September 21, 2010

Honorable Ted Strickland

Governor

Governor's Office
Riffe Center, 30th Floor
77 South High Street
Columbus, OH 43215-6108

September 21, 2010

Honorable Armond Budish

Speaker

House of Representatives

77 S. High St
14th Floor
Columbus, OH 43215

Honorable William G. Batchelder

Minority Leader

House of Representatives

77 S. High St.

14th Floor

Columbus, OH 43215

Honorable Bill Harris

President

Senate

Statehouse
1 Capitol Square, Room 201
Columbus, OH 43215

Honorable Capri S. Cafaro

Minority Leader

Senate

Statehouse

1 Capitol Square, Room 303

Columbus, OH 43215

Dear Governor Strickland, President Harris, Speaker Budish, Minority Leader Batchelder, and Minority Leader Cafaro:

Lake Erie has more consumable fish than all the other Great Lakes combined, provides drinking water for 11 million people, is a highway for freighters, and is a major recreational and tourist attraction. Lake Erie is of one of Ohio’s top economic engines providing thousands of jobs and nearly a billion dollars in economic activity to the state. Lake Erie’s benefits to Ohio’s economy are threatened by growing volumes of toxic algae that threaten water quality and fish populations. This letter contains recommendations on how to help the Lake Erie algae problem. We ask that you meet with us to discuss the recommendations.

**Background**

Toxic blue-green algae are having a significant public health, economic and ecological impact on the State of Ohio. For the first time, Ohio Lake Erie Beaches, Grand Lake St. Mary’s, Ohio State Park Beaches and US Army Corps of Engineers (USACE) reservoirs have signs advising the public not to come in contact with the water. Day after day Ohio’s newspapers are reporting on the problems caused by algal blooms. There are reports of Ohioans hospitalized as a result of toxic algae and family pets dying after coming into contact with these toxic waters. Ohio beach communities have lost millions of dollars from tourists staying away from Ohio beaches. Property owners on Ohio Lakes are worried about property values. Some Ohio water treatment plants, and therefore tax payers, pay more to treat their drinking water that has been contaminated with algae to make their water safe to drink. Algal blooms have reportedly killed fish and fowl. Hypoxia, or areas of low dissolved oxygen created by the algae dying, will continue to decrease the productivity of our waters after the algae is gone. The ecological damage is adding to the economic losses due to a decline in hunting and fishing. Grand Lake St. Mary’s was just the first and worst in the summer of 2010. As climate change is exacerbating the problem and new algaes are invading our Lakes, it is hard not to believe that the worst is yet to come.

 While many in the world, including the arid west and south U.S., envy the quantity of water Ohio has to offer, the economic opportunities created by Ohio’s waters are severely diminished because of the algal blooms and negative publicity. It seems that states that have water quantity challenges value their water more than states like Ohio with an abundance of water.

The time for the State of Ohio to act is NOW! All studies show that excessive amounts of nutrients – mainly phosphorus – are the root cause of Ohio waters algal blooms. The simple answer to reducing algae is to reduce phosphorus/nutrient inputs. Ohio citizens value and deserve clean water for drinking, fishing and recreation.

Since 1995 Heidelberg University graphs have shown that the dissolved reactive phosphorous in Lake Erie has steadily increased at alarming rates. In 2007, Dr. David Baker said that “If the average dissolved phosphorous loads for 2002-2006 are expressed as a percent of the average loads for 1992-1996, the Maumee River has increased by 195%, the Sandusky River by 325%, the Cuyahoga River by 253% and the Grand River by 346%.” These numbers should have been clear warning signs of impending algal blooms in Lake Erie. Furthermore, the algal blooms that we have faced this summer and are still facing should be no surprise. Clearly Lake Erie and other Ohio waters need reductions in phosphorus loadings.

Decades ago the main answer to the nutrient problems was to take phosphorus out of laundry detergent and to limit phosphorus discharges from wastewater plants. Now reductions from multiple sources are critically needed. While agriculture is the greatest source of phosphorus pollution, , phosphorus pollution also comes from lawn fertilizer; soaps; wastewater plant discharges, storm events that result in overflows of partially treated or untreated sewage; storm water runoff and failing septic systems. All of us need to be aware of products with phosphorus and water discharges.

In order to achieve the Clean Water Act’s mandate of all waters being fishable, swimmable, and drinkable, we support the following steps to reduce phosphorus loadings to our waterways:

