

THE CORD REPORT

The Official Quarterly Newsletter of CORD



MORE STORIES INSIDE:

- Latest on The 135th General Assembly - 2
- State Capital Improvement Budget Requests - 5
- Top Drawer Regional Districts - 6
- Comments on Initial Watershed Management Plans Due by March 30, 2024- 8
- State Lands \$110 Million Settlement with DuPont for Environmental Restoration - 9
- H2Ohio: A Review of Program Progress - 10
- Impressive Gains in Water Quality Improvement Heralded - 12
- Bennett & Williams Environmental Consultants, Inc., CORD Silver Associate Member - 16
- Bits & Pieces from CORD - 17
- Holiday Greeting from CORD - 22

CORD

1086 N. 4th St., Suite 105
Columbus, Ohio 43201

CORDOHIO.ORG

Contact Our Staff

Larry Long, Director of Membership
Development: larrylong@cordohio.org

Catina Taylor, Executive Assistant:
catina.taylor@alberslaw.com

ISSUES 1 AND 2 PASS, LEGISLATIVE ACTION WRAPS FOR 2023, CAPITAL BUDGET SET TO BE INTRODUCED IN EARLY 2024

The latest on the 135th General Assembly

Michael Guastella

Director of Public Affairs, Governmental Policy Group, Inc.

michael@gpgrhr.com



COLUMBUS – Ohio voters added abortion rights to the state’s constitution and recreational marijuana to the Revised Code in November, with both State Issues 1 & 2 being approved by 56 and 57 percent, respectively. With Bill Johnson headed to Youngstown State University as their next President and Brad Wenstrup announcing his retirement, the Ohio congressional delegation is shaking up heading into 2024. The Ohio General Assembly concluded legislative action for 2023, passing a slew of bills in both chambers on their way out for the holiday break.

With all of this and more, this is your December 2023 CORD Legislative Update!

Issues 1 and 2 Pass, Constitutional Amendment and Initiated Statute Now Ohio Law

With the failure of the ballot measure from the Special Election in August, the citizens of Ohio saw no increase in the burden of passage for statewide initiatives. This cleared the way for the voters of Ohio to vote on Issue 1, a constitutional amendment that enshrines abortion rights into Ohio’s constitution, and Issue 2, the legalization of marijuana for recreational use. Both issues passed in Ohio’s November General Election, with “yes” voters garnering 56% for Issue 1 and 57% for Issue 2.

While both measures are now part of Ohio’s law, they are very different in their implementation. Issue 1 was approved as a Constitutional Amendment, while Issue 2 was only passed as an Initiated Statute. The main difference, among others, is that initiated statutes are part of the Ohio Revised Code, which is also subject to the purview of the state General Assembly.

Lawmakers had indicated that changes to the Issue 2 language were coming in the first part of December, but the House and Senate ultimately did not pass any changes to the statute before the holiday break. Issue 2 went into effect on December 7th, with the identical language that Ohio voters approved becoming the law of the land – for now. There are at least two bills that are active in the General Assembly that would make changes to the law, and lawmakers could decide to take either measure up in 2024. For now, we will wait and see.

New Faces Coming to Congress, General Assembly in 2024

Congressman Brad Wenstrup (R) announced his retirement in November, ending a will-be 12 years in office. State Senator Niraj Antani (R – Miamisburg) has already announced his campaign to succeed Wenstrup in Congress. More candidates are expected to be announced, such as another State Senator, Shane Wilkin (R – Hillsboro). Wilkin was first elected to the Ohio House in 2018 after serving as a Highland County Commissioner. Wilkin is in his first term as a State Senator.

Another member of the Ohio congressional delegation will also be leaving Congress; Congressman Bill Johnson (R). Congressman Johnson will be taking the job of President of Youngstown State University, leaving Congress after first being elected to the U.S. House of Representatives in 2011. Unlike Wenstrup, Johnson is set to leave Congress before the end of his term. Several members of the General Assembly are considering a run, with State Representative Reggie Stoltzfus already announcing a run for the seat. It is widely expected that State Senator Michael Rulli will announce a run for the seat as well. The district currently held by Bill Johnson represents most of the Eastern portions of the state; reaching as far North as Mahoning County, and as far South as Washington County.

Another vacancy that is lingering is the one left by former State Representative Bob Young. Young resigned from the Ohio House after being charged with domestic abuse. The seat formerly occupied by Bob Young has been vacant since October. House Speaker Jason Stephens has recently indicated that there will not be an appointment to the seat, and the upcoming primary election will determine who runs for the seat next.

As an update, the bill has yet to be formally amended, but Chairman Hillyer has been working on a yet-to-be-revealed substitute bill to HB 64. Our latest knowledge on this suggests that the bill will likely be accepted in committee in the coming weeks. CORD is closely monitoring HB 64 and will keep members updated on significant changes.

Legislation Important to CORD

Here is a brief update on some legislation that is important to you, as members of CORD. Please feel free to contact Michael directly at michaelegpgrhr.com with any questions!

HB 93 – Tax Lien on Unpaid Water Bills

HB 93 is a bill that, if enacted, would prohibit a municipality from having the ability to place a lien on a property that is owned by someone who is not the occupant of that property due to unpaid water bills.

Today, if a renter does not pay their water bill and moves away, the property owner/ landlord is liable for the unpaid water bills. If the owner fails to pay, and that property is in the service territory of a municipality, the municipality can place a tax lien on the property until the bills are paid. This bill would remove the municipality's ability to place the lien for that reason, and the municipality would be left to find other means of finding payment for the account.

An important point to make for our purposes is that 6119 districts are not currently affected by this bill. This bill strictly applies to municipalities.

Nearly two months after being favorably reported out of the House State and Local Government committee, the bill ultimately was passed by the Ohio House with a vote of 62-26 on December 13. The bill now heads to the Senate for deliberation.



HB 257 - Virtual Meetings

HB 257 allows for certain public bodies to conduct certain business virtually - including 6119 districts! This bill has received many questions from CORD members, and I am pleased to report the bill is well on its way.

After four committee hearings in the House Government Oversight Committee, the bill received a few "tweaks" that clarify the intent behind the language. The bill was referred out of committee and received a 73-3 vote in the House on November 29th. On December 6, the bill was referred to the Senate Government Oversight Committee, chaired by Sen. Kristina Roegner (R - Hudson). The bill is now in the hands of the Senate, which can take up action on the bill as early as the second week in January.



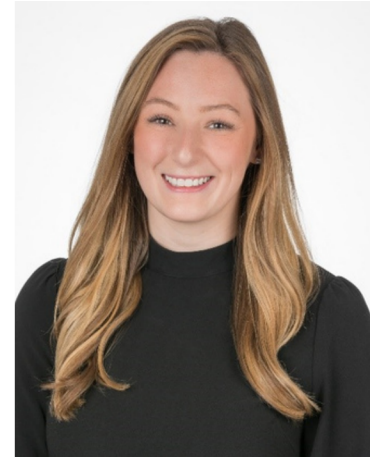
Capital Budget and One-Time Strategic Community Investment Funding Set to Take Shape in early 2024

In even-numbered years, our state General Assembly is constitutionally required to pass a budget outlining our capital expenditures for the upcoming two years. This year, that funding is also supplemented from one-time federal funding via the American Rescue Plan Act (ARPA).

For everything related to that, please continue to the next article from my colleague, Sydney Sanders.

