



Rivers Quarterly

Newsletter of Rivers Unlimited, Ohio's Statewide River Protection Organization

Friends of the Great Miami

River group works to improve river and moves toward protected status.

The Great Miami River flows from near Indian Lake in Logan County to the Ohio River. Its main tributaries are the Mad, the Stillwater and the Whitewater. The watershed is 5,371 square miles. Cities in it include Bellefontaine, Sidney, Piqua, Troy, Urbana, Greenville, Springfield, Dayton, Miamisburg, Franklin, Middletown, Hamilton and Cincinnati. In Indiana, Richmond, Connersville and Brookville.

In the highest tradition of river conservation in this country, Rivers Unlimited has fostered the creation of a new river protection and restoration group, Friends of the Great Miami.

We can't overstate the importance of an on-the-ground, right there, informed, motivated citizen group to care for a river. Despite the preponderance of corporate control over our rivers, aided by special interests and agencies subservient to them, these are our waters, held in the public trust. We can take them back!

Over the years we have had many calls for help – to save prime riparian areas or prevent destructive projects and practices. The Great Miami watershed has always needed a citizen group to care for it. The Miami Conservancy District (MCD) has had control over some of the river and tributaries which had long ago been channelized – much in concrete! – to limit flood damage, or as they used to say, “flood control”, after the devastating 1913 flood. Under the Ohio Conservancy Act, CD's are authorized to do water supply, drainage, recreation and more. Their methods and projects do not necessarily, according to some, serve the public interest. That's why we get calls.

Among the concerns of the founding members are gravel mining, highways, channelization, landfill mislocation, effects of A-K Steel and Fernald, combined sewer overflows, water quality, lack of access, inadequate trails provision, effects of sprawl (primarily imperviousness), farm runoff of pesticides, manure and fertilizer,

See **FRIENDS** on Page 10.



Founding meeting, Friends of the Great Miami

Rivers Unlimited has fostered the creation of a new river protection and restoration group, Friends of the Great Miami.

Rivers Quarterly Wins Award

OANO recognizes RU's efforts to update its membership on river preservation efforts.

The Ohio Association of Nonprofit Organizations gave its “Outstanding Newsletter Award for Smaller Nonprofit Organizations” to Rivers Unlimited at its May meeting. The award was for the winter 1999 issue of *Rivers Quarterly*, and was based on the *content* of the issue. OANO's mission is “strengthening the effectiveness of the nonprofit sector in Ohio”.

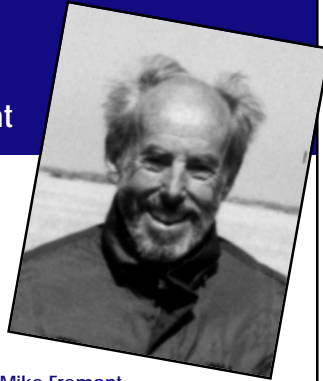
This is a significant honor. We didn't seek it. But our experience and participation in the most gritty river and water controversies over these years tells us that what we publish is accurate and not likely to be found elsewhere. ♦

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STREAM of Thought by Mike Fremont



Mike Fremont,
President, R.U. Board of Directors

RU is moving forward by moving back! To Cincinnati! Where we operated for 23 of our 27 years!

Our 4-year fling with Columbus was an investment in working with OEPA, ODNR and the Legislature, in Columbus where all the important thinking (?) and decisions come from. However we found, as do others concerned about the public good, that our efforts to move things were as effective as waves breaking on a rockbound coast.

Not that we will abandon Columbus. We have some hope the Taft administration will be more economically aware of environmental matters than its predecessor in respect to scenic rivers, greenways, open space, toxic waste, right-to-know, environmental enforcement, clean air, clean water, realistic action on TMDLs, bringing the Great Lakes Initiative to the Ohio River Basin, and cost-effective pollution permitting.

Ohio is environmentally a backward state with only a handful of legislators professing knowledge, interest or concern since Dennis Kucinich left. We talk only economics to them now. Ohio's environmental decisions are so bad they could only have been made because of corporate pressure backed up by campaign contributions. Otherwise why would you see OEPA granting a permit for a dump on top of Springfield's water supply? Is that cost effective?

Is it cost effective to rechannelize fully recovered streams that were channelized 100 years ago - simply because what was good enough then has to be good enough today? This bill passed our Senate 32 to 0, despite superb, compelling testimony from our side.

How cost effective (to Ohio's citizens) is it for Ohio to fight clean air as being too costly? When we have known for years that several benefit cost studies of the Clean Air Act have shown the benefits to this point have been as much as forty times the costs? FORTY TIMES! Four times would be astounding. You know the citizens of Ohio would never vote for dirtier air - or water.

No more wasted effort at the state level! We're strengthening the people from now on!

You can reach us at 515 Wyoming Avenue, Cincinnati, OH 45215, (513) 761-4003 phone, (513) 761-4988 fax. ♦

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Teacher Training Workshop to be Held August 3-6

Make a Splash! Greenacres Water Quality Project Teacher Training Workshop Series will be held August 3-6, 1999. The event is co-sponsored by the Greenacres Foundation and the Hamilton County Soil and Water Conservation District. This comprehensive four-day workshop is designed to meet the needs of both novice and experienced teachers. Each day is designed as a separate workshop for teachers who can elect to attend one or more days. The four workshop topics in order are: Watershed: Water Quality and Mapping Basics, Aquatic Habitats and Biomonitoring Techniques, Water Chemistry in the Lab and Field, and Sharing Your Data and Involving Your Class in the Community. The workshop will feature instructors from the Metropolitan Sewer District, Ohio Department of Natural Resources, Ohio EPA, Izaak Walton League and more. The workshops are \$10 per day or four days for \$30. To receive a brochure call Greenacres Foundation at (513) 891-4227 ext. 225 or email: aelyon@hotmail.com.

