



*Forging a partnership between farmers and consumers. * Working together for Ohio's farmers.*

July 27, 2005

Mr. Mike Gallaway
Ohio EPA – Central District Office
3232 Alum Creek Drive
Columbus, OH 43207

Re: Review and Comment on Draft Big Darby Creek TMDL Report

Mr. Gallaway:

The Ohio Farm Bureau Federation (OFBF) would like to thank you for the opportunity to review and submit comments on the draft Total Maximum Daily Load (TMDL) for the Big Darby Creek Watershed.

OFBF is the largest voluntary nonprofit agricultural organization in the state of Ohio. Our members produce virtually every kind of agricultural commodity and as a result, OFBF is strongly interested in Ohio's TMDL program.

In an effort to ensure that Ohio agriculture is an active partner in watershed management activities, OFBF developed and launched the Agricultural Watershed Awareness and Resource Evaluation (AWARE) program. This program is designed to raise the comfort level of the agricultural community so that they will engage in watershed management discussions. Without the involvement of all watershed stakeholders, the TMDL program is destined for failure.

The voluntary implementation of management practices by Ohio's agricultural producers is resulting in many positive impacts on air, soil and water quality. We encourage our members to continue to be good stewards of our natural resources.

As per the published May 16, 2005 Public Notice, we have performed our review of the draft TMDL document and our comments follow:

1. Upon initial review of the draft TMDL document for the Big Darby Creek Watershed, it is clear that Ohio EPA has put a lot of thought and effort into identifying ways to format the report to best present the information to the reader. Ohio EPA Division of Surface Water staff should be commended on their efforts. The format of this draft TMDL report should serve as a template for future efforts.

2. The inclusion of the sub-basin overview boxes in Chapter 2 helps make the report easy to read and comprehend. By scanning these overview boxes, the reader quickly obtains an understanding of the presence of point source dischargers, aquatic life and recreational use attainment status as well as identified causes and sources of use impairment for each of the sub-basins. The percentage of sampling sites that are not attaining their aquatic life designated use are also presented. To help the reader grasp the extent of data available to conduct the analysis of aquatic life impairment, the total number of sampling sites used in the analysis should also be included in each overview box.
3. The land use pie charts in Chapter 2 visually provides the reader with a quick understanding of the current land use conditions in each sub-basins. Because land use composition can change rapidly in Ohio, the date of the land cover data set used to develop each of the land use pie charts should be included on each pie chart. For ease of comparison between the sub-basin land use pie charts, the colors for each land use category should remain constant (i.e., bright yellow should represent urban grasses on all of the pie charts).
4. Chapter 4 of the document contains pollutant allocation tables for each sub-basin of the Big Darby Creek watershed. These tables identify the existing and allowable load for total phosphorus and suspended sediment in values of kilograms per year. The utilization of this unit of measurement, while being readily accepted and understood by the research community, is not easy for the general public to get their arms around. Ohio EPA should consider presenting the same information in the following manner. The values for total phosphorus in Table 4.1.1.1 on page 4-14 for nonpoint source runoff indicates a necessary annual load reduction of 95 percent. In other words, the existing load of 1,725 kg/y has to be reduced down to 81 kg/y or a difference of 1,644 kg/y. Given that this sub-basin has a drainage area of 5.90 square miles, on a per acre basis the 1,644 kg/y reduction comes to a value of slightly less than 1 pound of total phosphorus per acre per year. This value is one that can be easily understood by the general public and incorporated directly into an implementation plan.
5. It is encouraging that Ohio EPA recognizes the challenges associated with managing ditches and other surface waterways in the Big Darby Creek Basin for agricultural drainage while considering ecological needs (Chapter 5, Section 5.1.4, Page 5-3). The removal of blanket 401 certifications for small scale dredge and fill projects regulated under nationwide permits issued by the United States Army Corps of Engineers (especially NWP 03 – Maintenance, NWP 13 – Bank Stabilization, NWP 40 – Agricultural Activities and NWP 41 – Reshaping Existing Drainage Ditches) in the Big Darby Creek watershed is a concern for the Ohio Farm Bureau and our members. Removing the blanket certifications removes the certainty of expectations placed on the permit applicant and adds additional time to the project review and approval process. Both are unacceptable.

Ohio EPA used a formal public review and comment process to establish conditions and/or restrictions for all of the Nationwide Permits applicable in Ohio. Establishing permit conditions ahead of time lets the applicant know up front what is expected from them. This level of certainty will be lost when the Nationwide Permits are replaced with individual permits where conditions and/or restrictions vary from project to project. Developing a

specific set of Nationwide Permit conditions for the Big Darby Creek watershed (similar to what is being proposed for the General Permit for Construction Storm Water in Section 5.1.1 on page 5-1) would be preferred over the elimination of the use of Nationwide Permits in this basin.

6. The fourth implementation mechanism for promoting improved drainage through environmentally sound means presented in the first paragraph on page 5-7 is a concern for the Ohio Farm Bureau. It is proposed that all petition ditch maintenance work and privately maintained drainage projects be required to install BMPs that improve ecological conditions downstream from the ditch maintenance area (specifically at the ditch outlet). Mandating these types of conditions on ditch maintenance projects goes well beyond the intent of the drainage project (removing excess water) and is outside of the authority of Ohio EPA to regulate when a Clean Water Act Section 401 Water Quality Certification is not required.
7. Assigned aquatic life use designations in the Big Darby Creek watershed must ensure that existing agricultural drainage systems remain intact and allowed to be maintained in the future. Many agricultural ditches have been created under Ohio's agricultural drainage laws. The goal of these drainage projects is to keep the water flowing by constructing efficient ditch systems and ensuring that they are maintained and cleaned out when needed.

Ohio's water quality standards need to acknowledge that differences exist between man-made ditches, streams that have been altered or modified to improve drainage and offer flood control, and natural stream systems. Agricultural drainage ditches, urban storm drains and roadside ditches should not be considered fishable/swimmable and should be assigned an appropriate aquatic life use designation based upon their primary purpose – conveyance of excess surface and subsurface water.

Once again, thank you for the opportunity to provide comments on this draft TMDL document. The Ohio Farm Bureau Federation feels that your consideration and incorporation of our comments into the document and enhancing the implementation plan will increase the overall acceptability of the TMDL at the local level. Feel free to give Dr. Larry Antosch of our staff a call, at 614-246-8264, if you have any questions regarding these comments.

Sincerely,

John C. Fisher
Executive Vice President

JCF/lma