STATE CAPITAL IMPROVEMENT BUDGET REQUESTS—A REMINDER

By: Sydney Sanders
Manager of Policy & Communications
Governmental Policy Group



If you're anything like me, chances are you've been guilty of skimming an email and tucking it away. We've all been there. However, you're not going to want to skip an email you received on November 3rd from Catina Taylor. It's that time of the General Assembly again; it's Capital Budget season. But this year, there's a twist.

Every two years, the Ohio General Assembly works with state agencies, the Governor, and the Office of Budget and Management (OBM) to enact the state's Capital Budget. The Capital Budget provides appropriations to projects across Ohio to ensure that the state's existing infrastructure is well-maintained and to address the need for new, high-priority projects. In some years, funds may also be allocated for community projects of local or regional interest.

Funding for most capital projects is supported by long-term debt issued by the State or, in some cases, by various cash funds. Language in the Ohio Revised Code and federal tax law contain several provisions that govern the allowable use of state funding for most capital projects because of this funding source. This language typically makes project eligibility somewhat stringent or difficult to qualify for.

The upcoming Capital Budget process will be a bit unusual, though. This cycle could see an appropriation of as much as \$700 million in General Revenue Funds (GRF) along with approximately \$3 billion for debt-backed projects. The extra cash will come from the **One Time Strategic Community Investment Fund (OTSCIF)**, which was created in the main operating budget (HB 33) earlier this year with excess cash surplus from the last fiscal year, which ended on June 30th.

Unlike the bond-backed portion of the traditional capital appropriations, which must be used for construction and other building improvements, OTSCIF projects have no such restrictions except that they cannot be used for ongoing operating costs or pilot programs. That means many of the constraints that apply to Capital Budget projects will not apply to OTSCIF projects. OTSCIF could be used for anything from roads and local building projects to private development incentives.

All of this is to say that while there have been CORD members over the past years who have been disappointed when their projects were not funded due to eligibility restrictions, this year may be a different story! District projects that were previously denied funding in the community projects category could be eligible for OTSCIF during this cycle.

As you know, the process of enacting a biennial Capital Budget begins several months prior to the formal introduction of a capital appropriations bill in the Ohio General Assembly. So, while the official launch of the Capital Budget for F.Y. 2025-2026 may not start until early 2024, the process is already well underway.

Project guidance and application details have already been issued and we're soon approaching deadlines. As in past years, project proposals must be submitted to your member(s) of the Ohio General Assembly. The deadline for the Ohio House of Representatives is **December 18, 2023**. The application deadline for the Ohio Senate, however, is **April 8, 2024**.

So, even if you were not successful in the past, 2024 may be your year with OTSCIF! Again, we would encourage you to refer to Catina's email for additional guidance and everything you should need to apply for funding. We at Governmental Policy Group, Inc. (CORD's lobbying representation) are also happy to provide guidance in the right direction.



TOP DRAWER REGIONAL DISTRICTS: ALLEN WATER DISTRICT



Allen Water District in Lima, Ohio

The Allen Water District was formed in 1989 with the purpose of bringing quality water to the four townships immediately surrounding the City of Lima (American, Bath, Perry, and Shawnee) in Allen County, Ohio while avoiding annexation to the City. The District now represents the unincorporated areas in all 12 townships in Allen County through an agreement with the County Commissioners.

Allen County is located in Northwestern Ohio approximately halfway between Toledo and Dayton and covers roughly 400 square miles with a population of around 100,000. With access to State Route 30 and Interstate 75, the County is a prime location for development.

The Allen Water District's actions are directed by a 9 member Board of Trustees. This Board consists of four members appointed by each of the following townships: American, Bath, Perry and Shawnee, four members appointed by the Allen County Commissioners and one Member-at-Large appointed by the Allen Water District Board of Trustees. The Board Members serve three-year alternating terms and normally meet monthly on the second Wednesday of each month. The District is proud to have a well-rounded board with several valuable areas of expertise which include: construction, engineering, finance, public service and water treatment.

Kimberly Stiles was hired as the Clerk of the Board in 2017 and promoted to District Manager in 2019. She is a graduate of The Ohio State University with a bachelor's degree in Business Administration and has been in public service since 2006. Serving alongside Kim is Shannon Finn, part-time office assistant. The District office staff is responsible for day-to-day operations, permitting, budgeting, project management, and more.

The Allen Water District's primary source of water is the City of Lima. The District has a somewhat unique relationship with the City in that the District constructs any and all waterline projects outside the City and the City operates and maintains the waterlines and handles the billing, all for a 50% contract fee to the customer. This allows the District to maintain a small operating budget and focus primarily on projects while still serving a large customer base. The District currently has roughly 4,000 customers and is managing the County's water customers as well, approximately another 9,000, through a five-year term agreement. The City of Lima and the Allen Water District work hand in hand to ensure Allen County has a safe and reliable water distribution system.

The District's most recent project, the East Regional Waterline Improvement Project, was the most complex in its 30+ year history as it spanned two townships, including two Villages, three fire departments, and multiple funding sources. This project consisted of approximately 8 ½ miles of 12-inch waterline and 5 miles of 8-inch waterline as well as a 300,000-gallon water tower. The Villages of Harrod and Lafayette added approximately 350 users to the system with another 150 potential water users along the route. Roughly 1/3 of these potential water users have signed on for water already. Allen East Schools, with an enrollment of around 1,200, is also on the waterline route and was excited to connect to the public water supply as they have had EPA issues in the past. This project was also the District's first experience working with USDA as a funding source. With the price increases following COVID, this project ballooned from an \$8.5 million project to a nearly \$11 million project and would not have been possible without the additional grant/loans obligated by the USDA. The District received a total of \$4.2 million in grants and nearly \$4 million in low-interest loans from USDA. The District was also able to secure CDBG funds by working together with Allen County to make an application on behalf of each Village. Zero percent loan was also secured through the Ohio Public Works Commission. This project was truly a collaborative effort as the Allen Water District, the City of Lima, and Allen County all contributed funds to the project as well.

Another water tower project is currently wrapping up in Southeast Allen County and was also a collaborative effort with the City and County as well as a local business, Rudolph Foods. The 150,000 gallon water tower will provide the necessary pressure and fire flow for the business' new fire suppression system as well as provide better pressure in the surrounding service area.

The District's future goals are geared toward strengthening the water distribution system. A small loop project will be completed in the first half of 2024 utilizing water and wastewater infrastructure grant and the next big project also involves looping as the District looks to tie in the Villages of Harrod and Lafayette from another feed while also adding another 100+ users.



Kimberly Stiles
Allen Water District
Manager



Rudolph Foods
Water Tower

COMMENTS ON INITIAL WATERSHED MANAGEMENT PLANS DUE BY MARCH 30, 2024



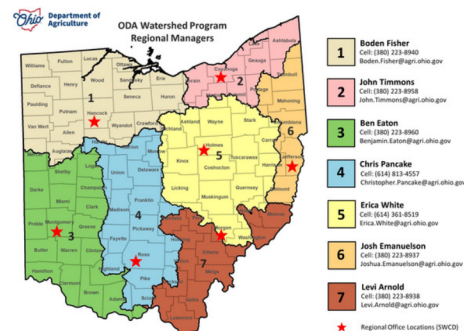
CORD members will recall that H.B. 7 of the 133rd enacted by General Assembly (effective April 12, 2021) created a Watershed Program in the Ohio Department of Agriculture (ODA). The law directed ODA to engage in a collaborative, regional-scale watershed planning and management process. Regional Watershed Plans have been developed for the purpose of supporting local conservation initiatives, developing new regional programs, and helping to guide the H2Ohio Program.