Senate Bill 20: Historically Challenged Watercourses

Passage of the bill could lead to qualifying rivers being removed from the antidegradation process.

SENATOR CUPP'S (R-LIMA) SB 20 WILL ALLOW ANY STREAM THAT PREVIOUSLY HAD ANY DREDGING OR OTHER PHYSICAL MODIFICATION TO AVOID ANTIDEGRADATION REVIEW.

Even though the Antideg rules are not yet fully developed, people who want to channelize streams have decided that implementing the rules will take too long and cost too much. As of May 18, this bill passed the Senate 32-0, and was in the House Energy and Environment Committee, where it has had three hearings with more scheduled. RU, the Ohio Environmental Council, Sierra Club, Izaak Walton League and others are trying to stop it or get it amended so that Ohio will not once again pass legislation that violates the Clean Water Act. If you live in western Ohio, be forewarned! Among other things, this bill would prevent the Ohio EPA from considering the potential flooding impacts of channelization work on downstream landowners. The ditch laws were a main reason RU got started 27 years ago because so many people were kept out of decisions that affected their lives and property. RU Board member Justine Magsig testified on May 13 and detailed the flooding impacts on her property after Sugar Creek was channelized upstream, in another county. Her eloquent testimony follows this article.

Direct Effects of S.B. 20

The primary impact of this bill would be to prohibit a full cost/benefit review of the proposed projects that is now required by the antidegradation review process, as well as to deny public hearings, all in the name of saving time and money. What was not said in proponent testimony is that the time and money savings for the proponent of the local project will be accomplished. However the savings will be accomplished by eliminating the study of the project's impacts on downstream residents and property. In other words, problems may be solved for the local area at the expense – read that the flooding – of people and property downstream! Downstream residents do not have nearly the protection in the ditch laws that they do in the antidegradation review process. Antidegradation review makes sure that the concerns of residents downstream of the project, perhaps even in another county, are taken into consideration. In essence this bill would allow communities to move their water management problems downstream without consideration of the project's impacts on other people.

The proponents talk about “ditches”, not about recovered streams. This legislation would affect streams and rivers – not just man-made ditches – that were channelized 20 or more years ago and which have now reverted to natural systems that are rated as *warm water habitat* by Ohio EPA. The bill declares that any historically channelized water-

course that provided drainage values 20 or more years ago, by definition, only can provide drainage values in the present time. Ohio has changed far too much in the last 100 years to assume that a decision made in the past can stand unexamined today. The recovered streams that would be affected by this legislation may well provide other benefits of greater value than drainage. Many of these streams, and no one yet has been able to identify how many, are classified as warm water habitat. Federal law requires that they receive antidegradation review. State legislation, in our opinion, simply cannot reject the requirements created by the Federal Clean Water Act. Rivers Unlimited firmly believes that this proposal will violate the Clean Water Act and would be rejected by the court system if enacted. The bill does state that no project can change the use designation of a watercourse, but that is a very slippery issue, and may be the undoing of the proponents, because channelization degrades a stream without question.

A Need for Redefining

The definition of *Historically Channelized Watercourse* is very tricky. The definition DOES NOT say that the improvement defined in the ditch law had to have been authorized under the ditch law. Listed improvements include the following: construction, reconstruction, widening, deepening, altering, filling, and straightening. Thus any work done in a stream, legal or otherwise, that matches the terms of improvement defined in the ditch law, is covered by this bill, even if it happened 100 years ago! This definition needs modification! Without it, the legislators will be embarrassed at the rivers and streams that suddenly have been removed from the antidegradation review process, and RU believes they will find that they have passed yet another bill that violates the federal Clean Water Act. See SB 20 at < http://www.legislature.state.oh.us/bills.cfm?ID=123_SB_20 >



SB 20 forces us to keep things from getting worse rather than working to make them better! ♦

For further information on the effects of SB 20, see TESTIMONY on page 7.

Tulloch Rule Redefined

New rule clarifies loss of the "Tulloch Rule" that helped protect rivers.

Once upon a time, the Army Corps of Engineers helped protect wetlands and rivers from in-stream/ in-wetland dredging by involving Clean Water Act requirements that prohibited adding materials to wetlands and rivers. The rationale was that you could not remove dredged material without some of it falling back into the water, and thus when it did fall back, you were adding material to the river or wetland. A court case in 1993 implemented this protection mechanism, and the decision became known as the *Tulloch Rule*. Prior to the Tulloch Rule, some Corps Districts allowed developers to ditch, drain, and destroy wetlands or excavate streams without a permit if they used special techniques.

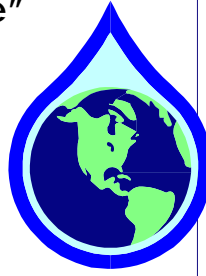
On August 25, 1993 (58 FR 45008), a regulation (the *Tulloch Rule*) defined the term "discharge of dredged material" as: "Any addition of dredged material into, including any redeposit within, the waters of the United States. The term includes, but is not limited to the following: * * * any addition, including any redeposit, of dredged material, including excavated material, into waters of the United States which is incidental to any activity, including mechanized landclearing, ditching, channelization, or other excavation."

