

Hand-Delivered  
February 20, 2004

Mr. Dan Dudley  
Division of Surface Water  
Ohio EPA  
PO Box 1049  
Columbus, Ohio 43216-1049

**Re: Comments on the Ohio EPA's draft 2004 Integrated Report (Ohio Water Quality Inventory and TMDL Watershed Restoration Program)**

Dear Mr. Dudley:

Thank you for the opportunity to comment on the draft report referenced above regarding Ohio's overall water quality and the state's TMDL watershed restoration program. The Ohio Environmental Council (OEC) has several comments that we hope you will take into consideration while preparing the final report for US EPA:

- ◆ We are supportive of many of the methodologies used by the Ohio EPA, including the use of biocriteria for determining attainment for aquatic life uses, the development of TMDLs on a watershed basis, and the inclusion of attainment status for bacteria/recreational uses and drinking water uses.

- ◆ We are pleased that Ohio EPA has included fish consumption advisories as a basis for non-attainment. However, we have concerns. The methodology used results in many waters that have fish advisories not being considered to be in non-attainment. This highlights the need for Ohio EPA to adopt stricter human health criteria, especially in the Ohio River basin. As you recall, the OEC has argued for years that Ohio EPA's human health methodologies are not up-to-date, and that there is a glaring inequity between the Lake Erie basin criteria and the Ohio River basin criteria that is not explained by scientific differences between the basins. Further, the listing for non-attainment for fish consumption raises issues as to whether the mercury reduction components of the Clean Water Act are working. We believe that Ohio EPA should aggressively review the Pollutant Minimization Plan requirements, and should add additional conditions to NPDES permits for mercury and other pollutants that cause the fish consumption advisories.
- ◆ We have concerns with some of the delistings that Ohio EPA has included in this list and on the 2002 list. In 2002, dozens of river segments were delisted due to what the Ohio EPA considered to be inadequate data or old data. In the current list, there are delistings that result for reasons that we are not convinced are appropriate. Tables 7-6, 7-7, 7-8, 8-1, 8-2, and 8-3 identify waterways that are no longer listed for various reasons, such as insufficient data and changed methodologies; in a few cases, waters were not listed even though the local health department has issued fish consumption advisories.
- ◆ Regarding beach closings as a trigger for listing, we note that the Ohio EPA is saying that a beach can be closed nine times during a season without it being considered to be impaired. We do not agree with this as a policy statement. Surely, the state of Ohio should not be saying that a beach can be closed that many times during a summer yet be considered acceptable. We urge you to change the criteria to one beach closing.
- ◆ There are no listings for inland lakes, ponds, reservoirs, headwater streams or wetlands. The OEC believes that these waters of the state should be included.
- ◆ The draft list identifies a schedule for the preparation of TMDL watershed restoration plans. The OEC urges the state of Ohio to commit to a timely, specific schedule for all TMDL watershed restoration plans around the state and to fulfill that commitment.

Thank you again for considering our comments. The OEC is very interested in the state's TMDL watershed restoration program. We see this program, under section 303(d) of the Clean Water Act, as a vital safety net for Ohio's watersheds. It has the laudable goal of fulfilling the promise of the Clean Water Act—to restore the chemical, physical and biological integrity of the nation's waters.

Best regards,

Keith Dimoff  
Assistant Director