CORD members may also recall that this legislation amended ORC Sections 6119.06, 6119.09, and 6119.091 to:

- Allow Districts to make loans and grants to and enter into cooperative agreements with any person (an individual, firm, partnership, association, or corporation) or political subdivision, rather than only with political subdivisions, and
- Expand the authority for Districts to offer discounted rentals or charges to any person who is of low or moderate income or qualifies for the homestead exemption, instead of only to those who are 65 or older and meet those criteria as in prior law.

ODA established 7 Watershed Regions and has appointed a Regional Watershed Manager for each Region as shown on the accompanying map. The Plans provide regional watershed characterization, water quality data and goals, funding opportunities, and analysis of applicable management measures.

Watershed Plans are to be updated to reflect current data and activities. Changes and improvements to these 1st Edition Regional Watershed Plans will be incorporated based on feedback and it is hoped that CORD members will review the Plan for their area and comment to ODA as appropriate. Feedback will be gathered through March 2024, and a 2nd Edition of the Plans will be released in the fall of 2024. Subsequent editions will be released every two years, and will include updated information related to water quality, regional priorities, and ongoing conservation implementation.



A copy of the 1st Edition of each Regional Watershed Management Plan is available at the following link: [1st Edition Ohio Regional Watershed Plans | Ohio Department of Agriculture](#) .

(133rd General Assembly)
(Substitute House Bill Number 7)

AN ACT

To amend sections 905.324, 939.02, 940.06, 5713.30, 6119.06, 6119.09, and 6119.091 and to enact sections 940.36, 940.37, and 940.38 of the Revised Code to create the Statewide Watershed Planning and Management Program under the administration of the Director of Agriculture, to make changes to the law governing regional water and sewer districts, and to modify the CAUV eligibility requirements for land used to produce biofuels.

STATE LANDS \$110 MILLION SETTLEMENT WITH DUPONT FOR ENVIRONMENTAL RESTORATION



Governor Mike DeWine and Ohio Attorney General Dave Yost today announced a proposed \$110 million settlement with DuPont over chemical contamination spanning seven decades from the company's Washington Works facility in Parkersburg, W.Va., just across the border from Washington County.

"This settlement is a victory for all Ohioans, especially those living along the Ohio River near the Parkersburg plant," said Governor DeWine. The Governor originated the lawsuit while serving as Attorney General in 2018. "DuPont ignored the fact that the chemicals they were releasing were toxic, and this settlement ensures that they are held responsible for the pollution they knowingly caused to the environment."

Attorney General Yost said the success of the settlement should be measured not only by the dollar amount involved but, perhaps more importantly, by the long-term oversight the state will maintain over the situation.

"This settlement has been a long time coming," Yost said. "We are pleased to have the flexibility through this agreement to preserve our right to advocate for the health of Ohioans and our state's environment."

From the 1950s through 2013, DuPont manufactured Teflon products using the manmade chemical perfluorooctanoic acid, commonly known as PFOA or C8. PFOA, one of a group of synthetic per- and polyfluoroalkyl (PFAS) chemicals used in the production of numerous consumer and industrial products, has been linked to serious health issues including kidney and testicular cancer, thyroid disease, low birth weight, and high cholesterol. Known to also be toxic and carcinogenic in animals, PFOA is remarkably persistent in water and soil, resisting typical environmental degradation processes.

Ohio was the first state to legally challenge DuPont for its use of PFOA. In operating the Washington Works plant, the suit alleged DuPont released PFOA-containing emissions into the air and PFOA-containing discharges into the Ohio River despite knowing of the chemical's risks to human health and the environment.

The legal settlement establishes an environmental restoration fund, with the \$110 million to be allocated as follows:

- 80% to address pollution from the Washington Works plant
- 16% to address damages from firefighting foam
- 4% to mitigate damages to natural resources

The agreement also advances additional obligations and assurances allowing Ohio to continue to protect its people and drinking water. The state preserves the authority to set, regulate, and enforce more stringent drinking water standards in the future, whether dictated by the U.S. Environmental Protection Agency or the Ohio Environmental Protection Agency, for any PFAS or other hazardous substance.

Such flexibility is crucial, Yost said, given that regulatory standards are ever evolving.

The history and fallout of DuPont's use of PFOA was dramatized in *Dark Waters*, a 2019 film starring Mark Ruffalo.

H2OHIO: A REVIEW OF PROGRAM PROGRESS



Enacted 2024- 2025 Budget

\$121.4 million for the Department of Agriculture

Continue nutrient management, water management, and erosion management on farms and launch H2Ohio Rivers work.

\$93.2 million for the Department of Natural Resources

Restore wetlands and launch H2Ohio Rivers work.

\$55 million for the Ohio Environmental Protection Agency

Protect public health by improving water and wastewater infrastructure, reducing lead exposure, and technology investments and launch H2Ohio Rivers work.

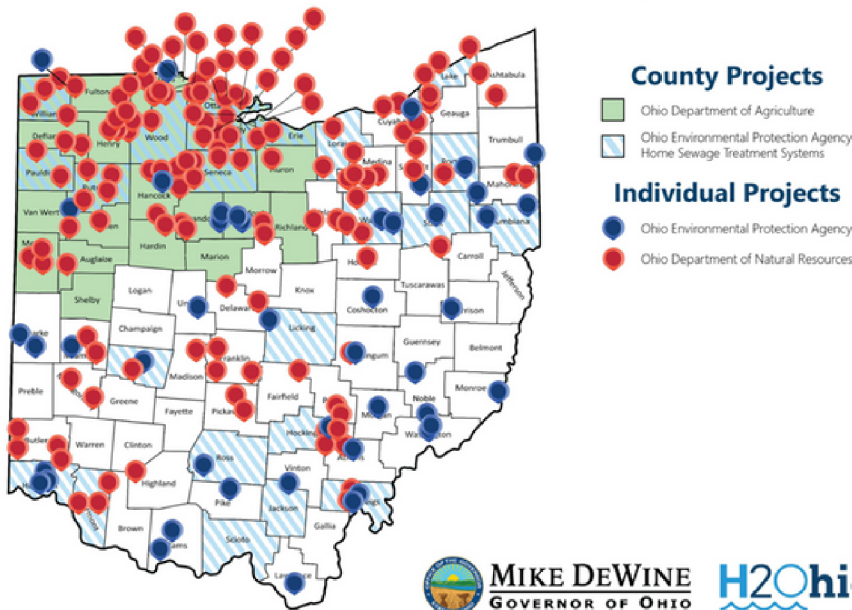
\$260,000 for the Ohio Lake Erie Commission.

Advance an H2Ohio transparency and accountability tools.

