offer recommendations on SB 2 that we believe will improve local and statewide collaboration and ensure that watershed plans lay a foundation that will help to guide funds aimed at improving water quality.

1. Local stakeholders including non-profits, local governments, regional councils, citizen groups, and the private sector in the WLEB and across the state have collaborated for decades to develop and implement plans to protect, improve, and remediate pollution in our rivers and streams. These planning initiatives bring experts and local partners to the table to develop plans that address the diverse land uses (agriculture, urban, industrial, etc) and water quality issues in each watershed. Through coordination with OEPA, local watershed planners ensure that plans help meet water quality goals of each watershed and that proposed projects are eligible for GLRI and 319 funding. However, these efforts are dramatically underfunded. **Local non-profits, local government, and other entities should be considered eligible for SB 2 watershed coordination funding to continue watershed coordination, planning, and management under SB 2 and water quality funding bills such as H2Ohio.**
2. The state agencies of OEPA, ODA, and ODNR all have a role to play in watershed planning. OEPA is the USEPA designated authority to implement the Clean Water Act and should remain in the lead for all planning related to 9-element plan coordination at the state level. SB 2 language should specify the authority and role of each state agency involved in the watershed planning process. SB 2 should update the following sections of the ORC to specifically state the role of the directors of OEPA, ODNR, and ODA – 6111, 1501, and 940. Please also consider charging OEPA or ODNR with

administering the new watershed planning and management structure due to their proven history and current work administering these types of programs. With ODA's focus only on agriculture, the agency may not be the best fit to oversee watershed planning in watersheds that are not primarily agricultural.

3. Data collection under 940.36 (C)(2) (lines 380-387) – Clarification is needed to allow aggregated data to be made publicly available – perhaps at a HUC 12 or smaller scale. At the HUC 12 scale all aggregated data should be considered a public record to allow partners, researchers, and the public to track the success of publicly funded programs.
4. There is concern that the ground-level work and data collection in SB 2 will create additional workload for Soil and Water Conservation Districts, but there is no mention of funding for this additional work. Most SWCDs across the state are not adequately funded for existing workloads. Please add language to explain how H2Ohio or other funding measures will pay for this additional work on an ongoing and sustainable basis.
5. In keeping with the intent of SB2 to address agricultural nutrient sources, drainage water should be added to the list of sources of degradation to waters of the state in 939.02 (E)(3). Nutrients carried through tile drainage is a major contributor to Lake Erie's algae issues.

Thank you for the opportunity to provide written testimony. TMACOG's members and staff are happy to discuss this bill with you further. Should you have questions or need clarification on these recommendations, contact Kari Gerwin, Director of Water Quality Planning gerwin@tmacog.org, 419-241-9155