In June 1998 another court case resulted in the Tulloch Rule being eliminated, and the Corps began telling people that they no longer needed a permit to remove dredged material from a stream. This past winter Big Darby Creek, a National Wild and Scenic River, had substrate removed along several hundred feet of the stream and the material was used to reinforce a private dike to prevent a farm field from flooding. In the past several months the flood gates opened and many individuals in Ohio have used this opportunity to conduct in-stream work that previously required a permit (and would not have been allowed on a National Wild and Scenic River).

On May 10 the Corps and USEPA published a final rule (64 Fed. Reg. 25119) designed to bring the written rules of the Corps into line with the 1998 court ruling. These revisions to the Clean Water Act regulatory definition of "Discharge of Dredged Material" do not change existing law, but merely officially remove the regulations that were invalidated by the 1998 judicial decision and highlights other standards that still apply. In addition, the rule states that "without further action...large-scale destruction of wetlands could occur, resulting in increased flooding or runoff and harm to neighboring property, pollution of streams and rivers, and loss of valuable habitat. Accordingly, the [federal government] will expeditiously undertake additional notice and comment rulemaking..."

A requirement that a developer obtain a permit does not prohibit most projects, as the Corps denies permits to less than 1% of wetlands-destruction activities. However, approved permits often must meet conditions that limit or prevent damage to wetlands and streams, or that require developers to offset some of the damage by restoring wetlands nearby.

How all of this rule making activity will affect our rivers and the rights of developers and farmers to remove material from rivers and streams is yet to be decided. Clearly we should not allow the current situation of anyone being able to remove dredged materials from our rivers, let alone national and state scenic rivers, to continue. And, of course, we could manage our own destiny better if Ohio had a strong river protection law that prevented or at least required permits for in-stream work rather than relying on the federal government to look out for our best interests! ♦



The National Watershed Coalition (NWC)

The National Watershed Coalition is a group of about 34 state and local associations involved in the work of planning, building, advising upon and maintaining streamworks such as ditches, channels, dams, etc. mostly under PL 78-534 and PL 83-566 (the latter from 1954), on small watersheds which we believe are less than 2,500 square miles. The laws were enacted for "small watershed protection and flood prevention". By now the NWC is engaged in many activities that weren't thought of in those days, such as wetland mitigation and watershed restoration, which can be pretty valuable.

Back when we started in the 70's, it seemed to us that half our work was to keep these people from channelizing every stream in Ohio for agricultural drainage, with sponsorship from county commissions under Ohio's infamous Drainage (Ditch) Laws or the equally infamous Ohio Conservancy Act.

The NWC's 6th Annual Conference wanted speakers who could identify

- innovative funding possibilities;
- effect of changing government roles;
- creating new partnerships;
- and water quality opportunities in old projects.

We gave a paper May 18th in Austin, TX that addressed all these: *True Economic Justification for Watershed Projects*. Projects to restore streams can be justified by Resource Economics studies. They can determine for any degraded stream what public investments to restore it would cost and compare this cost to the regional economic benefit to be expected. Copies are available from RU. ♦

UPDATES ON

River Resource Economics Studies

RU believes that – until otherwise notified – Ohio's government has little to no regard for rivers.

Environmental concerns have not, and do not, motivate our legislators or our administrators. Money does, however. Is that a surprise? If we can get federal money for sewage treatment and pollution prevention, we'll take it! And continue to issue 700 permits-to-pollute a year. And fail to enforce the Clean Water Act. And stall on Antidegradation, and propose 15 years to develop TMDLs. TMDLs means how we will remedy the 881 river stretches that are not fishable or swimmable in Ohio – 42% of our river miles. Fifteen years!

Now, don't be cynical. There's a way to clean things up. An all-American way:

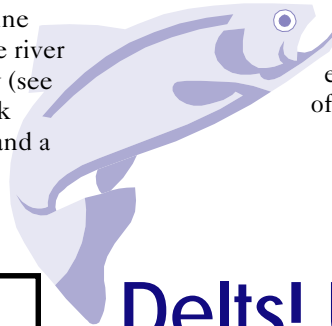
Show communities how they can make money by restoring rivers. That is, their water quality and natural forested corridors.

The Muskingum Study. Under contract with RU, Ohio State University Resource Economists expect to complete a study of the Muskingum River this fall. It will determine what cost-effective, public investments in restoring the river corridor can be made to improve the regional economy (see previous issues of RQ). These coming months will look specifically at sewerage or alternatives, zoning, access and a greenway.

Template Study. With OSU again, and through the Mill Creek Restoration Project (which we founded as the Rivers Unlimited Mill Creek Restoration Project in 1993), we have applied for a three-year foundation grant to study additional rivers and single specific restoration opportunities. The next river will be Mill Creek in the Cincinnati area. The heart of its restoration will be an urban/industrial greenway. Other rivers studied will consider dam removal and possibly toxic waste removal in the economic interest of the community. We'll know of acceptance in July.

Pesticide Use Reduction Study. With Ohio Citizen Action (again) and Ohio State Resource Economists (again), we've applied for a two-year foundation grant to study costs of removing pesticides from drinking water supplies. This can be a very costly process, requiring activated carbon filtration. It's good for the people who get the treated water but it doesn't help the others who perhaps should get bottled water. We'll know in July about acceptance.