Important Metrics

- 1.4 million acres in voluntary nutrient management plans
- 706 lead service lines to be replaced
- 130,000+ acres of watershed filtered by wetland projects
- 15,705 acres of wetland and ecosystem restoration
- 14,000 people to be served by 20 wastewater projects
- 44,000 people to be served by 19 new drinking water projects
- 301 home sewage treatment systems to be repaired or replaced
- 3000 square miles of additional watershed to be monitored for nutrient content
- 20 new rain gages installed
- 2.2 million acres enrolled in overwintering cover, manure incorporation, precision, and placement practices
- 2400 producers have entered into agreements

H2Ohio Statewide Projects



Conservation Ditch Program

- **\$5 million** in grants to Soil and Water Conservation districts and Count Engineers in the WLEB
- **11 projects** covering 8.4 linear miles that benefit **18,000 acres** of watershed

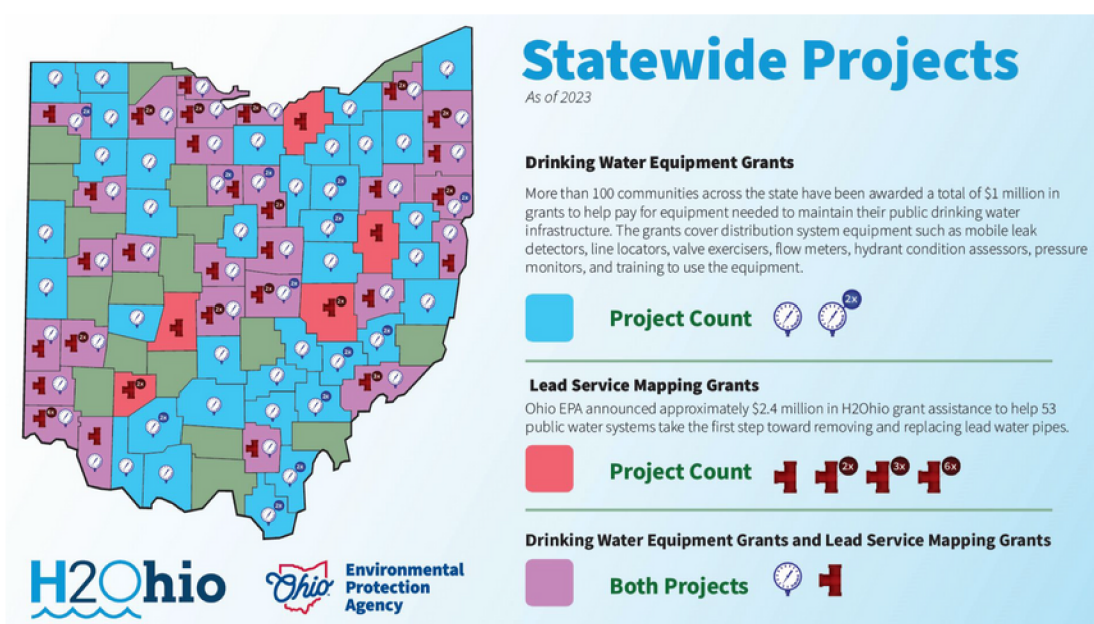


Ohio Department of Natural Resources

- 156 Wetlands Projects
- \$134 Million to support wetland project implementation
- Over 160,000 trees have been planted in wetland buffers
- 72 nonprofit conservation partners engaged
- 66 completed projects
- 15,705 acres of wetland and ecosystem restoration
- Over 5.5 million pounds of carbon sequestered every year

Ohio Environmental Protection Agency

- \$21.09 million of funding for 39 critical water and sewer projects
- \$4.5 million for lead service line mapping to help identify pipes for replacement in 106 communities
- \$1 million for drinking water equipment in 111 communities for better distribution
- \$3.2 million for lead service line and fixture replacement resulting in safer water in eight communities
- \$4.238 million for 23 local health districts to replace household sewage treatment systems



IMPRESSIVE GAINS IN WATER QUALITY IMPROVEMENT HERALDED

Over 85% of Ohio's 1,372 miles of large free flowing rivers meet water quality standards according to a recent study by Ohio EPA. The study shows that 1,176 large river miles (86%) meet the standards. Another 190 miles (14%) partially meet standards. A 5-mile stretch of the 40-mile Mohican River is considered unhealthy due to over-enrichment (excessive levels of phosphorus and nitrogen) and sediment.

Compare this to 1987 when only 18% (253 miles) of large river miles met the water quality standards and 35% were unhealthy and it becomes evident of the progress that has been achieved. The results of the study are based on the health of macroinvertebrates and fish in the rivers, excluding the Ohio River. See the accompanying map (The Attainment Status of Ohio's Large Rivers) to see the rivers included in the study and their attainment status. The entire study is available at: [LargeRiverSurvey_DataSummary_finaldraft \(ohio.gov\)](#).



Compare this to 1987 when only 18% (253 miles) of large river miles met the water quality standards and 35% were unhealthy and it becomes evident of the progress that has been achieved. The results of the study are based on the health of macroinvertebrates and fish in the rivers, excluding the Ohio River. See the accompanying map (The Attainment Status of Ohio's Large Rivers) to see the rivers included in the study and their attainment status. The entire study is available at: [LargeRiverSurvey_DataSummary_finaldraft \(ohio.gov\)](#).

- To obtain a complete picture of the status of Ohio's large rivers to serve as a baseline for future comparisons and to gauge progress in water quality improvements relative to prior surveys; and
- To identify the major remaining stressors impacting water quality and biological condition.

Ohio's Water Quality Standards define attainment status based on biological survey outcomes. Numeric scores reflecting the health of macroinvertebrates and fish are compared to statutory benchmarks. If scores for both macroinvertebrates and fish meet the benchmarks, full attainment of a waterbody is demonstrated. If both scores fail the benchmarks, the waterbody is in non-attainment. If one indicator fails the benchmark, attainment is partial. Waters in partial or non-attainment are considered impaired.

Most readers are familiar with the use of fish in these studies, but what about macroinvertebrates? Macroinvertebrates are organisms that are large enough to see with the naked eye and lack a backbone. They inhabit all types of running waters, from fast-flowing mountain streams to slow-moving muddy rivers. Examples of aquatic macroinvertebrates include insects in their larval or nymph form, crayfish, clams, snails, and worms. Most live part or most of their life cycle attached to submerged rocks, logs, and vegetation. Aquatic macroinvertebrates are good indicators of stream quality because:

- They are affected by the physical, chemical, and biological conditions of the stream.
- They cannot escape pollution and show the effects of short and long-term pollution events.
- They may show the cumulative impacts of pollution.
- They may show the impacts from habitat loss not detected by traditional water quality assessments.
- They are a critical part of the stream's food web.
- Some are very intolerant of pollution, and they are relatively easy to sample and identify.

According to Governor Mike DeWine, "A few decades ago, many of our rivers were much different than they are today. Candidly, they were unhealthy, they were contaminated. Sewage, oil, and chemicals were dumped into water. Fish were dying. Swimming in many, many places was totally out of the question." He also attributed Ohio's cleaner rivers to improved water treatment and wastewater infrastructure. "Ohio's communities have rallied together to clean up the rivers and prevent chemicals and sewage from entering the water," DeWine concluded.

Ohio EPA Director Anne Vogel attributed the improvement to major reductions in ammonia, total phosphorus and lead through modernized sewage collection and treatment methods and the implementation of agricultural soil conservation methods such as no-till farming

Another revealing characteristic of Ohio's large rivers was also revealed in the study. Ohio's rivers are getting warmer. In the 1980s, the average temperature was 20.5° C (68.9° F); this has jumped to 23.2° C (73.76° F).

