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## Cuyahoga River fire anniversary finds lawmakers at a crossroads on environmental conservation funding

**Choice is between continued progress or sudden backsliding on protecting safe drinking water, clean air, rivers and lakes, and public lands**

(Columbus, OH) — Forty years ago today, oily debris floating on the Cuyahoga River in downtown Cleveland caught fire. The event drew national attention, helping spark the passage of environmental protection laws and steady investment in cleaning the nation's environment.

The resulting clean up has been remarkable, especially in Ohio, one of the most populous and industrialized states in America.

But according to leading environmental conservation leaders, Ohio's current dire state budget outlook could put continued environmental clean up and natural resource conservation at risk.

"No one wants to return to the days of the burning river. But the choices our state lawmakers make in the next nine days could have a significant impact on safe drinking water, air and water quality, and the future of our state scenic rivers. This isn't just any vote; it's a defining green vote," said Jack Shaner, Deputy Director for the Ohio Environmental Council.

Joining the call to action were Josh Knights, Executive Director, The Nature Conservancy in Ohio; Elaine Marsh, Co-Founder, Friends of The Crooked River; Brandi Whetstone, Conservation Program Coordinator, Sierra Club Ohio Chapter; and former Ohio DNR Director Joe Sommer.

The groups are calling on state lawmakers to approve a pair of diverse fee increases to prevent deep cuts to clean water and air programs and to maintain the state's Scenic Rivers program. Budget documents released last week offer compelling evidence for the groups' plea.

According to budget estimates released last week by the Ohio EPA, the agency's ability to protect the environment will be significantly impaired if lawmakers fail to approve an increase in state "tipping" fees collected at landfills on the disposal of municipal solid waste.

"There are basic services all citizens look to their government to provide" said Josh Knights, Executive Director of The Nature Conservancy in Ohio, "access to clean water for people and nature is one of them. We urge the General Assembly to support the Governor's proposal to fund clean water services."

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Without the revenue, the OEPA will have to slash funding and eliminate staffing for drinking water by \$3.3 Million and by 10 full-time equivalent (FTE) positions, respectively; for surface water protection by \$5.4 million and 45 FTE; and for clean air by \$10.4 million and 51 FTE.

According to the agency's documents, without revenue from the fee increase, "Ohio EPA will not be able to ensure compliance with drinking water regulations and more drinking water systems will face enforcement, many of which will have to be referred to U.S. EPA for enforcement. Ohioans will not have the same assurances of receiving safe drinking water." The documents project the deep funding cuts will negatively impact many OEPA programs to safeguard safe drinking water, protect rivers and lakes, and control air pollution, causing:

- reduced oversight of public drinking water systems, potentially resulting in the loss of primary enforcement authority for the federal Safe Drinking Water Act;
- slowed ability to ensure safe streams, lakes, and drinking water, such as the OEPA's recent microcystin toxin advisory in Grand lake St. Mary's in western Ohio;
- the elimination of Ohio's fish consumption advisory program, which provides information on wild-caught fish that may be contaminated with toxins, such as mercury;
- the scuttling and return to the USEPA of a permitting program (NPDES) designed to protect human health, recreation, and drinking water from bacteria and pollutants;
- a backlog in the timely processing of water and air pollution control permits, delaying new construction and development;
- fewer inspections of industrial facilities for air pollution;
- elimination of the ability to conduct specialized monitoring studies, such as studies to evaluate airborne toxics and potential impacts to human health;
- elimination of state oversight of federal Superfund sites and federal lead cleanups
- far fewer criminal investigations of potential hazardous waste violations

Governor Strickland is asking lawmakers to increase the waste disposal fee by \$1.25 a ton, with \$1 slotted for the OEPA and \$0.25 for the ODNR. The current fee is \$3.50. The Ohio House included the increase in its version of the state's new budget, but the Ohio Senate rejected it.

"Unlike its grave, nearly dead situation in 1969, the Cuyahoga, one of many of Ohio's comeback rivers, meets or nearly meets the standards for aquatic communities for most of its loo mile crooked journey to Lake Erie. This dramatic turn-around in the health of the Cuyahoga River is no accident. It has been a long and difficult voyage, one that has cost over \$1 Billion. Of the many notable heroes in this continuing effort, the Ohio EPA emerges as the champion," said Elaine Marsh, Co-Founder of The Friends of The Crooked River.

"In 1969, clean water was not a public value. It is now. Our huge public investment in clean water must be protected. And continuing problems, like oxygen dead zones in Lake Erie and other water bodies must be solved. Without the dedicated professionals at Ohio EPA in the Division of Surface Water, our water resources are not sheltered for ourselves and our children. We cannot allow this to happen again," concluded Marsh.

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The environmental conservation groups also are exhorting lawmakers to approve a separate fee increase proposed by Gov. Strickland to fund Ohio's Scenic Rivers program. The program helps protect water quality, enhance public access, and promote recreation and travel and tourism opportunities along Ohio's remaining high-quality streams and rivers.

The Governor has proposed transferring the program from the general revenue fund (GRF) to paddlers. Under his plan, canoe and kayak owners would pay an additional \$5 every three years (\$1.67/year) in registration fees; livery owners would pay \$1.50 more per boat, per year. ODNR estimates the fee increase would generate \$165,000 in FY 2010.

That projected fee income together other revenue sources, including a projected \$365,000 in existing registration fees on non-motorized boats, are expected to total \$787,000 for FY 2010—more than enough to cover the \$550,000 annual funding request budget. (See Slide 26 of the power point presentation posted at <http://ohiodnr.com/watercraft/Current%20Events/tabid/3164/Default.aspx>.)

The Ohio House approved the proposed fee increase, but the Ohio Senate rejected it.

That funding proposal is all the more urgent in the wake of Gov. Strickland's modified budget proposal, announced last Friday. The proposal calls for deep cuts to GRF-dependent agencies, including the ODNR, to balance the new two-year state operating budget.

In his original budget unveiled in February, the Governor requested \$236.1 million in GRF for ODNR in the new two-year budget. Friday, he called for \$34 million less in GRF, a 15% cut.

The Scenic Rivers program currently is in ODNR's Division of Natural Areas and Preserves. The Governor's new budget proposal calls for reducing GRF funding for DNAP by 26% in the first year and by 100% in the second year.

Also requested for deep cuts for the next two years are the divisions of Forestry, 18% cut; Parks and Recreation 11%; Geological Survey, 29% in FY 2010 and 100% in FY 2011; and Soil and Water Conservation 18%; In addition, Soil and Water Districts are slated for a 26% cut.

"A green budget is critical, because protecting the environment and growing our economy go hand in hand," said Brandi Whetstone, Conservation Program Coordinator with the Sierra Club Ohio Chapter. "Green spaces, clean air, and safe drinking water are a public right. Ohio must move swiftly in supporting fees on landfill waste and other programs to ensure the continuation of critical Ohio EPA and Department of Natural Resources programs."

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