Since drinking water treatment does nothing for the fish, mollusks and their food chain, we're considering a proposal to study the economic losses to fishing and the fishery of pesticides in the rivers. ♦



Delts! Update

Delts have to do with FISH. They are Deformities, Erosion of fins and tail, Lesions and Tumors of fish. About 3% occurrence seems to be tolerable; 12% is bad. Delts are blamed on water quality...surprise? Some have attributed delts to excessive phosphorus (from sewage treatment plants, farm fertilizer and animal waste) which adds to nitrogen to grow algae that takes up oxygen needed by fish. That damages immune systems and leaves fish vulnerable to opportunistic diseases.

Other theories are that pharmaceuticals and their metabolites (like many drugs we take including birth control pills) are the culprits according to studies in Germany and Switzerland. Suspicion is heavy now too that surfactants in detergents destroy the mucilage surrounding fish which normally protects fish skins from unfriendly bacteria. Clearly this is a matter of grave concern to our soap and detergent makers.

Maybe we ought to run our graywater out onto the ground instead of to the sewage treatment plant! It's good, fertilized irrigation and is used in arid areas. Another good reason to keep sewage out of rivers! Fish! ♦

WORKSHOP

Cooperative Agreements

Drinking Water Suppliers and Farmers

On July 26-27 this national conference, sponsored by the American Water Works Association and the Institute for Agriculture & Trade Policy, will take place at the Fawcett Center in Columbus. The purpose is to design incentives for farmer-led source water protection, which is funded by the Safe Drinking Water Act. This is an issue of importance to Ohio watershed groups, especially those whose water utilities are not yet under source water protection. Ask your water utility and find out who they will be sending to the conference! To register, go to www.iatp.org/watershed or contact Mark Muller, IATP, 2105 First Avenue South, Minneapolis, MN 55404, phone 612-870-3420, email: mmuller@iatp.org.

Antidegradation . . . continued, since 1993

Ohio is writing a rule to administer Section 6111.12 of the Ohio Revised Code to comply with the Antidegradation section of the Clean Water Act. It's supposed to assure us that we have important social and economic development reasons when we grant permits to pollute our waters. (See *Rivers Quarterly*, Spring 1998 and Winter 1999.)

Any prospective development is assumed to be an important economic reason to increase pollution. However, Ohio EPA may compel the applicant for a pollution permit to use a non- or minimal polluting alternative – if it doesn't cost too much.

However, right now, Ohio assumes that polluting water that is cleaner than necessary to meet existing uses has no costs. No social, no economic costs!

Of course it has costs! If you live on a river you don't want the incremental extra pollution. The fish don't want it. Anglers don't want it. Swimmers, boaters, campers, water treatment plants, industries requiring clean water don't want it. Real estate and banking don't want it because it reduces residential property values. Travel and tourism don't want it. Degrading the water degrades the value of all these interests.

These pollution costs are high. They're different for every "receiving water" or river. They are calculable by resource economists. We are doing this kind of work on the Muskingum River.

It is inconvenient for Ohio EPA to determine and factor in these costs when deciding to grant or deny a permit to pollute. They have no studies so they don't have routine cost estimating data. Ohio State University has provided them with the basic procedure but there is no staff, no research, no money to go further. You know the typical dodge. We are therefore not complying with the Clean Water Act. This issue is not resolved. We're working on it!

But unless these costs go into permitting decisions, the public interest will not be served. It hasn't been served, or we wouldn't have 42% of our waters not fishable or swimmable, and much of the other 58% only marginally acceptable. Benefit/cost is the basis of all business decisions and we're not using it in the public interest. The untapped potential earning power of these degraded waters is enormous.

When approximate ranges of these costs become known, through OEPA researches or those of others, we may very well find that they are so high that we could be driven to much more stringent basin-wide pollution prevention in the public economic interest, and its environmental interest as well.

Rivers Unlimited is proud to have originated resource economics analysis of pollution permitting. It is the only means by which we can hope to comply with the "restore and maintain" imperative of the Clean Water Act, not just in Ohio but in all states. ♦



We Have a Right-To-Know; Pollution Secrecy Has to GO!

ANOTHER THING THAT REALLY TORCHES US: Ohio's law allowing companies to do environmental "audits" and keep pollution informa-

tion secret, even from government agencies. And should they "discover" a violation of the law, tell OEPA the merest details (which does not include the amount of pollution released) and get immunity from prosecution.

This infamous law is called the Audit Privilege Law, perhaps the worst of its kind in the country. We understand that the only firm that openly lobbied for it was Procter and Gamble. Could they have something to hide?

It's impossible to imagine how OEPA, even if they wanted to develop TMDLs (see separate article on page 8) could do so without knowing about all the pollution in the particular stream - and where it came from.

Combining the ignorance principle (well, if they don't know about it, they don't have to enforce the law) with OEPA's own circumvention of the law, what's left? USEPA claims to lack the resources to do the job, the state won't, and citizens, without access to information, can't either.

Just this week we heard from several citizens in Ohio. Some called about fish kills from factory farms and Ohio EPA won't enforce. Another citizen told us that OEPA was no longer "allowed" to enforce sediment and erosion control at major construction sites. (Is there a connection between major developers and the governor's election here?) A third group called about a 27 acre wetland being destroyed in violation of Ohio's own wetland rules.