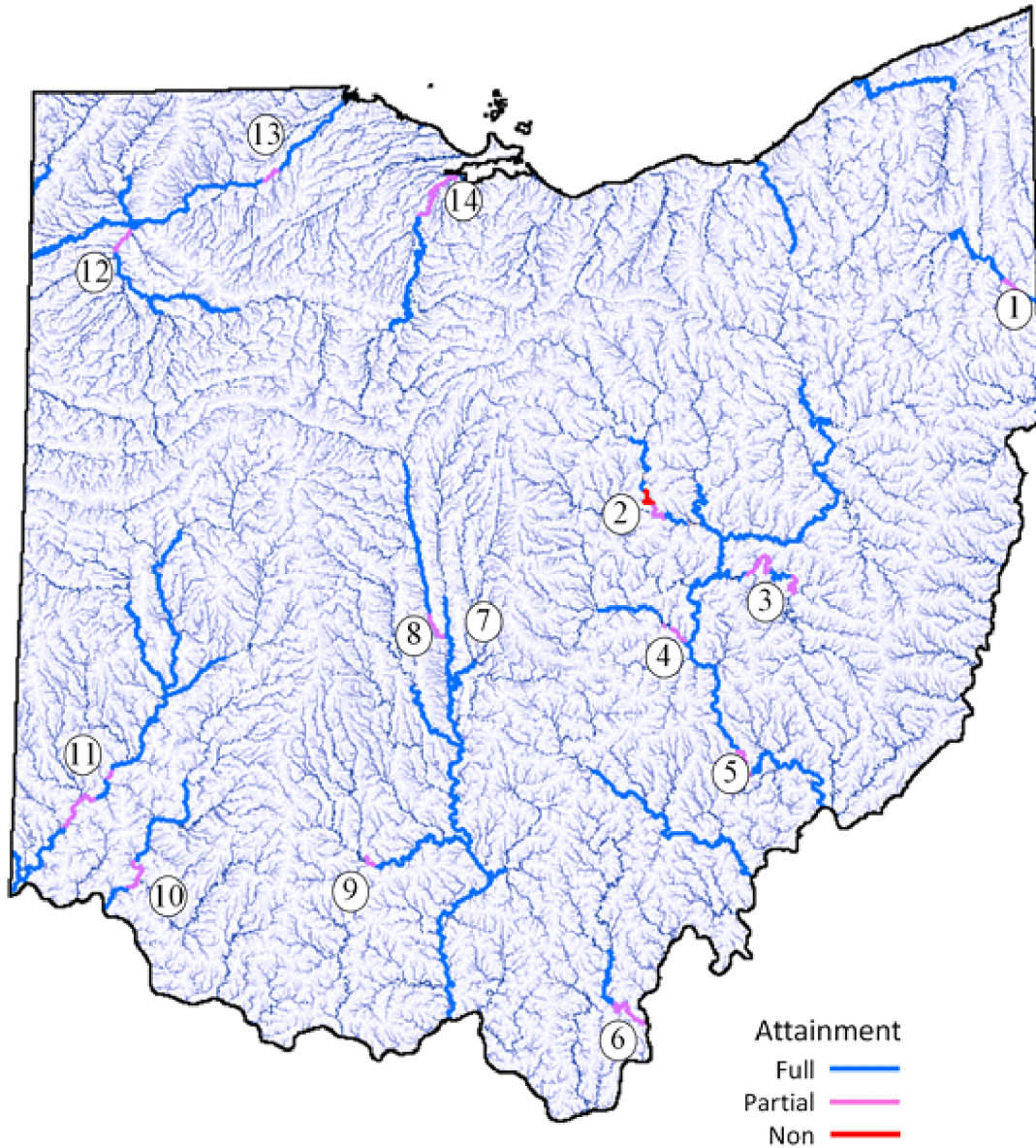
The recently enacted 2-year state budget may make further improvements possible. Lawmakers appropriated \$46.6 million over the biennium to address water quality in the state's rivers (The new H2Ohio Rivers Initiative). Director Vogel said that the study, which was conducted over a two-year period (2020-2021) will allow the state to target those resources. According to the Governor, "This comprehensive approach combines the expertise from three departments: the Ohio EPA, the Department of Natural Resources and, of course, the Ohio Department of Agriculture".

Summary of Major Findings of Study

- The biological condition of Ohio's large rivers has improved dramatically since surveys were first conducted in the 1980s. Eighty-six percent of the miles surveyed met expectations, and were judged to be in good to excellent condition.
- The dramatic reversal is the direct result of investments in improved wastewater infrastructure and treatment, and agricultural soil conservation measures.
- Over-enrichment was identified as the most pervasive stressor impacting water quality, and in some instances, biological condition. The over-enrichment of our large rivers is characterized by excessive levels of phosphorus and nitrogen, and high biological oxygen demand.
- Legacy pollution from coal mining and heavy industry remains detectable in water quality and sediment samples, but causes only modest impact to aquatic life.
- Our large rivers are getting warmer. Water temperatures observed in the Ohio EPA data have increased successively over each decade surveyed. In the 1980s, the average temperature was 20.5° C. The average temperature obtained from the 2020-2021 survey was 23.2° C.
- The Mohican River was the only river to show a significant decline in condition. This decline was due to over-enrichment and sediment

Water Quality Map

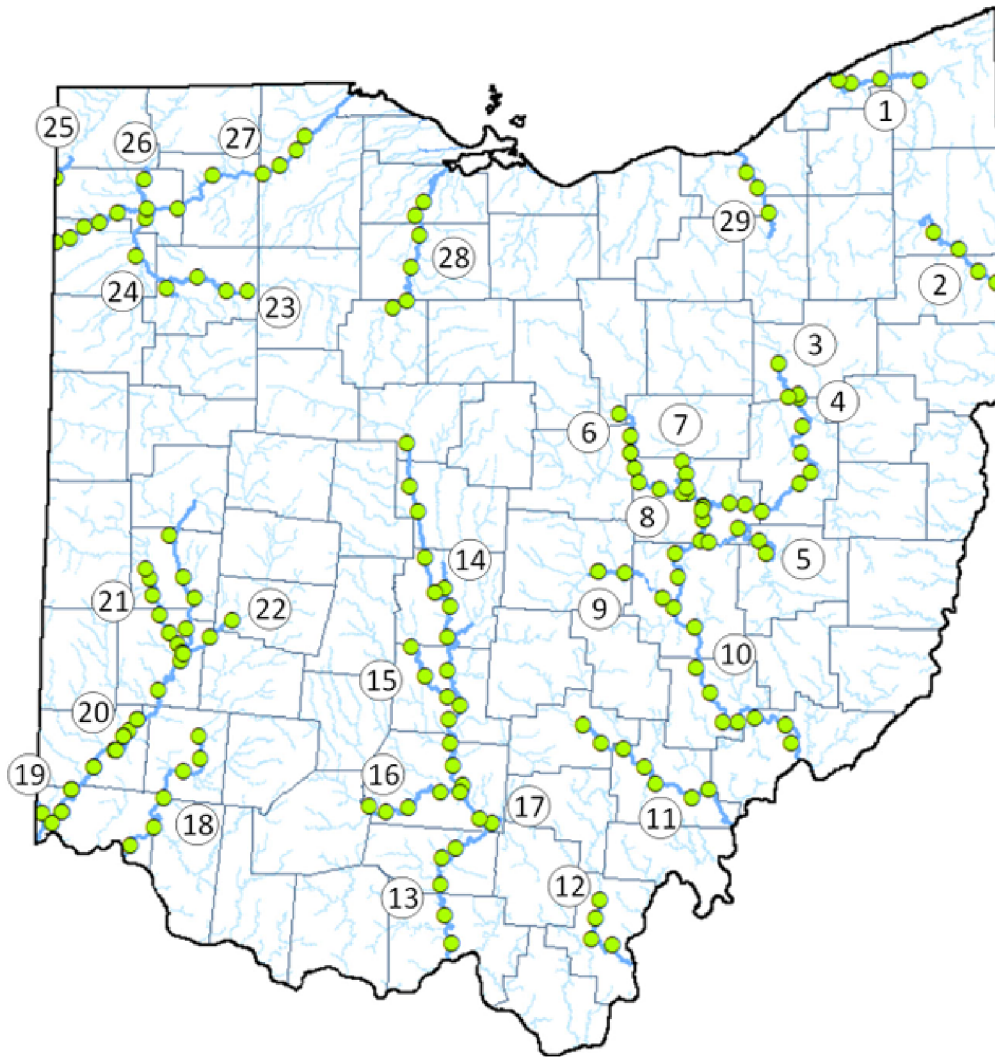
The Attainment Status of Ohio's Large Rivers