**Ten Steps to Reduce Algal Blooms in Ohio’s Waters:**

1. Ohio is in negotiations with U.S.E.P.A. on Ohio’s protocol for nutrient standards. The state of Ohio needs to adopt numeric nutrient standards and in addition: (1) establish baseline nutrient loadings for phosphorus and nitrogen; (2) adopt numeric standards and nutrient reduction goals for all rivers, streams, and lakes, including Lake Erie; and (3) develop a plan on how to attain those standards. Ohio does not have to look far to draw on other state’s experiences - North Carolina, Minnesota, Illinois, Wisconsin, and Washington all have adopted some form of numeric standard to reduce nutrient loadings into waterways.
2. The state of Ohio should immediately pass the Ohio Department of Natural Resources (ODNR) distressed watershed rules that will ban spreading manure on frozen ground three months of the year. However, instead of waiting two long years before the relief is felt, Ohio should require self-implementation of nutrient management plans for those with excess nutrient discharges in the distressed watershed.. Ohio should also adopt similar distressed watershed rules banning the unincorporated, surface application of manure or commercial fertilizers on frozen ground.
3. The State of Ohio should extend the winter application ban to all fertilizer and liquid manure applications on frozen ground that are not injected or incorporated into the soil, not just those within distressed watersheds. The state should also require third party handlers that spread manure to have a nutrient management plan as well as require ongoing soil testing and reporting on fields that receive liquid manure applications with limits on how much phosphorus can be applied and added to the soil.
4. Local communities and the state of Ohio should restrict phosphorus in mature lawn fertilizer. The use of orthophosphate in products such as Roundup should be reduced when possible and the impacts of orthophosphates in runoff should be investigated.
5. The State of Ohio should support additional federal funding for infrastructure improvements to wastewater treatment plants to greatly reduce CSO and SSO discharges – which include nutrients. Wastewater treatment plants should also reduce the amount of phosphorus in discharges, and communities should look for ways to reduce phosphorus loadings in their watersheds.
6. The Ohio Environmental Protection Agency, Ohio Department of Natural Resources and the Ohio Department of Agriculture should undertake public outreach efforts that educate wastewater plants, farmers, property owners, businesses and government on the importance of reducing nutrient loadings. In addition, people should be asked to reduce phosphorus in products and discharges to the greatest extent possible.
7. The State of Ohio should require microcystin/cyanobacteria sampling in public water intakes and in drinking water. This would establish a baseline of data for water plants and allow the state to detect any changes.
8. The State of Ohio should make an emergency request to the federal government to place the Toledo shipping channel sediments that are currently open lake dumped into the USACE’s confined disposal facility (CDF). Studies by Ohio Sea Grant and the University of Toledo Lake Erie Center completed in 2009, show that turbidity facilitates the growth of harmful algal blooms. Open lake dumping is a significant source of turbidity in western Lake Erie. Placing dredged materials in the CDF will reduce algae growth. The state of Ohio also should provide the 35% federally required match for a permanent solution to placement of the dredged sediments from the Toledo shipping channel. Many support the creation of a ”Fish Island” by the Toledo Harbor Lighthouse. The ”Fish Island” would provide 15-30 years of capacity and provide walleye reefs, yellow perch spawning areas and fly over area for migratory and shore birds.  The estimated match cost $15 million for a project of $43 million.
9. For 35 years, Heidelberg University has been providing the best data on phosphorus loading in the Maumee and Sandusky watersheds. The funds for the monitoring program expire at the end of September 2010. It is critical for Lake Erie and the surrounding communities that the monitoring program continues because the Maumee provides roughly 50% of the phosphorus to Lake Erie and the Sandusky phosphorus load impacts popular tourist areas. The cost for one year for the Sandusky and Maumee River is $90,000. In addition, Heidelberg University’s monitoring program should be expanded throughout the state to ensure that the state of Ohio is able to fully understand the impacts to our waterways from Lake Erie in the north to the Ohio River in the south..
10. The use of orthophosphates in drinking water should be reviewed to understand how this use impacts Ohio’s waterways and the formation of algal blooms.

Our quality of life is so intertwined with the quality of our waterways. It is time that we take action now to move towards ensuring that our waterways are fishable, swimmable, and drinkable. Anything less puts our health and economy - our quality of life - at risk. We request a meeting with all of you to discuss this critical issueand our proposed actions to reduce future harmful algal blooms. As you know, healthy water is the foundation of healthy communities.

Thank you for your serious attention to our concerns and recommendations. We look forward to hearing from you soon. Please contact Sandy Bihn who will serve as coordinator for this effort, at 419-691-3788, email sandylakeerie@aol.com, 6565 Bayshore Rd., Oregon, Ohio 43616.

 Sincerely,

Nancy L. Adams, President

Audubon Society Greater Cleveland

Rick Graham President

Ohio Chapter Izaac Walton League

Lyman C. Welch, Manager, Water Quality Program

Alliance for the Great Lakes

Albert Ettinger, Senior Staff Attorney

Environmental Law and Policy Center

Tim Lovett, President

Grand Lake St. Mary’s Improvement Association

Rick Unger, President

Lake Erie Charter Boat Association

Jerry R. Eldred Executive Director

Miami Park District

Marc Smith, Senior Policy Manager

National Wildlife Federation

Thom Cmar, Program Attorney

Natural Resources Defense Council

Peggy Blankenship , Executive Director

Ohio Association for Health, Physical Education, Recreation and Dance

Keith Dimoff, Executive Director

Ohio Environmental Council

Vickie Askins, Steering Committee

Ohio Environmental Stewardship Alliance

Jim McGregor Director

Ohio League of Conservation Voters

Tony Szglaye, Conservation Committee

Sierra Club, Ohio Chapter

Sandy Bihn, Executive Director

Western Lake Erie Waterkeeper Association