Is it any wonder that we've asked USEPA to come in and enforce the law?

To find out more and how you can get involved in this fight, call Marilyn Wall at (513) 771-5087! ♦

Testimony on SB 20

By Justine Magsig,
RU Board Member, Woodville, Ohio

My name is Justine Magsig. I have lived at 4950 County Road 93, rural Woodville, Ohio for 45 years. My husband Calvin and I live on Sugar Creek, a tributary of the Portage River in southern Ottawa County. I want to tell you about the erosion that has occurred along our river over the past thirty years.

Sugar Creek is about 29 miles long. When we built our home, the creek was a completely natural stream with meanders, riffles, and defined and well established floodplain areas throughout its entire length. The region is agricultural and in the 1960s a passion for structural modification of rivers swept northwest Ohio, fueled, in part, by the large scale channelization of the Little Auglaize River in Van Wert and Defiance Counties. Drainage was the buzzword of the farming community. Farmers were planting fence row to fence row to take advantage of high commodity prices which were the result of droughts in foreign countries, mainly the Soviet Union. In the late 1960s, thirty years ago, the middle nine miles of Sugar Creek were petitioned to be "cleaned, deepened, widened and straightened," under the Ohio Drainage laws. The construction took place and in that area the stream was gutted, flood plains eliminated, the channel straightened, and the forested borders cleared.

In 1973 the lower ten miles of Sugar Creek were threatened with channelization because of the accelerated runoff from the channelized section and also obstructions caused by the neglect of the landowners. After a year of controversy, the stream was finally preserved because of the work of dedicated volunteers who cleared out all of the obstructions and who have maintained the drainage capacity of the creek since 1974. The upper ten miles of Sugar Creek were modified on one side several years later.

That is, however, merely history. When the original channelization took place, the landowners, Cal and I included, did not know that this construction would, in any way, affect our downstream section of the river. Later, at the time the second channel project was assessed, we were very aware of ditching in northwest Ohio because we had fought one project and won. We fought the upstream ditch also. We did not win a complete victory, because of the costs already accrued by the project, but did, through a strong showing in the media and at the public hearing, have enough influence to have the channel work confined to one side only.

Through the years that we have lived along Sugar Creek, we have seen the damage that channelization can cause. On a 100 linear foot section of the stream we have lost 220 tons of soil. Specimen trees have fallen, the floodplain has been scoured in some places and our volunteer organization has cleared log jams that have been seriously silted in after only one season of normal rainfall. This damage is caused by the scouring action of silt laden waters from channels that were constructed in the past. Damage would have been more severe, but the creek is underlain with bedrock limestone,

which caused erosion to widen the stream, where it could not deepen it. Multiply this degree of erosion by the 48 landowners who live beside the stream in the lower 10 miles and you can easily see one reason why Ohio rivers are pouring topsoil into the estuaries of Lake Erie.

When downstream landowners complain about damage caused by upstream channelization, they are told to petition their section of the stream to take care of the extra water. This is not what the people of Ohio want. Times have changed and many rural landowners realize the need for clean water, sharing land with wildlife and the economic value of property that is situated on natural streams. As one study conducted in northwest Ohio demonstrated, property values for homes on a natural stream are three times that of homes built on streams that were channelized.

Would the story be different if downstream landowners had been aware of the problems caused by the channel modification. Obviously, yes. We fought long and hard to preserve our section of Sugar Creek AND the upstream section that we knew was being considered for construction. Please do not allow self interest to deprive concerned landowners of an opportunity to present their view, influence decisions that will impact their land and their lives through participation in the antidegradation process. It is important for ALL landowners on a watershed to be apprised of changes that are being considered for their river. ♦

Clean Water Act: An Owner's Manual

As the first step of a four-year Clean Water Organizing Project, River Network has produced a 160-page book to help demystify the Clean Water Act and make it more accessible as a tool for activists. At last, here is a comprehensive manual for people who want to clean up their rivers, streams and watersheds. This down-to-earth, information-packed book explains crucial sections of the Clean Water Act, points out how to get involved in regulatory decisions, and tells the stories of others who've done so. Filled with references, web sites and other resources, this manual turns legalese and scientific terminology into language you can use. Whether you're a concerned neighbor or a veteran activist, you'll want a copy of *The Clean Water Act: An Owner's Manual*. It costs only \$25, plus \$5.00 for shipping and handling, thanks to substantial grant funding and support from Patagonia. Write River Network, *Owner's Manual*, 4000 Albemarle St., NW, Washington, DC 20016.

I Didn't Know the River Was Loaded!

State far too slow on TMDLs.

Ohio keeps missing strokes in its efforts to comply with the Clean Water Act. The state just barely put the oar in and sprayed a little effort on reducing pollution in two of its most polluted waterways back in 1993-94: Bokes Creek and the Black River. Sources of pollution were identified. There's been no enforcement to date to stop them. OEPA say they didn't have enough resources to complete the Black study.

In 1995-1996, Ohio looked at the Lower Mahoning and concluded that they needed to continue to look for the reasons why the stream can't achieve aquatic life "use designation". They reached this conclusion despite "many dischargers ...in violation of their existing permits for several heavy metals".

The Cuyahoga was targeted in 1997-1998 for the development (but not enforcement) of a plan.