- | | |
|--|--|
| <ul style="list-style-type: none"> 1 - Mahoning River; sediment metals 2 - Walhonding & Mohican Rivers; organic enrichment 3 - Wills Creek; sediment and metals (mining legacy) 4 - Licking River; eutrophication 5 - Muskingum River; eutrophication 6 - Raccoon Creek; metals 7 - Olentangy River; urban stormwater | <ul style="list-style-type: none"> 8 - Scioto River; nutrient & organic enrichment 9 - Paint Creek; tailwaters (enrichment from reservoir) 10 - Little Miami River; nutrient & organic enrichment 11 - Great Miami River; eutrophication 12 - Auglaize River; nutrient & organic enrichment 13 - Maumee River; nutrient & organic enrichment 14 - Sandusky River; nutrient & organic enrichment |
|--|--|

Figure 3 - The attainment status of Ohio's large rivers. River segments with impairments are labeled and the observed stressors are noted.

Sampling Location Map



- 1) Grand River
- 2) Mahoning River
- 3) Tuscarawas River
- 4) Sandy Creek
- 5) Wills Creek
- 6) Killbuck Creek
- 7) Mohican River
- 8) Walhonding River
- 9) Licking River
- 10) Muskingum River
- 11) Hocking River
- 12) Raccoon Creek
- 13) Scioto River
- 14) Olentangy River
- 15) Big Darby Creek
- 16) Paint Creek
- 17) Salt Creek
- 18) Little Miami River
- 19) Whitewater River
- 20) Great Miami River
- 21) Stillwater River
- 22) Mad River
- 23) Blanchard River
- 24) Auglaize River
- 25) St. Joseph River
- 26) Tiffin River
- 27) Maumee River
- 28) Sandusky River
- 29) Cuyahoga River

BENNETT & WILLIAMS ENVIRONMENTAL CONSULTANTS, INC.

A Cord Silver Associate Member

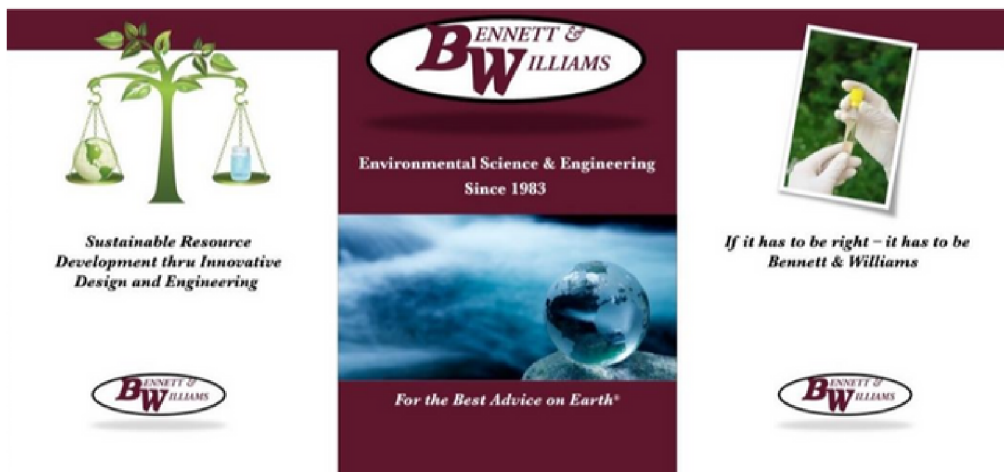
CORD's Associate Membership Program is a vital membership category to assist CORD in providing needed legislative representation in the Ohio General Assembly and before state agencies; to provide up to date legislative email alerts and the informative CORD Report, a quarterly newsletter. CORD also provides many other member services including monitoring precedent setting legislation that could impact Districts.

The CORD Associate Membership Program allows supporters to join at four different annual levels: Associate (\$250), Silver Associate (\$500), Gold Associate (\$1,000), and Platinum Associate (\$2,000). To learn the benefits of a CORD Associate Membership, you can contact Larry Long, Director of Membership Development, at larrylong@cordohio.org or Catina Taylor, Executive Assistant, at catina.taylor@alberslaw.com.

We are happy to announce that Bennett & Williams Environmental Consultants, Inc. has become a SILVER ASSOCIATE MEMBER. Bennett & Williams was founded in 1980 as a scientific consulting firm specializing in geology and earth sciences. By the mid-1980's, Bennett & Williams established an environmental engineering business located in central Ohio. By 2000, the firm expanded their professional services by creating a Geographic Information Systems (GIS) specialty.

The firm works in partnership with clients and regulatory agencies to achieve technically innovative, cost effective, and compliance-oriented project objectives. This approach has resulted in several firsts for solid waste management facilities from the Midwest to the East Coast, over 99% success rate in siting and developing water supply sources, leading edge source water management strategies, and inventive solutions for achieving compliance based on site-specific geologic and hydrogeologic conditions. For additional information contact the firm at:

Bennett & Williams Environmental Consultants, Inc.
98 County Line Road West, Suite C
Westerville, Ohio 43082
614-882-9122
E-mail: info@bennettandwilliams.com



BITS AND PIECES FROM CORD

By: Larry Long, CORD Director of Membership Development

State Subsidy Stabilizes State Audit Costs

State Auditor Keith Faber’s office has responsibility to audit more than 5,900 state and local governments. During FY 2022 Faber released 3,755 audits. Of these 2,460 were full financial audits. There were also 818 Agreed-Upon-Procedure Reviews and 395 Basic Audits, lesser cost options for smaller entities, including smaller Regional Water & Sewer Districts. Ohio’s recently enacted state budget (H. B. 33) includes an appropriation of state funds to assist in the cost of audit responsibilities. The budget provides \$16 Million in both FY 2024 and 2025 to offset local audit costs. The bottom line for Districts is that the current hourly rate of \$41 will remain in place, as it has for the last decade. Without the appropriation of state funds, it is probable that the hourly rate would have to increase. This is one of the issues CORD watches carefully during the state budget deliberations—especially during times of state fiscal stress.



Reminder: Enforcement of Ohio’s Distracted Driver Law Began in October

In prior issues, CORD has reported about Ohio’s new distracted driving law. The law was passed last January and became effective April 4th. There was a six-month grace period during which law enforcement agencies issued warnings as part of an effort to educate motorists on the law changes. The law allows people to be stopped by police solely for holding or using a cell phone while driving. It specifically prohibits drivers from “using, holding, or physically supporting” a cell phone.

