



Black River Remedial Action Plan Coordinating Committee

9880 South Murray Ridge Road

Elyria, Ohio 44035

Phone (440) 322-6367 Fax (440) 322-0911

BLACK RIVER REMEDIAL ACTION PLAN

Coordinating Committee Meeting Minutes

Thursday, November 13, 2014

2:00 PM

Carlisle Visitor Center, Lorain County Metro Parks
12882 Diagonal Road, LaGrange, OH 44050

In Attendance:

Citizen Representative (Jennifer Scott-Wasilk - City of Amherst); City of Elyria Wastewater (Tony Nigro); Coldwater Consulting (Kristen Risch); LoCo 'Yaks (Robb Koscho, Stephanie Moore-Koscho); Lorain County Community Development (Christin Brandon, Lyn Ickes, Don Romancak); Lorain County Farm Bureau (Amanda Denes-Diedrick); Lorain County General Health District (Stephanie Lesco, Jill Lis, John Sabo); Lorain County Metro Parks (Bryan Goldthorpe); Lorain County Soil and Water Conservation District (Chip Wendt); Medina County Soil and Water Conservation District (Jeff Van Loon); Ohio DNR Soil and Water (John Watkins); Ohio EPA (Ted Conlin); US Steel (Karen Bezoski)

Agenda Items

Black River Impairment Status and Ohio AOC Guidance

- Presented by Ted Conlin of Ohio EPA
- Update on BUI removal criteria and BUI status in the Black River
- See summary report at the end of the minutes

Review of Draft Bylaws

- Sub-committee met to draft bylaws for the Black River Advisory Committee to comply with the new AOC Guidance document
- Draft bylaws were shared with committee; members were asked to bring comments, questions, and revisions to the meeting
- Committee has discussion on topics of membership, voting and voting members, quorum, appointment of officers
- If committee members have additional comments about bylaws, they are to send them to Jill Lis ASAP

- Bylaws could change based on meeting with EPA on the designated of the AOC; more information to follow

Next Steps for Advisory Committee

- Finalize bylaws
- Appoint officers based on bylaws
- Schedule meetings for 2015
- Create goals and measures for the committee

Old Business

None

New Business

Ohio EPA and AOC Meeting

- Ohio EPA is meeting with the different AOC groups on Friday, November 21
- Goal is to have a common understanding of new framework and brainstorm ways to increase community engagement, identify priorities, and accelerate restoration

Near-Term AOC Designation

- Consideration of Black River as a near-term AOC; could mean increases in funding to delist
- US EPA and GLNPO are interested in getting any proposed projects in short form; would need a concept and cost
- Applications will be coming for grant funds

Announcements

None

Next Meeting - Thursday, February 26, 2015 at 2:00 PM in the Carlisle Room of the Carlisle Visitor Center (12882 Diagonal Road, LaGrange, OH 44050)

Black River BUI Status, with respect to the updated state guidance document

In 2014, the Ohio AOC coordinators updated the guidance document. That document is available at http://epa.ohio.gov/portals/35/lakeerie/Ohio_AOC_Delisting_Guidance.pdf and a summary of the revisions made to BUI removal targets is available at http://epa.ohio.gov/portals/35/lakeerie/2014_Summary_of_BUI_Target_Revisions.pdf.

The Black River AOC continues to have nine listed impairments to beneficial use. Utilizing the new state guidance, the current status of these nine impairments are:

1. Restrictions to Fish Consumption (Wildlife Consumption is not impaired)
 - a. Basically, this BUI can be removed if fish consumption advisories are caused by contaminant sources outside the AOC, fish tissue concentrations can be shown to be not statistically different than non-AOC areas or the advisories are less stringent than:
 - i. The general state-wide 1 meal per month
 - ii. Lake Erie advisories for identical species and size in lacustuary areas
 - b. All advisories upstream of the Black River mainstem are at the 1 meal per month frequency therefore they meet the removal criteria
 - c. A Black River AOC advisory for common carp (at 1 meal per 2 months) and from the Rt. 6 bridge to the river mouth is more stringent.
 - i. There is a common carp advisory at the same frequency in Lake Erie but in Lake Erie, this advisory is for individuals longer than or equal to 27 inches. That sizing criteria is noted for AOC common carp, so this will beneficial use will remain impaired.
2. Degradation of Fish Populations (Wildlife Population is not impaired)
 - a. This BUI can be removed when the average Index of Biotic Integrity (IBI) and the average Modified Index of Well Being (MIwb) values within an assessment unit meet the following (in the Black River AOC):

Fish Population BUI Removal Criteria (EOLP Lake Plain Ecoregion)		
Stream	IBI / L-IBI Removal Target	MIwb Removal Target
Mainstem – Lacustuary	42 (L-IBI)	8.6
Mainstem-Free Flowing (Boat Sites)	36	8.2
All other stream sites (wading sites)	34	7.5

- b. According to the most recent available data, the following areas meet the removal criteria; Mainstem (u/s of the lacustuary), Mainstem of the East Branch, the East and West Forks of the East Branch and Buck Creek.
 - c. According to the most recent available data, the following areas remain impaired: Lacustuary (91% of IBI target and 94% of MIwb Target), French Creek (99% / NA for MIwb Target), Willow Creek (70% / and NA for MIwb Target), West Branch (91% / 92%), Plum Creek (94% and NA for MIwb Target), Wellington Creek (87% / 96%) and Charlemont Creek (93% / 90%)
3. Fish Tumors and Other Deformities