In 1999-2000 OEPA selected four more: Mill Creek (Greater Cincinnati), Rocky River, Upper Little Miami and Sugar Creek (tributary to Tuscarawas River). Thus far, June 1999, we hear people have been asked for a list of stakeholders - that's as far as it's gone.

The specific Clean Water Act requirement for which OEPA has to develop these cleanup plans is called Total Maximum Daily Load (TMDL). OEPA is supposed to figure out the sources of pollution, determine how much they need to be reduced to make the stream fishable and swimmable, and enforce these reductions. [Ohio says it has 881 stream segments which need to have TMDLs developed.](#)

RU is on the External Advisory Group to list and develop TMDLs.

Across the country, many states haven't done much better and environmental groups began suing the EPA. By 1998 even Ohioans decided they'd shown enough patience and National Wildlife Federation and individual citizens sent letters to EPA saying they'd sue for enforcement.

After that, OEPA held a so-called "stakeholder meeting", followed months later by an educational forum, then the next year another meeting about setting up a stakeholder group. Then actual meetings of the limited number of people included as "stakeholders". So far a couple more meetings have been held, some good informational material presented, but overall OEPA is exhibiting no leadership and the process is going nowhere in a big hurry. The few industry folks who show up threaten to sue if OEPA can't prove scientifically that they have caused whatever pollution and that OEPA has also to prove that the amount of pollution they want industry to reduce is also "scientific".

It's irksome to realize that as long as this foot-dragging continues, major polluters are profiting from the externalization of their waste disposal costs upon the general public. Delay is wonderful for them, and then they have the courts!

A more positive suggestion, while waiting for inevitable litigation: local river groups could develop their own "TMDL" and negotiate directly with the responsible parties themselves. Who knows what might result?

There's lots of water quality data on Ohio EPA's website. ♦

Volunteer Opportunities

RU seeks volunteers for the following activities:



Promote Environmental Fund for Ohio workplace giving program with statewide businesses and local governments (May to August); attend informational meetings for participating companies during workday at their offices (with EFO staff, from September to November). Training available through RU and EFO. Last year RU received the second largest donation total of the 27 groups participating in this program, but there are considerable income growth opportunities here.



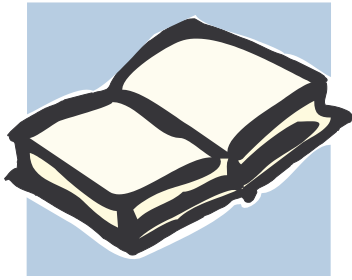
Serve as local river news correspondents. Regularly provide RU with local news of statewide interest, and clip important local newspaper articles to mail to RU office. RU seeks volunteers in most Ohio cities – this is a relatively easy job that will be a big help to us! RU will focus on a few rivers each issue.

To learn more about other volunteer opportunities, please call the RU office at (513) 761-4003. ♦

Looking to become a member?

It's as easy as 1-2-3!

Simply complete the registration form on page 11 and mail in to the RU office. Thanks for your support!



Available Publications

Franklin County Develops Model Watercourse Protection Ordinances

The Mid Ohio Regional Planning Commission (MORPC) assembled a Watercourse Protection/Scenic Byways Model Ordinance Task Force composed of local government representatives, citizen group leaders, and business interests to develop model ordinances designed to protect waterways in Franklin County. The resulting document was released on April 29. The intent of the Model Watercourse & Scenic Byway Protections document is to facilitate creation of natural buffers along watercourses that provide a host of protections - creating wildlife habitat, and minimizing land use and development impacts within the immediate environs of a watercourse.

This publication can serve as an excellent starting point for any Ohio community that seeks to protect its waterways within the limits of Ohio law. Please be aware that this document has many suggestions for protecting the streambank and environs, but that protection of the actual stream is much more difficult. Write Ms. Frances Beasley, MORPC, 285 East Main Street, Columbus, OH 43215-5272, phone 614/228-2663. RU recommends this publication to all communities, especially those with multiple political jurisdictions within a relatively small segment of a river.

Starting Up: A Handbook For New River And Watershed Organizations

River Network has put together a handbook for those who are thinking seriously about starting a new organization to conserve a local river or already have a river or watershed organization. *Starting Up* provides information based on the invaluable experience of dozens of leaders in the river and watershed conservation movement. This handbook has over 350 pages of valuable information, including choosing a name, developing your mission statement, recruiting your board of directors, fundraising, creating a budget, working with the media, producing a newsletter, and much more!! Additionally, it provides you with specific concepts and tools for building a strong and healthy river organization with a focus on the watershed approach to river conservation.

The cost is \$30 (including shipping). To order please send your check to River Network Publications, P.O. Box 8787, Portland, Oregon 97207 or call (503) 241-3506. ♦

Water Resources Council Sticks with Inadequate Plan

RU addressed the Ohio Water Resources Council and asked them to modify their draft plan to include a goal for improved water quality. They have adopted the goals of the 1997 Blue Ribbon Task Force without modification.

Seemingly all council members were sympathetic to the logic of a state water plan including a goal for improved water quality, but the arguments expressed at the meeting by the council members for not changing the plan were: (1) the materials are already printed, (2) the plan is a dynamic document and maybe at the first revision a goal for improved water quality can be added, (3) we didn't think of it, and (4) if we added a such a goal, it might hurt our chances of getting funds from the General Assembly to do the work we want, including the improvement of Ohio's water quality.

The fact is that argument #4 may be correct, if not a sound argument! Is it really too much to ask, in this state, to expect the General Assembly to support improving Ohio's water quality?

