

ATTACHMENT 5

PUBLIC INVOLVEMENT

Table of Contents

1.0	Reasonable Assurance and Public Participation	2
1.1	Watershed Management Plan	3
1.2	Reasonable Assurances	4
1.2.1	Failing Home Sewage Treatment Systems	5
1.2.2	Process for Monitoring and Revision	6

1.0 REASONABLE ASSURANCE AND PUBLIC PARTICIPATION

There are a number of methods for handling AMD metals and siltation problems. As with any large stream restoration project the most difficult problem is having the means to oversee and implement it. The Duck Creek project is fortunate to have a watershed coordinator. The Washington County Soil and Water Conservation District was awarded a fiscal year 2001 watershed coordinator grant. Funds for the coordinator come from a combination of Ohio EPA 319 grants and state funding from the ODNR, Divisions of Soil and Water Conservation and Mineral Resources Management. The watershed coordinator is housed at the Washington County Soil and Water District Office and has been an integral part of the project. It will be the coordinator's duty to get the local landowners involved with the development and decision making associated with the final watershed plan. The coordinator's advisory committee consist of people which hold positions within the community that will enable him to work closely with the local landowners in order to carry out implementation activities. The positions held include; Ohio State University Extension Agent in Noble County, Washington County Commissioner, Noble County Health Department, Noble County Sewer Board, Noble County Soil and Water Conservation Dist. Board, Noble County Resident, Noble County Trustee, Keepers of Duck, Noble County Emergency Medical Agent Director, Noble County Soil and Water Conservation Employee, Ohio Department of Natural Resources Program Specialist, Ohio Department of Natural Resources Employee, Ohio Environmental Protection Agency (South East District Office), Washington County Soil and Water Conservation Dist. Program Administrator, Washington County Soil and Water Conservation Dist. Employee, Washington County Development Office, Ohio Department of Natural Resources (Div. of Mines and Reclamation) Employee, Washington County Community Action, Baker and Noon Coal County, Ohio State University Extension Watershed, Washington County Emergency Medical Agent. These people attended the July 16 and November 7, 2002 public participation (PP) meetings.

Public involvement is the keystone to the success of this TMDL project. Ohio EPA is reluctant to rely solely on regulatory actions and strongly upholds the need for voluntary actions to bring the impaired sections of the Duck Creek watershed into attainment. The local leadership provided by the Duck Creek Coordinator and Advisor Committee will be instrumental in promoting further public involvement and implementation of the TMDL project.

Table 1. Duck Creek Watershed Partnership and Other Public Participation

<u>Date</u>	<u>Time</u>	<u>Subject(s)</u>
4/15/02		Duck Creek Watershed Coordinator Meeting, OEPA introduced Kaabe Shaw to the TMDL process and TMDL work.
4/30/02		Duck Creek Planning Meeting
5/6, 6/26, 8/14, 10/23 (all 2002)		Duck Creek Advisory Committee Meetings
7/16/02	1:00 p.m.	Initial OEPA public meeting concerning TMDL project; overview of TMDL and the biological study processes and review of the current status of the biological, habitat, chemical and modeling results.
10/8/02 (Noble Co.)		Trustees and Mayors within Duck Creek Basin-Public Meeting
10/15/02 -10/16/02		Fall Foliage Tour of Washington Co.: Duck Creek Tour Stop Ohio Minelands Partnership Tour and Panel Discussion. Tour was of reclaimed sites within Duck Creek my stop was on Otterslide Run comparing pre-reclamation water quality to post reclamation water quality. Discussion was a PowerPoint of what been going on and what is planned in the watershed.
10/17/02 (Washington Co.)		Trustees and Mayors within Duck Creek Basin-Public Meeting
11/7/02	1:00 p.m.	Second public meeting concerning TMDL project; overview of finalized bioassessment results, modeling results and implementation (BMPs and funding).
11/14/02 (Noble Co.)		Planned General Public Meetings
11/19/02 (Washington Co.)		Planned General Public Meetings

Implementation will be paid for through a variety of grants procured by the watershed coordinator. Grants from OEPA 319 monies, Ohio Department of Natural Resources, County Soil and Water Conservation Agencies and the Natural Resources Conservation Service all provide potential funding sources for the types of implementation called for in this report.

1.1 Watershed Management Plan

Through matching funds between USEPA, OEPA and OhioDNR (FY 2001 319 grant #EPA-01(h) E-30), a watershed coordinator has been hired to complete a community-based Watershed Management Plan (WMP) for the entire Duck Creek watershed by March of 2004. The WMP will build upon the TMDL work. The WMP will link local and

state priorities for action in the watershed with the identified water quality targets outlined in the TMDLs and BMPs. A key component of the WMP will be an estimate of the loading reductions and habitat improvements that can be expected as a result of implementing the recommended restoration actions.

