



Water Quality Council
February 12, 2024, 1:00 PM
BGSU at Levis Commons
1655 N Wilkinson Way, Perrysburg, OH 43551

Attendance:

Jeff Lamson, Lauren Rush, Edith Kippenhan, Jim Carter, Ben Pushka, Tom Stalter, Mark Coppeler, Andrew McClure, Angie Ruiz, Matt Choma, AJ Coleman, Alex Lytten, Jacob Barnes, Steve Pilcher, Randy Genzman, Joe Cappel, Garrett Chamberlain, Melissa Hopfer, Bob Vasquez, Patekka Bannister, Nick Komives, David Thompson, Partners and guests: Archie Lundsey, Kris Barnswell, Clark Hutson, Austin Serna, Kris Patterson, Sally Gladwell Tahree Lane, Nichole Fifer, Gerald Bingham, Jim Shaw, Alexa Vogel, Alice Godsey, Nate Neading, Aaron Noviski. TMACOG Staff: Kari Gerwin, Sara Guiher, Eric Kostecky, Zoe Quisenberry, Ann Nair, Mike Tippett

Welcome:

Melissa Hopfer, Chair, BGSU, welcomed everyone to the meeting and thanked them for coming. She introduced Nichole Fifer, PhD., Director, Center for Regional Development BGSU (CRD), who welcomed everyone, thanked them for coming and explained what the CRD is.

Ms. Hopfer asked if a quorum had been established. Ann Nair, TMACOG answered yes. Ms. Hopfer then gave an overview of the meeting agenda.

Approval of Previous Meeting Minutes

Melissa Hopfer asked for any revisions or correction to the November 2023 meeting minutes. Hearing none, she asked for a motion to approve them. Edith Kippenhan, City of Toledo, *moved to approve*. Ben Pushka, Lucas County, *seconded*. **Motion carried.**

2024 Water Quality Council Roster

Kari Gerwin, TMACOG, explained the roster changes for 2024 based on the by-law changes approved by the board of trustees in January. Because non-governmental organizations are no longer eligible for TMACOG membership, the “Non-governmental” and “At large” seats have been removed. Non-governmental partners are encouraged to continue their participation in TMACOG committees as non-voting participants. Gerwin noted that only voting members are allowed to motion, vote, or discuss action items. Q&A followed. It was clarified that once a motion is asked for, then only voting members and alternates are allowed to discuss. Melissa Hopfer asked for a motion to approve the 2024 roster. Ben Pushka *moved to approve*. Angie Ruiz, City of Fremont, *seconded*. **Motion carried.**

Approval of FY2025 Water Quality Annual Work Program

Kari Gerwin gave an overview of the AWP and stated that TMACOG leadership would like to add a Water Summit as an annual event. SWC will be approving their own AWP in April which will be incorporated later. This AWP extends the scope of the Regional Water Planning Committee, which is currently inactive, but TMACOG will be prepared to reconvene as needed. Asked for questions. Hearing none, Melissa Hopfer asked for a motion to approve the AWP. Ben Pushka *moved to approve*. Andy McClure, City of Toledo *seconded*. **Motion carried.**

Presentation and Discussion – Legal Defects in Ohio EPA’s Maumee Watershed Nutrient TMDL

Rob Michaels, Managing Attorney, Environmental Law & Policy Center.

Melissa Hopfer introduced Rob Michaels and gave a brief bio. She stated that Fritz Byers had to cancel his

presentation today due to a work conflict.

Rob Michaels talked about the legal deficiencies of the Maumee Nutrient TMDL. He stated that the Environmental Law and Policy Center had presented to the EPA during public comment period and as the agency was considering approval the TMDL. HABS have been plaguing Lake Erie for 20 years. Climate change and industrial livestock are contributing to the problem. There is no maximum for dissolved reactive phosphorus. This fails to control manure from the animal industry or guarantee nutrient reductions. While CAFO's are considered point sources under the Clean Water Act, Ohio's TMDL argues that they do not need load limits under the TMDL. Instead, the TMDL groups CAFO manure under nonpoint sources. Followed by Q & A.

- Tahree Lane, Lake Erie Waterkeeper member asked about ELPC's next steps. Michael's response – contemplating suit against USEPA for wrongfully approving the TMDL.
- Melissa Hopfer, BGSU CRD - What can local governments do? Michael's response - Governments, industries and utilities should continue sending messages to the OEPA asking them to regulate and hold CAFO's accountable.
- TMACOG will be updating the Agenda for Lake Erie and will consider points from this presentation in that process.

Member and Partner Reports

Austin Serna, Congresswoman Marcy Kaptur's Office shared that the Congresswoman introduced a bipartisan bill called Healthy Farms, Healthy Watersheds Act 2023 that would establish a pilot program to minimize phosphorus in Maumee River and Chesapeake Bay. NRCS will prepare and implement plans to reduce phosphorus. This has been introduced in Congress. Gary Peters is working on this in the Senate.

Reports from Watersheds and Infrastructure Planning Groups

Andy McClure stated that the infrastructure planning group, the joint group of the Wastewater and Public Water Supply committees, met on Jan 25 at the Northwestern Water and Sewer District and listened to a presentation from Tom Stalter. The group gave feedback on the AWP and 208 overhaul. They also discussed agenda topics and the addition of a drinking water chapter to the 208 plan.

Edith Kippenhan stated that the watersheds planning group met on Jan 11 as a new combined group of the Watersheds and Agriculture committees and the Portage River Basin Council. Future meetings will be site visits. Discussed the 208 overhaul and highlighted what is being done in adjacent counties.

Kari Gerwin gave an overview of combining committees into planning groups.

Member Updates

Alex Lytten, new trustee for Jerusalem Township, introduced himself to the group and said he was looking forward to working with everyone.

Public Comments

None

Adjourn

Edith Kippenhan moved to adjourn the meeting at 2:27 pm