

# **Chapter 1**

## **Introduction and Program Summary**

### **1.1 Introduction**

The coasts of the United States are some of the most vital and productive ecosystems on earth. Water dependence of commerce and industry and the desirability of coastal living have attracted nearly half of the United States population to the nearshore region. Our nation's fourth seacoast extends 4,600 miles along the southern shores of the Great Lakes—the largest and most utilized inland sea in the world. Ohio is fortunate to occupy a favored position along this nationally significant lakeshore. The state's citizens, 41 percent of whom live within Ohio's Lake Erie basin, reap numerous benefits from the wealth of natural, scenic, and economic resources found therein.

In recognition of the intense pressures facing our nation's coastal regions, Congress enacted the Coastal Zone Management Act (CZMA) which was signed into law on October 27, 1972. To address more specifically the impacts of nonpoint source pollution on coastal water quality, Congress enacted § 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) in November 1990. Section 6217 requires that each State with an approved coastal zone management program develop and submit for approval a Coastal Nonpoint Pollution Control Program (CNPCP) to the U.S. Environmental Protection Agency (USEPA) and the National Oceanic and Atmospheric Administration (NOAA). The purpose of the program "shall be to develop and implement management measures for nonpoint source pollution to restore and protect coastal waters, working in close conjunction with other State and local authorities."

To gain Federal approval, each state CNPCP must provide for the implementation, at a minimum, of management measures in conformance with those specified in the USEPA guidance published under subsection (g) of § 6217. In addition, the CNPCP must:

- 1) Identify land uses which, individually or cumulatively, may cause or contribute significantly to a degradation of (a) coastal waters that are threatened by reasonably foreseeable standards or protect designated uses, or (b) coastal waters that are threatened by reasonably foreseeable increases in pollution loading from new or expanding sources;
- 2) Identify critical coastal areas adjacent to coastal waters identified under the preceding paragraph;
- 3) Implement additional management measures applicable to land uses and areas identified under paragraphs (1) and (2) above that are necessary to achieve and maintain applicable water quality standards and protect designated uses;
- 4) Provide technical assistance to local governments and the public to implement the additional management measures;
- 5) Provide opportunities for public participation in all aspects of the program;

- 6) Establish mechanisms to improve coordination among State and local agencies and officials responsible for land use programs and permitting, water quality permitting and enforcement, habitat protection, and public health and safety; and
- 7) Propose to modify State coastal zone boundaries as necessary to implement NOAA's recommendations.

## **1.2 Ohio's Coastal Nonpoint Pollution Control Program**

Ohio's CNPCP is based upon and expands the existing statewide Ohio Nonpoint Source Management Program, and will be integrated as part of the existing Ohio Coastal Management Program (OCMP). The recently completed Ohio Nonpoint Source Program Upgrade 1999 outlines the recommendations and strategies needed to protect and improve Ohio's water resources. The Upgrade contains ten "Guiding Principles" for the state's program:

### **Guiding Principles**

1. Local groups organized to protect or improve water resources are vital to the successful implementation of nonpoint source programs and projects.
2. The State of Ohio shares responsibility with local agencies and organizations in the implementation of watershed protection projects.
3. Protection and restoration of stream integrity (sinuosity, riparian habitat and flow) is one of the highest priorities of Ohio's nonpoint program.
4. Program priorities are set by involving multiple stakeholders including, but not limited to, government, academia, industry, environmental groups and local citizens.
5. Attention and funding is focused on local watershed and aquifer projects that directly improve water quality.
6. Water resources are prioritized and programs and projects targeted to priority areas.
7. Federal, state and locally funded best management practices have coordinated cost sharing amounts and requirements.
8. Existing regulations that target nonpoint sources are uniformly enforced.
9. Funding is available for nonpoint source research and evaluation of nonpoint source programs and best management practices.
10. Education and training are integral to the success of nonpoint source programs.

One of the important features of Ohio's Nonpoint Source Management Program is the networked responsibility for management of nonpoint source control between the Ohio Department of Natural Resources (ODNR) and the Ohio Environmental Protection Agency (Ohio EPA). Within ODNR, the Division of Soil and Water Conservation has taken on the responsibility for coordinating nonpoint related watershed programs, and within Ohio EPA, the Division of Surface Water administers the Clean Water Act Section 319 program. In addition to these primary agencies, Ohio's nonpoint program relies on the cooperation and involvement of other federal, state, and local agencies, as well as the vital involvement of local water resource organizations. This network allows Ohio to address comprehensively and effectively nonpoint pollution control planning, assessment, and implementation.

Over the past three years, Ohio has revised its nonpoint source pollution control strategies and increased public involvement in the process. A combination of public work group efforts and agency program evaluation resulted in the Program Upgrade submitted to USEPA in December. In addition to the “Guiding Principles” included above, the Upgrade contains a variety of specific goals, planned activities (objectives), and recommendations. Specific activities and recommendations have been integrated with the tables in each of the following chapters. As such, the Coastal Nonpoint Pollution Control Program reflects all of the priorities and actions of the statewide planning process.