- a. Currently, this BUI is for the lacustrary and is listed as In Recovery Stage
 - b. This BUI can be removed when studies show the average DELT values within the assessment unit do not exceed either 3% (lacustrary and boat sites), or DELT values 1.3% (wading sites); AND where brown bullheads are present, the liver tumor prevalence rate do not exceed 5%.
 - c. According to the most recent available data, the DELT values meet the removal criteria but the bullhead liver rate (at 11.3%) does not. Many questions arise as to why this is so as the rate was lower previously.
4. Degradation of Benthos
- a. This BUI was previously removed from the East Branch sub-basin although some degradation has occurred in Willow Creek.
 - b. This BUI can be removed in the Black River AOC when the average of the Invertebrate Community Index (ICI) is ≥ 30 for riverine areas or Lacustrary Invertebrate Community Index (L-ICI) is ≥ 34 for lacustraries.
 - c. According to the most recent available data, the following areas meet removal criteria: Mainstem u/s stream of lacustrary, French Creek and the mainstem of the West Branch.
 - d. The following areas remain impaired: Lacustrary, Plum, Wellington, Charlemont and Buck Creeks
5. Restrictions on Dredging Activities
- a. This BUI can be removed when sediments are suitable for either upland reuse/disposal or meet Ohio EPA guidelines for open water disposal.
 - b. During their last round of assessment, the Corps determined that sediments from all of the Outer Harbor and Navigation channel meet the open-lake criteria except for one small spot in the southern turning basin. That spot has contamination that is essentially contained as it is capped by about seven feet of cleaner sediment. The current discussion is about not dredging and leaving it and contained in place. This area of the turning basin has not been regularly dredged and dredging to this upper most extent of the channel may not occur in the future.
 - c. While it appears that this BUI may be removable. Please be aware that Ohio EPA needs to agree with the open-lake determination before this BUI can be removed.
6. Eutrophication of Undesirable Algae
- a. This BUI can be removed when waters are found to meet the minimum and the average dissolved oxygen criteria listed in the Ohio WQS (eutrophication) and when the Trophic Index demonstrates that conditions are not impaired as a result of excessive algal growth or there are no persistent nuisance growth of algae, due to sources of nutrients from within the AOC.
 - b. Currently, the mainstem meets the eutrophication criteria. The Trophic Index needs to be calculated and then reviewed but there were three areas in the AOC with algal problems. One area was an impoundment (Brentwood Lake) and that impoundment has been removed. In the other two areas (East Branch downstream of Grafton's treatment plant and Findley Lake), upgrades to the treatment plants included phosphorus reduction. The

East Branch is no longer experiencing the algal blooms and a study of the Findley Lake algae needs to occur to prove compliance with removal criteria.

7. Recreational Use (Beach Closings)

a. This BUI can be removed when:

- i. At public beaches, posted advisory days due to bacterial contamination (E. coli) do not exceed 10 percent (or 19 days) of the recreation season. This target must be met in 3 out of the most recent 5 years.
- ii. In recreational streams (Class A):
 1. When no Class A waterbodies are on the list of impaired waters due to bacterial contamination (E. coli) OR
 2. If Class A waterbodies are on the list due to the presence of CSOs when the bacterial impacts from CSOs are being addressed under an approved long term control plan (LTCP) or other legally-binding document; AND
 3. If Class A waterbodies on the list due to the presence of non-point source pollution, when a TMDL is approved and the State and AOC Committee can document that the level of bacterial contamination is not significantly worse than similar watersheds.

b. Findley Lake and Century Park beaches meet the removal criteria, although Century Park beach will likely not meet criteria with 2014 data

c. No Class A streams in the AOC meet the criteria

- i. Although Elyria has been long working on their LTCP, the plan was never approved by Ohio EPA
- ii. It is unlikely that it can be proven that the level of bacterial contamination is not significantly worse than similar watersheds

8. Degradation of Aesthetics

a. This BUI can be removed when:

- i. No observed ongoing occurrences of sludge deposits, oil sheens, scum and other objectionable materials; OR
- ii. If CSOs are a significant cause of aesthetic impairments and the CSOs are being addressed under an approved long term control plan (LTCP) or other legally-binding document, this BUI may be considered restored, AND
- iii. If Municipal Separate Storm Sewer Systems (MS4s) are a significant cause of aesthetic impairments and the MS4 is regulated under an NPDES Permit or other legally-binding document, this BUI may be considered restored.

b. Aside from Willow Creek, there is likely not more occurrences of sludge deposits, oil sheens, scum and other objectionable materials in the AOC. Many areas of the AOC are regulated by MS4s but Elyria's LTCP has not yet been approved.

9. Loss of Fish Habitat (Wildlife Habitat is not impaired)

a. This BUI can be removed when L-QHEI average value \geq 55 for lacustraries and QHEI average values \geq 60 for other river/stream areas.

b. Impairment remains in the lacustrary (82% of target), Willow Creek (86% of target) and Buck Creek (80% of target). All other areas of AOC now meet the removal target.