Ohio EPA Response to Comments
Draft Biological and Water Quality Report – Southern Ohio River Tributaries (Turkey/Straight/Eagle)
September 2020

The Draft Southern Ohio River Tributaries (Turkey/Straight/Eagle) Biological and Water Quality Report was made available for stakeholder review and comment from June 23, 2020 to July 23, 2020. The Agency received comments from Ohio Scenic Rivers Association (OSRA), and the Midwest Biodiversity Institute.

Comment 1: **With the proposed reduction in sampling sites (based on the 2020 Integrated Report, which is now final), such sites might be missed in the future. For example, maybe only half of the sites, or less, would have been monitored and found to be such good quality under the Two-Pronged Approach. The value of high-quality tributaries that show us how good other tributaries could be (such as the tributaries to scenic rivers) cannot be overstated. High quality tributaries benefit the streams they flow into, as well as providing refuges for unusual species and a reduction of dead zones farther downstream.**

We encourage OEPA to do more of these types of studies, especially within the Scenic Rivers Watersheds so that these treasures of the state can withstand the encroachment of development, substandard wastewater treatment plants, and non-point source pollution. (OSRA)

Response 1: Ohio EPA will continue to do targeted surveys in the Two-Pronged Approach.

Comment 2: **The report is well done and the sampling design reflects what is need to support the designation and assessment of tiered aquatic life uses for streams that were actually sampled. The technical analysis of the data is also well done and we have no significant comments to offer about those analyses. (MBI)**

Response 2: Ohio EPA appreciates your comment.

Comment 3: **The tendency of the SORT biological impairments to cluster in the western glaciated portion of the study area mirrors a similar pattern detailed in the 2007 Ohio EPA Ohio Brush Creek watershed survey. As in the SORT, the demarcation between glaciated and unglaciated zones in Ohio Brush Creek watershed effectively restricted most impairments to the glaciated reaches. It seems likely that this might be related to inherent differences in the impact of land uses. (MBI)**

Response 3: Ohio EPA agrees with this statement that inherent differences in the impact of land uses likely played a role in biological impairments along the western portions of the study area. Both geologic and land use difference between the IP and WAP ecoregions are discussed throughout the report. Examples can be found in within the study area description, water chemistry results, fish community, and aquatic life use discussion sections (i.e., pages: 37, 59, 88, and 89).

Comment 4: **We examined Table 17 that lists the recommended use designation changes for streams that were sampled as part of the 2016 survey. First, moving this table to the front of the report would be helpful and would also reinforce that the first objective of the biological assessment is to evaluate the appropriateness and attainability of the designated uses. While we have no issue with the use recommendations, what this table does not provide are the adjacent streams that were not sampled and which retain default use designations that may or may not accurately reflect the true potential of each unsampled stream. We recommend going forward that all streams in OAC 3745-1-08 through 30 be listed so that the verified vs. unverified use designations are more readily apparent and more easily counted. As we have pointed out before, every stream in Ohio has a legal standing under the system of use designation listings in QAC 3745-1-08 through 30. Therefore, at some point the agency is obligated to provide a verification of default uses, i.e., those denoted with an asterisk (*). We feel it is problematic when a survey changes the default uses for sampled streams, yet leaves adjacent streams unchanged because they were not sampled which risks basing future regulatory actions on the incorrect use and further abrogating the provisions of the Federal Water Quality Regulations at 40CFR Part 131.3[e] at a minimum. Fortunately, the recommended changes from a default WWH use to EWH and/or CWH did not seem to include that many unverified and default WWH uses for adjacent, unsampled streams. In fact, there were at least three (3) unverified EWH designations dating from the 1985 WQS that were not confirmed. The arrangement of Table 17 made it difficult to compare it to the list of all streams in QAC 3745-1-17, but we counted at least 14 other streams that have unverified default WWH designations that seem to nest among some of the sampled streams. While we would agree that most would likely be verified as WWH based on the preponderance of verified WWH streams, the possibility remains that some could be EWH and/or CWH. Therefore we recommend that the uses in these streams be verified if a CWA regulatory issue (NPDES, 404/401) is apparent for any of these streams and before any regulatory decisions are made. We will also add that the overlooking of unverified streams will only become more numerous under the Two-Pronged Approach. (MBI)**

Response 4: Regarding the location of the use designation table within the report, Ohio EPA understands the comment and the logic behind it. There are probably many ways the report could be organized that would be logical to different readers. The TSD is organized in a logical manner that builds up to the use designation recommendations. Ohio EPA understands that for readers who are familiar with the previous formatting and organization of these reports, it might take some time to become accustomed to the new organization. The placement of the use designations toward the end of the report should be thought of as the climax to the story of the survey as it unfolds throughout the report.

Regarding the inclusion of adjacent streams from the study area and listed in the WQS that are were not included for sampling, Ohio EPA will add these water bodies to the use designation table as requested in future reports that are not yet drafted. The order of the streams within the table should be identical to that which appears in the WQS, minus any corrections or additions that might need to be made.

Regarding the verification of stream designations, Ohio EPA endeavors to include as many of these as resources permit in the surveys. It is evident that significant progress has been made over the last 35 years when comparing the 1985 WQS to the present day WQS. In some of the use designation rules, nearly all or a vast majority of designations are now field-verified. We concur with the importance of this work for the reasons stated in the comment and note that this work remains embedded within the goals of the Agency's survey goals as stated in the QAPPs. We also plan to implement a process whereby the Agency will strive to tackle use designation verifications around the State in addition to the verifications that may be planned as part of the routine surveys for that field season as resources and circumstance may permit. For example, since many of the remaining unverified streams are smaller drainages, it may be possible to take advantage of down time that prevent effective sampling of larger streams when flows are just too high. We are providing an example of how this might work this summer in the Salt Creek sub-basin of the Scioto River where we plan two sample about two dozen streams that are unverified but may actually be of higher quality than the WWH that they are currently designated.

Regarding the comment about verification of use designations prior to making regulatory decisions, Ohio EPA does not think this will always be feasible and therefore, cannot commit to this. We note that most point sources discharge to streams that already have verified use designations. As noted above, the overall number of streams that carry and unverified uses is steadily declining. Most of the remaining unverified streams are smaller and in remote or more sparsely populated areas. This is not intended to diminish their importance, but only to mention that the likelihood of jurisdictional regulatory impacts occurring to these streams is probably less. As mentioned above, sampling of unverified streams will remain an important goal of future survey work.

Comment 5: **Recent research and crayfish collections by Roger Thoma have confirmed the presence of a new species, Cambarus (Puncticambarus) thepiensis, in Ohio River tributaries located in watersheds tributary to the Ohio River in extreme south and southwest Ohio. Specimens are similar in morphology to the more commonly encountered Ohio species Cambarus (Cambarus) sciotensis. C. sciotensiswas recorded at 19 Ohio EPA SORT sites in the 2016 survey. According to Mr. Thoma . . . "All of the material that I have examined from those streams (i.e., SORT study area) are Cambarus theepiensis so that nomenclature should be used. I have not classified any of them as having C. sciotensis." Given this new taxonomic and distributional information, we recommend that the Ohio EPA collection records for the SORT study area be changed from Cambarus (Cambarus) sciotensis to Cambarus (Puncticambarus) thepiensis. (MBI)**

Response 5: Ohio EPA has reached out to Mr. Thoma. The macroinvertebrate staff are working with him regarding these identifications. Based on these discussions, any needed changes will be made in addendum to the report.

End of Response to Comments