The law comes with some exceptions, such as if they are stopped at a red light, using a speakerphone function without holding the phone, or holding phones to their ears for calls but not using texting or typing functions.

Starting on Oct. 5th, officers began issuing citations which carry the following penalties:

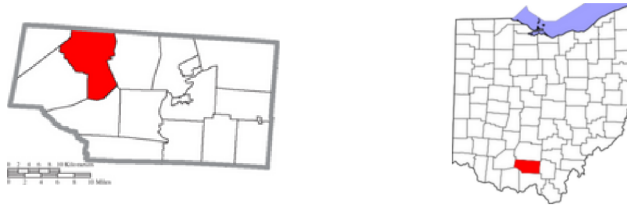
- **First Offense in 2 Years**--2 points assessed to driver's license, up to a \$150 fine. Completion of a distracted driving course can help avoid the fine and points.
- **Second Offense in 2 Years**--3 points assessed to license, up to a \$250 fine.
- **Third or more offenses in 2 Years**--4 points assessed to license, up to a \$500 fine, possible 90-day suspension of driver’s license.
- **Fines are doubled if the violation occurs in a work zone.**



CORD encourages Regional Districts to review the law and determine if they should consider notification to its employees who use district vehicles or if provisions relating to the law should be included in employee handbooks or similar documents. Such actions could protect the District from potential liability in the event of accidents when cell phones or similar devices are used.

Township Uses ARPA Funds for Tap-In Charges for Water

Benton Township in Pike County is using funds received from the American Rescue Plan Act (ARPA) to improve access to clean water. Under the program the Benton Township Trustees will pay for the cost of tapping into the county system. The homeowner would then be responsible for paying for the line running from the tap to the home. The Trustees ran advertisements on the radio and distributed flyers to residents to make residents aware of the opportunity. As a result, the township paid for 45 tap-in's, at a cost of \$110,000. For residents that could not obtain a tap-in, the township partnered with Pike Water, Inc., to establish a water station at the fire house for the residents to fill water jugs. The cost of the water station was \$50,000, equally shared between the township and Pike Water. "It is great to make a difference in our community," said Township Fiscal Officer Kimberly Massie. "Folks won't remember a new dump truck purchased or a road fixed, but they will never forget getting water to their homes."



State Treasurer to Begin New Program to Help Home Ownership in 2024

State Treasurer Robert Sprague has announced that he will roll out a new program authorized in the state budget to help with the high cost of home ownership. The budget authorizes new, specialized, tax-advantaged savings accounts to encourage home ownership across Ohio. Learning from the model of other state "linked deposit" initiatives, Sprague's office will administer a savings program that will offer above-market interest rates to prospective homebuyers who deposit money in participating private financial institutions. The money deposited in such accounts must be used for down payments or closing costs of a home purchased in Ohio. Look for more details about this new program at the State Treasurer's website at: www.ohiotreasurer.gov.



ROBERT SPRAGUE
OHIO TREASURER

Ohio's Minimum Wage to Increase in 2024

Ohio's minimum wage is scheduled to increase to \$10.45/hr. for non-tipped employees and \$5.25/hr. for tipped employees on Jan. 1, 2024. The minimum wage will apply to employees of businesses with annual gross receipts of more than \$385,000/yr. The 2023 minimum wage is 10.10/hr. for non-tipped employees and \$5.05/hr. for tipped employees. The 2023 Ohio minimum wage applies to employees of businesses with annual gross receipts of more than \$372,000.

Workers' Compensation Rates Cut for Public Employers

The Ohio Bureau of Workers Compensation (BWC) has approved a 1% rate cut for about 38,000 public employers, including Regional Water and Sewer Districts. The reduction in premium represents an average cut across public employer taxing districts. During the Board of Directors review of finances, BWC staff told directors the agency had \$22.7 billion in assets versus \$15.2 billion in liabilities as of August, meaning a \$7.6 billion in net position, about the same as reported a year earlier. The reduction will vary by District depending on loss experience.

OSU Research Looks at Ultrasound Technology to Address "Forever Chemicals" and Phosphorous Filters to Reduce Runoff

Researchers at The Ohio State University found that ultrasound technology could be one way of breaking up the strong bonds that make "forever chemicals" so hard to get rid of. They have also experimented and collected data on the use of phosphorous filters in fields to reduce runoff.

Professor Linda Weavers, who researches ultrasound technology, used sound waves to emit sound at an ultrasonic frequency so low it created tiny bubbles. She referred to the bubbles as tiny "combustion chambers." The bubbles reached temperatures of 10,000 Kelvin (over 17,000 F), which is so hot it tears apart the strong fluorine bond that held the molecules together in a process called ultrasonic degradation.

PFAS (polyfluoroalkyl) substances are more commonly known as "forever chemicals" because the harmful substances are notorious for being hard to break down and dissipate at a molecular level. Weavers said this technique provides an advantage over other ways people have tried to rid groundwater of "forever chemicals," such as incinerating the water containing it or just filtering it out and sticking the chemicals in landfills without actually getting rid of it.

Weavers said despite this breakthrough, there is still a long way to go in eliminating "forever chemicals" from the environment. [JA1] One of the next challenges is to find an economically sound way to use this technology in everyday life to slowly chip away at the amount of forever chemicals. One option is to create small, high-energy water filtration devices in everyday homes.

The research was published in [The Journal of Physical Chemistry A](#).

Phosphorus removal structures have been very effective in reducing phosphorus, one of the main contributors to the formation of harmful algal blooms (HAB) on Lake Erie. Professor Jay Martin, of the Department of Food, Agricultural and Biological Engineering, in his presentation at the 2023 Understanding Algal Blooms: State of the Science Conference, said his team had placed these "P filters" at two fields in Northwest Ohio known to have high levels of phosphorus runoff. Data from two years shows that one site had reduced its phosphorus runoff by 38% and the other by 49%.

Florida City Stops Growth to Address Water Shortage Problem

The entrance sign greeting visitors to Zephyrhills, Florida reads: "The City of Pure Water", but growth has exploded so that Zephyrhills is now the largest city in Pasco, County. The City and County are in the Tampa Region.

Simply stated, Zephyrhills is using too much water. The City was about to go over the limit for how much water it is allowed to withdrawal from the Florida aquifer. Zephyrhills is authorized to withdrawal just over 3 million gallons per day from the aquifer, according to the Southwest Florida Water Management District. The limit was established in 2020—it was meant to last for 20 years. With the current growth rate, the City will soon hit its limit. So, in June, the City Council voted to stop permitting any new developments for a period of one year.

The issue also comes up just as the City's famous business, Blue Triton, the company that took over [JA1] from Nestle running the Zephyrhills bottled water plant, is seeking to annex land to expand its operation. That expansion would mean using another 128,632 gallons of City water per day over the next five years. While the water bottling operation is the largest user of water in Zephyrhills, it has little to do with the current water crisis. According to the water management district, bottled water operations represent less than 1% of all the water use in the 16 Florida counties it oversees.