Through the development of the WMP, the watershed coordinator will assist the watershed coordinator advisory committee with identification of strategies and setting of goals, coordinate implementation, and develop a monitoring program to ensure local efforts are sustained to improve water quality. The WMP will identify local project sponsors for recommended restoration actions and will provide the road map for future project applications to the two major funding sources for implementation the 319 grant program and the Water Pollution Control Loan Fund (WPCLF). Both sources of funding provide for voluntary implementation of agricultural best management practices, upgrades/replacements of failing home sewage treatment systems (HSTSs), and stream restoration. However, the amount of funding available through the 319 grant program is far smaller (approximately \$7M annually for the entire program), is available only once per year on a competitive basis, and is subject to funding caps per project (\$500,000 in FY 2002). In contrast, approximately \$200M of low interest loan funding is available annually through the WPCLF. WPCLF funding is available throughout the year and there are no funding caps per project. In addition, WPCLF funding is available to solve both point and NPS pollution problems.

1.2 Reasonable Assurances

U.S. EPA guidance calls for reasonable assurances when TMDLs are developed for waters impaired by both point and NPSs and for waters impaired solely by NPSs. The purpose of the reasonable assurances requirement is for U.S. EPA to be comfortable that the identified activities will in fact be implemented. Reasonable assurances for reductions in NPS loadings may be non-regulatory, regulatory, or incentive based, and should be consistent with applicable laws and programs. Because Ohio EPA does not have direct authority/jurisdiction over many of the identified NPSs, it will be important to coordinate activities with those governmental agencies that do (e.g., county health departments, municipalities, county soil and water conservation districts, local NRCS offices).

Existing federal regulations do not require implementation planning for an approvable TMDL, however implementation of the TMDL project is important to affect positive change in water quality. As mentioned in the previous section, a mechanism to ensure implementation planning for the Duck Creek TMDL is in place. Local leadership provided by the Duck Creek watershed coordinator and the watershed coordinator advisory group coupled with grant requirements for the completion of a watershed action plan will ensure that implementation planning is performed. Once

implementation planning has been completed, projects can be developed based on that plan that will accomplish the needed load reductions and habitat improvements identified in this TMDL project.

Table 2. Implementation Time Line

Nov. 2002	Watershed coordinator holds two public meetings, one each in Washington and Noble counties, to discuss the TMDL report findings, BMPs, funding and what changes they may bring.
Dec. 2002	Watershed coordinator meets with advisory subcommittee to review draft TMDL implementation plans and to make a list of landowner contacts in the impaired stream segment areas.
Jan. 2003	Watershed coordinator receives finalized TMDL.
Jan. - Jun. 2003	Watershed coordinator studies impaired stream segment areas, does drive by surveys and walks streams to select appropriate BMPs.
Spring 2003	Watershed coordinator applies for BMP funding for projects specified in the WMP.
Jun. - Oct. 2003	Watershed coordinator writes up BMP implementation plan and inputs it into the Watershed Management Plan (WMP).
Dec. 2003	Watershed coordinator submits WMP.
Jun. 2004	Watershed coordinator and advisory committee starts directing implementation of BMP actions.

1.2.1 Failing Home Sewage Treatment Systems

As mentioned in Attachment 4 Implementation, section 2.3, Ohio EPA and the watershed coordinator are working to convince the county health agencies to take on the task of creating a county wide Home Sewage Treatment Plan. The hurdles to overcome include fear about involving a state agency (OEPA) and under staffing to take on the project of writing the plan. The Noble County Health Department feels that if they could get around the staffing shortage and get a plan written, then it would be possible to find the means to carry out the plan. OEPA NPS personnel did hold a meeting in Washington County (Wolf Creek) to inform them of the program and its

advantages and hopefully dispel fears about involving a state agency. OEPA will continue to dispel fears about applying for State funding. At the same time the watershed coordinator will work towards this end and also directly help Noble County with part of the plan write up and help to find a way around the staff shortage to get the plan written. For more detail on HSTS improvement efforts see Attachment 4, section 2.3.

1.2.2 Process for Monitoring and Revision

Monitoring of the Duck Creek watershed will be necessary to ensure that the pollutant reduction targets and habitat improvements are accomplished so as to ultimately result in attainment of the Biological Criteria, which will result in restoration of the aquatic life uses in this basin. A tiered approach to monitoring progress and validating the TMDL will be followed:

1. Confirmation of completion of implementation plan activities
2. Evaluation of attainment of chemical water quality criteria
3. Evaluation of biological attainment.

A TMDL revision will be triggered if any one of these three broad validation steps is not being completed or if the WQS are not being attained after an appropriate time interval. Following development of the implementation plan, if the planned activities are not being carried forth within a reasonable time frame as specified in the implementation plan then an intercession by appropriate parties would be needed to keep the implementation activities on schedule. Once the majority of or the major implementation plan items have been carried out and/or the chemical water quality has shown consistent and stable improvements then a full scale biological and chemical watershed assessment would be completed to evaluate attainment of the use designations. If chemical water quality does not show improvement and/or waterbodies are still not attaining water quality standards after the implementation plan has been carried out, then a TMDL revision would be initiated. The Ohio EPA would initiate the revision if no other parties wish to do so.