The OWRC's aim is economic development, but they are dead in the water in failing to realize that thousands of businesses depend on and could grow and profit by restoration of river corridors and clean water. To mention a few: banking, real estate, tourism, motels, outfitters, restaurants, camping facilities, marinas, liveries, excursion boats, fishing tackle...

Furthermore, the general public has been excluded from representation on the Council. If not for the general public, for whose benefit does the OWRC exist? We pay all their salaries!

We have reason to believe the OWRC will not be able to continue as planned! Some changes could make it worthwhile, as the plan has some good elements in it. ♦

Clean Water for Southern Ohio, too!!

Higher Water Quality Standards are needed for Ohio's River Basin.

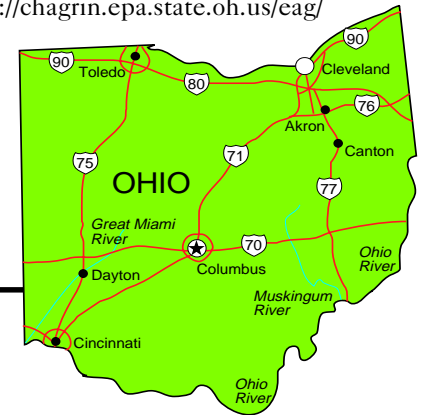
By Jane Forrest, Ohio Citizen Action

In October 1997, the State of Ohio adopted the Great Lakes Water Quality Initiative (GLI) for the northern third of the state that drains into Lake Erie. The goal of the GLI was to adopt new water quality standards for chemicals that bio-accumulate and affect aquatic, wildlife and human health. These standards were adopted only for the Lake Erie Basin, while the southern two-thirds of the state in the Ohio River Basin retained the old water quality standards written in 1990. The Ohio EPA made a commitment to the people of the state and the environmental community that they would review the new GLI standards for the Ohio River Basin and adopt new standards that were developed by a stakeholder group, The Ohio River Basin External Advisory Group. The Ohio EPA, the regulated community and the environmental caucuses have all stated their positions.

The position of the environmental caucus has been that Ohio EPA should take the GLI water quality standards statewide. Wildlife and aquatic life and human health should be equally protected statewide. Having the same rules across Ohio would save the state money in implementing the rules.

These discussions have now stalled. Representatives of the industrial and municipal caucus object to equal protection for human health and wildlife. OEPA claims a lack of resources to move forward. Twenty-five environmental groups, including RU, have sent a letter to Governor Taft asking him to honor his campaign promise to have this advisory group complete its work and asking that he protect human health and wildlife in the Ohio River Basin too. You can help! Send letter to Governor Robert Taft, Statehouse, Columbus, OH 43216

Anyone interested in helping the environmental caucus or just interested in keeping up on the issue can look over minutes, agendas and reports on the Ohio EPA-Ohio River Basin's EAG website, <<http://chagrin.epa.state.oh.us/eag/orb/orb.html>>. You may also call Jane Forrest at (937) 277-7194 or email her at jforrest@dayton.net for more information. ♦



FRIENDS

(cont. from Page 1)

near-river outdoor commercial composting (aka solid waste disposal), threats to Sole Source Aquifers and vast amounts of junk and litter. Does that all sound negative?

Well, the National Park Service thinks 76 miles of the Great Miami River (GMR) make it worthy of becoming a National Wild and Scenic River! Its outstanding resource values are scenic, recreational, historic and cultural. This stretch is from Troy to Cleves, except for 20 miles in the Hamilton-Middletown area.

In the watershed NPS finds equally worthy 18 miles of Four-Mile Creek, 5 miles of Loramie Creek, 20 miles of the Mad, 41 miles of Twin Creek and 55 miles of the Stillwater, which is an Ohio Scenic River.

Next, from Tipp City to the Taylorsville Dam, several of the founders find it ideal for canoeing, and it has great natural beauty.

Third, Ohio EPA has just listed 11 stretches of the Great Miami, 7 of the Mad, 5 of the Stillwater, 1 of the Whitewater (in Ohio) as Candidate Superior High Quality (SHQ) Waters because of their rich biological content, plus any number of other trib stretches. (SHQ waters may get a small amount of

protection against pollution to the max, as granted by OEPA permits.)

Ultimately the Great Miami should have every type of protection the public can get for it! Its waters are supposed to be held in the public trust for the people of Ohio.

Friends of the Great Miami's mission statement, constitution, bylaws, incorporation papers and application for IRS 501(c)3 tax-deductible status are probably complete as you read this. The documents have been drawn up and filed thanks to the valuable pro bono assistance of Cincinnati attorney Drew S. Diehl. Drew is an old friend and former trustee of RU.

Trustees of the new group are Jennifer Everett, Jeff Kitchen and Dana Fiedeldej. Melissa English is the incorporator and coordinator, at (513) 651-2327; pager (513) 577-3632; MEnglish@one.net; 2350 Ohio Ave. #6, Cincinnati 45219. Inquiries to Melissa!

Rivers Unlimited is proud to have been able to bring this distinguished group together. We wish them every success! ♦

What a Little Greenway Can Do!

The Little Miami Scenic Trail, roughly from Cincinnati to Yellow Springs, goes back about 20 years, when Ohio matched federal Land and Water Conservation funds and bought the Penn Central abandoned rail line – about 42 miles. The cost was \$1 million for the right-of-way (Penn Central got the tracks) and \$1 million to make it trailworthy (scenic bridgelets, blacktop, etc.).