So, the City is now looking at options such as finding other supplies of water in the fast-developing region and also is looking at conservation remedies. Some believe it is not a water problem, but a problem with planning for the future. According to Brian Armstrong, Executive Director of the Southwest Florida Water Management District: "We are never going to run out of water. The thought that Florida's going to run out of water is kind of absurd. And the fact that there's always desalinization available, so we're not going to run out of water. **We've just run out of cheap water.**"



More H2Ohio Initiatives

Governor DeWine's H2Ohio Program continues to make progress. Some of the more interesting recent developments include:



- ODNR, the Otsego Local School District, and the Black Swamp Conservancy have completed the Otsego Schools' Fox-Shank Living Laboratory Project. The project is designed to give students the opportunity to learn about ecology and water quality at a restored wetland in northwest Ohio.
- ODNR and the University of Toledo broke ground on a new project to restore wetland and stream channels. The University of Toledo Center for Alumni and Donor Engagement (CADE) project is meant to improve the flow of water to filter runoff more effectively before it enters the Ottawa River and eventually Lake Erie. Crews will install stream enhancement structures, such as log barriers, to allow the water to pool in floodplains longer before flowing out to the river. Further excavation and repair work to the banks of the channel will also prevent erosion.
- ODNR and the Columbus and Franklin County Metro Parks recently completed the Walnut Creek Treatment Wetland Restoration, the first H2Ohio project in Franklin County. Now that it's complete, the string of wetlands will filter nutrients from the water before it flows into Walnut Creek. The project also includes a line of vegetation that provides habitat for various amphibian, insect, and aquatic species.
- ODNR also recently completed work with the Gorman Heritage Farm Treatment Wetland System. The project creates a three-celled treatment wetland system to slow down and filter water from a 23-acre drainage area. The treatment train reduces the amount of nutrients and sediment that flow from the farmed land to Mill Creek. The Gorman Heritage Farm is a working farm in the village of Evendale (Hamilton County) with a mission focused on sustainable agriculture and farm-based educational experiences.



- H2Ohio's incentive program for agricultural producers has been expanded to include all 88 counties in the state. The initial program was only eligible for farmers in the Western Basin of Lake Erie. The expanded program is led by the Ohio Department of Agriculture and provides funding to producers to help offset the financial risk associated with implementing H2Ohio's proven agricultural best management practices (BMPs) that work to improve Ohio's water quality.

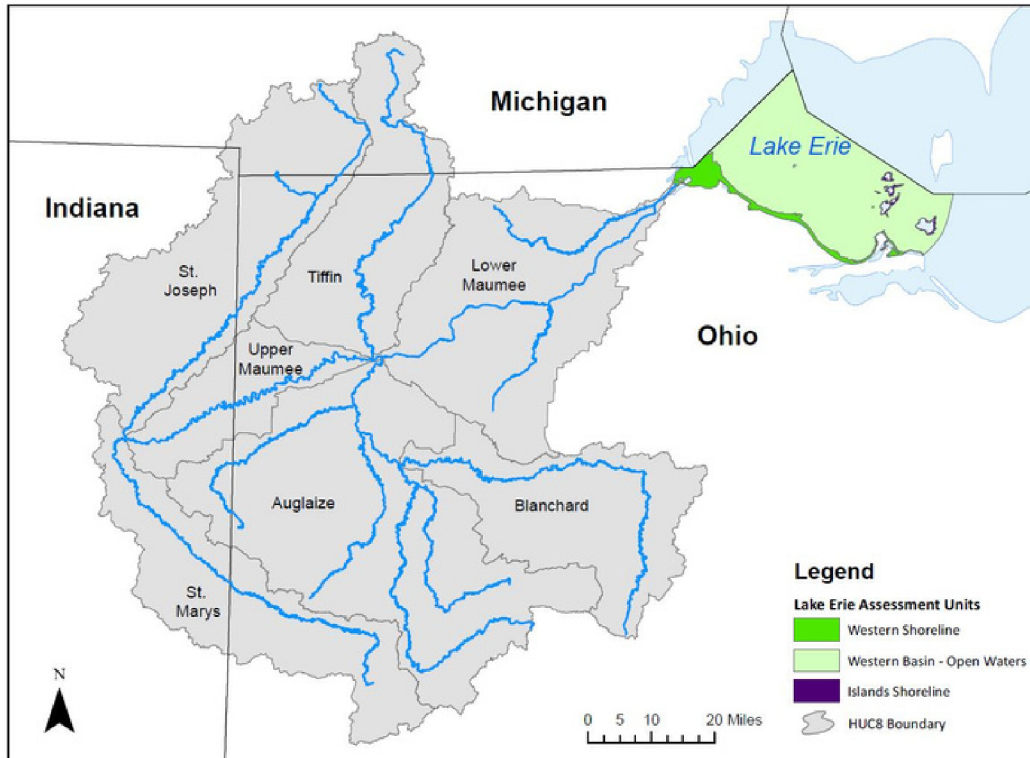
- Enrollment for farmers outside of the Western Lake Erie Basin will be limited to a total of 500,000 new acres statewide. Incentives will be offered for the completion and implementation of Voluntary Nutrient Management Plans (VNMPs), a practice that reduces the risk of the overapplication of nutrients while also allowing producers to use practices that best fit their farming operations. Local Soil and Water Conservation Districts (SWCDs) work directly with local farmers on the program. Farmers in the original project area are currently eligible to enroll or re-enroll acreage into VNMPs and other BMPs including overwintering crop cover and subsurface phosphorus placement.

USEPA Approves TMDL Plan for Maumee River

In the last issue of the CORD Report we noted that the Ohio EPA had submitted a Total Maximum Daily Load Plan (TMDL Plan) to the U. S. Environmental Protection Agency. The plan was to show how to reduce the amount of phosphorus flowing from the Maumee River into Lake Erie's Western Basin. A federal judge in Toledo ordered OEPA to submit a TMDL Plan to USEPA as a part of a consent decree in a court action taken by the Environmental Law Policy Center which was joined in by the Lucas County Commissioners. Considerable controversy existed over the proposals in the Plan.

In approving the Plan, U. S. EPA Regional Administrator Debra Shore said that "Ohio's plan is but one tool that we are using, and I pledge to you that EPA is using and will expand use of other tools. Addressing the problem of algal blooms in the western basin of Lake Erie will take all of us. It will take unflinching commitment and resolve. And it will take time."

But not all parties are sold on the Plan. The Environmental Law & Policy Center and Lucas County Board of Commissioners, who drove the legal challenge, have criticized the effort as inadequate. And Tom Zimnicki, Agriculture and Restoration Policy Director for the Alliance for the Great Lakes, said the Plan fails to address "crucial elements needed to improve Lake Erie water quality."



Happy Holidays from



***Thanks to all CORD members and supporters for
a great 2023!***

A Special Thanks to the CORD Board

John Simpson

General Manager
Le-Ax Water District

Jason Loree

President, Boardman Township
ABC Water & Storm Water District

Albert Iosue

Director
Jefferson Water & Sewer District

Eric Luckage

Chief Legal Officer
Northeast Ohio Regional Sewer District

John Albers

Attorney
Albers & Albers

Jerry Greiner

President
The Northwestern Water and Sewer District

Henry Biggert

Retired Superintendent
Carroll Water & Sewer District

Kimberly Stiles

District Manager
Allen Water District

J. Scott Sands, P.E.

Principal
Sands Decker CPS, LLC

Laura Kunze

President
Sharon Township Trustee
Mount Air Water District

THE CORD REPORT | FALL 2023
FOR MORE INFORMATION CONTACT LARRY LONG, DIRECTOR OF
MEMBERSHIP DEVELOPMENT: LARRYLONG@CORDOHIO.ORG
OR CATINA TAYLOR, EXECUTIVE ASSISTANT:
CATINA.TAYLOR@ALBERSLAW.COM