

Respondent:

**ODNR
Division Of Soil And Water Conservation
Mr. David Hanselmann, Chief
2045 Morse Road
Building B-3
Columbus, Ohio 43229**

david.hanselmann@dnr.state.oh.us
(614) 265-6610

Question From Summit Or From Audience Cards	Response
What is the worst case for non regulated AFOs regarding regulation – permits and fines?	Under ODNR-Division of Soil & Water Conservation (DSWC) regulations enforcement measures would include issuance of a Chief’s Order requiring certain actions be taken. A violation of a Chief’s Order is a 1 st degree misdemeanor with each day of violation being a separate offense. A non-regulated AFO could also be referred to the Ohio Department of Agriculture for a permit as part of the Chief’s Order process.
What is the single most effective conservation practice that could help improve water quality in the lake?	Best management practices (BMPs) are best implemented as a group of practices that address all of the resource needs of a particular operation. Applying a particular BMP singularly is helpful, but may not represent a total solution.
What is ODNR's Division of Soil and Water Conservation doing to motivate the Mercer and Auglaize County soil and water conservation districts to become more active in promoting conservation practices aimed at improving water quality?	The Division of Soil & Water Conservation provides: educational materials on manure storage and handling to the soil and water conservation districts (SWCDs), comprehensive nutrient management plan (CNMP) development training to SWCD staff, assistance to SWCD staff in administration of the agricultural pollution abatement program (through cost share for BMPs and complaint investigation). The Division has also supported efforts led by the two SWCDs to develop and implement a community-based Watershed Action Plan. It should be noted that the Mercer and Auglaize SWCDs are two of the higher workload SWCDs in the state in terms of the number of conservation practices assisted.
What regulator power / responsibility does SWCD have?	Through a signed MOU, the SWCD assists the DSWC in the administration of the agricultural pollution abatement rules. SWCD authorities are specified in Revised Code Chapter 1515.

<p>Explain the enforcement actions available to SWCD and the Division to use for pollution complaints?</p>	<p>In situations where the SWCD board is unable to reach an agreement with the producer to resolve the complaint, DSWC enforcement measures would include issuance of a Chief's Order requiring certain actions be taken. A violation of a Chief's Order is a 1st degree misdemeanor with each day of violation being a separate offense. A non-regulated AFO could also be referred to the Ohio Department of Agriculture for a permit as part of the Chief's Order process. A referral could also be made to other agencies with the appropriate jurisdiction.</p>
<p>Ohio has a petition process that is used for drainage. Could a landowner file a petition to improve drainage regarding the Lake? Can the public vote on a drainage project under the ORC so funds could be used to help with water quality projects?</p>	<p>County Engineers may lead efforts to construct drainage improvements pursuant to a petition under ORC Chapter 6131. Boards of County Commissioners must approve a schedule of assessments. SWCDs may utilize a similar authority in Chapter 1515. Under ORC Section 1515.28, Boards of County Commissioners may place a levy on a ballot to fund and construct improvement projects.</p>
<p>Much of the livestock wastes that enter the lake come from subsurface tile. Is there any law or regulation that would prohibit a producer from applying manure without first working the ground?</p>	<p>No.</p>
<p>How does the ORC handle pollution of the waters of the state?</p>	<p>Authority to prevent pollution of waters of the state is granted to a number of different agencies. The DSWC and SWCDs are granted authority through ORC Chapters 1511 and 1515.</p>
<p>If the Corp of Engineers could change the river flow at Eldora Speedway, why can't they be brought in to clean the lake?</p>	<p>It may be possible to seek Corps involvement; typically there is a several year planning and funding appropriation process that is necessary.</p>
<p>Comment on the program that was developed to do self environmental assessment audits for farm owners as well as other property owners.</p>	<p>With SWCD support, training sessions have been held for local agricultural producers under the Ohio Farm Bureau agricultural awareness self-assessment program. Producers learn about potential environmental issues and analyze their own operation to determine vulnerabilities. The program provides information on management practices appropriate for each potential problem. Awareness is also built for particular local environmental/watershed issues.</p>
<p>What is your Division going to do differently to stop the increasing rate of degradation of the water quality in the lake?</p>	<p>The DSWC continues to work with the SWCDs on education and outreach programs as well as targeting funding for BMPs to the highest priority areas. The Division will assist local efforts seeking</p>

	special funding for lake improvement projects, especially from federal sources. The Division will assist efforts to implement the lake Watershed Action Plan.
Can a watershed plan be enforced? How?	Watershed plans are largely implemented voluntarily by the individual and community stakeholders of the plan. Plans also rely on current local, state and federal regulations for particular pollutants/issues.
Stream bank erosion control has been identified by locals as a problem. 1) Does the state endorsed watershed plan recommend actions for this type (source) of erosion? 2. We heard rip-rap mentioned toady, but I would like to know if that is the best method of erosion control?	<p>1. Yes, the plan calls for stabilization utilizing geomorphology principles.</p> <p>2. Rip-rip is just one of a list of possible methods to control stream bank erosion. Each method is best judged by the situation in which it may be used.</p>
Is SWCD involved in channelization of streams and yet channelization is source of water quality programs?	Landowners can petition the county SWCD for drainage projects. These new projects would be applicable to all state and federal water quality permits. New projects utilize many practices that minimize negative environmental impacts, while still providing for drainage for rural residences, communities and crop fields.
Is there enough personnel in SWCD offices to address needs of landowners in the county?	Increased funding for federal cost share programs has strained SWCDs' capacity to provide services. This has occurred during a period when state and local funding for staff has remained stable or declined. Additional staff would be important to meeting Lake challenges.
Is lake more flash "flood prone" than 50 years ago?	There is some indication that climatic changes are leading to storms of greater intensity. However, this would occur irrespective of any changes that may have happened to the lake watershed or the lake itself.