The statewide Upgrade presents several water resource goals and objectives to guide the coastal nonpoint planning process, including:

- **Restore designated uses in all state waters.**
- Increase the percentage of streams achieving swimmable/fishable standards by at least 15% (1998 baseline).
- By 2010, treat at least 50% of all significant nonpoint problems within Ohio watersheds
- By 2013, assess 60% of Ohio streams draining watersheds of less than 20 square miles
- By 2015, complete development of restoration plans and begin implementation efforts in all impaired watersheds on the 303(d) list for TMDLs.
  - By December 2000 incorporate TMDL External Advisory Group recommendations, the Ohio EPA TMDL Report and Federal regulations into a final Ohio TMDL strategy
  - By 2003, develop protocols for collection and use of stakeholder-collected data for TMDLs; provide training and outreach materials to support the protocols.
  - By 2003 implement the three-tiered validation process to track progress toward attainment of water quality standards contained in the Ohio EPA Team Report (Appendix D)
- By 2000 provide state and federal program support for local watershed planning and implementation projects.
  - Develop and implement 10-20 nonpoint source watershed projects annually
  - Allocate a portion of annual Section 319 funds for watershed plan development and by 2004, complete 10-15 plans reflecting TMDL and UWA priorities
  - Starting in 2000, implement a Watershed Specialist program to provide long term funding for local watershed groups to restore and protect water quality
  - By 2000, create (through OSU Extension) the Ohio Watershed Network and increase regional staff support and assistance to Ohio’s watershed groups
  - Starting in 2000, develop and conduct annual training for Section 319 and other watershed project leaders and publish a second edition of *A Guide to Developing Local Watershed Action Plans in Ohio*
  - By 2003, develop a handbook of BMP effectiveness in meeting water quality goals

- Continue to expand the use of the Water Pollution Control Loan Fund (WPCLF) to address nonpoint source pollution, including habitat degradation
- By 2002, revise the Ohio Nonpoint Source Management Plan and by 2004 update the CNPCP.
  - By 2001, prepare an update strategy for the Ohio NPSMP and initiate implementation of strategic recommendations
- By 2000 assess and implement improved mechanisms for stakeholder input on state water policies.
- By 2001, complete a federal consistency review for Ohio's nonpoint source management programs.
  - By November 2000 identify major areas of inconsistency and contact affected federal agencies to discuss approaches to resolving policy and program conflicts
- By 2003, prepare source water protection plans for all public water supply systems.
- By 2005, begin implementation of at least 50% of all community public source water protection plans.
- By 2004, develop guidelines for the physical restoration of stream channels.
  - By 2000, employ a natural channel design procedure for the restoration of small headwater streams with a slope of 2% or greater and incorporate in applicable nationwide permit conditions; by 2002 develop additional design criteria for other channel types
  - By 2002, begin demonstration of eight impaired stream segments utilizing natural stream channel design techniques
  - By the end of 2001 develop and provide training in natural channel design
  - By 2003 collect reference reach data and develop regional curves for use in preparing/revising natural stream channel restoration design criteria
- By 2006, develop and implement riparian protection/greenway plans for at least 20 additional rivers (1999 baseline).
- By 2001, update the *Ohio Ground Water Protection and Management Strategy*.
- By 2004, perform annual household sewage system assessments on 90% of newly installed systems.
- By 2005, secure local approval of nutrient management plans for concentrated animal feeding operations over 300 animal units.

Several specific activities, or interim goals associated with the above objectives also have been integrated within the individual tables of the following chapters.

### **1.3 Summary of Program Contents**

The Division of Real Estate and Land Management (REALM), ODNR, has the lead for implementing the OCMP. A description of the mechanisms that have been established among the state, regional, and local agencies responsible for coordinating with the OCMP is

provided in Chapter 2 of this plan. Under ODNR's Cooperative Agreement with NOAA, the Division of Soil and Water Conservation is responsible for overseeing development of Ohio's Coastal Nonpoint Pollution Control Plan.

Ohio's CNPCP is applicable to a coastal nonpoint management area (also referred to as the § 6217 management area) that includes the area encompassed by Ohio's entire Lake Erie Drainage Basin. This boundary is identified and more fully described in Chapter 2. An overall description of the § 6217 management area, and a discussion of the CNPCP coordination mechanisms, public participation measures, and technical assistance program, is provided in Chapter 2 as well.

The guidance for management measures developed by the USEPA identifies 56 management measures in six categories for implementation within a state's § 6217 management area. Chapters 3 through 8 provide a description of the six categories (agriculture, forestry, urban runoff, marinas and recreational boating, hydromodification, and wetlands), specified management measures for each category, and an evaluation of their applicability to Ohio. Ohio's proposal for implementing the specified management measures is based upon comparison of existing state programs and authorities to the management measures, to determine which measures are already being addressed by the state's existing nonpoint source and water quality programs. Recommendations and strategies for improving program implementation are also identified. Tables summarize each category's management measures to allow for easy comparison and reference. The information provided in the summary tables is also included in the text discussion of the management measures.

A discussion of the need to implement additional management measures in critical areas and where water quality threats or impairments persist is presented in Chapter 9.

Chapter 10 is unique to Ohio's CNPCP document. The Ohio Nonpoint Source Program Upgrade 1999 had over 250 participants serving on ten work groups, and many recommendations from the various groups have been incorporated into the chapters of this document. But the recommendations from three work groups—Local Watershed Sustainability, Funding, and Education & Information—could not be incorporated into the CNPCP since there was no specific corresponding coastal source in which to include them. Thus, it was decided to create an additional chapter on Sustainable Watershed Protection Programs to ensure the results from these work groups became part of Ohio's CNPCP.

Chapter 11 of this program plan describes the water quality monitoring activities established in Ohio that will be used throughout the implementation period to evaluate the effectiveness of the management measures specified herein.

Chapter 12 is a brief conclusion for the document.

Supporting documentation and copies of the statutes, codes, and program policies being relied upon to achieve the goals of Ohio's CNPCP are included in this plan's appendices.