RU helped Little Miami, Inc. capture this prize, as we helped the Little Miami from Foster to the Ohio River, through six miles of Cincinnati, become a National Wild and Scenic River. We drove Chris Delaporte down the river in a 1970 racing canoe. He was Director of the Bureau of Outdoor Recreation, which is now merged into the National Park Service.

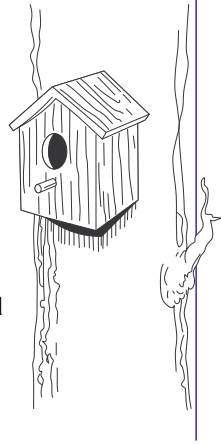
Well, the Ohio-Kentucky-Indiana Regional Council of Governments studied the Trail last year:

(Warren County only):

- 27 miles; Loveland - Morrow - Corwin.
- 150,000 to 175,000 visitors
- \$17.47 per visitor, trip-related expenditures
- Regional economic activity based on above = \$2.6 to \$3.1 million/year.

The \$17.47 does not include durable-goods expenditures that could greatly increase this figure. The exact allocation is currently unresolved.

Details? Ask us. ♦



Composting

Protect yourself!

Composting on a commercial scale is normally thought of as transforming yard waste – grass clippings, weeds, dead and uprooted trees and bushes, animal excrement and dead animals, etc. – into useful, saleable mulch. By reducing the volume of waste it causes less demand on landfills.

Without going technical, things like manure and dead animals are used to catalyze or speed up decomposition of the organic materials. And some products of decomposition, gases, particles and aerosols stink and some are toxic. Therefore, large-scale composting should be done indoors and on an impermeable floor, and the leachate, airborne gases, aerosols and dust should be caught, treated and kept out of the atmosphere and the waterways.

Therefore, the worst possible place to compost commercially is a) outdoors and b) over an aquifer. Outdoors it will sicken people in the area and downwind. And the smell will keep you indoors if it doesn't follow you in.

Over an aquifer the leachate can pollute the water supply. And altogether the neighborhood property values will decline. Don't let it happen to your neighborhood!

You may be surprised to learn that OEPA has inadequate rules to control damage of this sort. You may expect your local zoning authorities, your local health department and even your public works people to take action to protect the public interest. Don't rely on it!

This disgusting and threatening outdoor composting situation exists on the banks of the Great Miami, with runoff going into the river and the aquifer, on East Miami River Road in Hamilton County, courtesy of Rumpke, Inc. This story's not over!
♦

MEMBERSHIP FORM

EASY MEMBERSHIP! COMPLETE STEPS 1, 2, 3, CLIP AND MAIL.

Yes

I do want to help Rivers Unlimited protect the 61,000 miles of rivers and streams in Ohio from pollutants and other forms of degradation. Use my gift to help the nation's oldest statewide river protection organization continue to protect and restore these scenic waterways which are vital to the quality of life in our state.

Here is my tax-deductible contribution of:

1

\$35 Basic Membership

\$50 Family or Group Membership

\$100 River Sustainer

\$250 River Steward

\$___ Other

2 Please make your check payable to *Rivers Unlimited* and mail to:

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

E-MAIL _____

3 Rivers Unlimited
515 Wyoming Avenue
Cincinnati, OH
43215

RU Handbook on Ohio's Water Quality Standards Programs

The Great Lakes Aquatic Habitat Fund gave us a grant in 1998 to prepare and distribute a handbook on Ohio's water quality standards program. RU contracted with former RU Executive Director Jeff Skelding, now Executive Director of the Scioto River Valley Federation, to prepare the booklet.

This handbook is to assist citizen groups in understanding Ohio's water quality standards program and how regulatory tools are used to address both point and non-point sources of water pollution. ("Point Source" is a pipe or similar; "Non-point" is runoff from fields or streets over a wide area.) The first part of the handbook discusses Ohio's progress in cleaning up its waters since enactment of the 1972 Clean Water Act. Many pages then explain Ohio's Water Quality Standards Program, which shows various regulatory approaches to water pollution control. Groups that master the water quality standards program will have a distinct advantage in protecting their river resources.

Despite the lack of broad regulatory authority to address non-point source water pollution concerns, some programs do exist. The handbook discusses a few of these programs and emphasizes the need to be creative in using them. Most of the programs are untested because of legal uncertainty and the

inherently cautious nature of government. In the face of this uncertainty, this void can be filled by watershed or river groups whose purpose is to protect the rivers their members care about.

The handbook outlines steps that groups can take to address pollution permits in their watershed. A systematic approach in addressing permitting issues can save time, energy, and money. Finally, the handbook recommends future programs and policies that can help achieve the overall goal of the 1972 Clean Water Act – "protect, maintain, and restore the chemical, physical, and biological integrity of the nation's waters."


This handbook is designed to help river and watershed groups become active, effective participants in the decisions that affect the quality of their lives and their environment.

The handbook will be mailed to all known river and watershed groups in the Lake Erie Basin in July. Order your copy of *Making Sense of Ohio's Water Quality Standards Program: A Handbook for Ohio's Citizens and River Interests* from RU. RU will assist all groups wishing to get involved in the permit review process. We hope this publication will help local groups protect their streams and lead ultimately to reform of the present inadequate permitting procedure. ♦



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