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**New Algae-Related MBR Amendments Regulate Manure, Dredging, Wastewater Treatment**

Several proposals aimed at Ohio's toxic algae problem were added to a mid-biennium review measure before the House Agriculture & Natural Resources Committee sent to the bill to the full chamber Monday.

Members also tweaked a controversial plan to deregulate the telephone industry before voting the environmental MBR measure ([HB 490](http://www.gongwer-oh.com/index.cfm?link=legislation_billdetail.cfm&billid=2013HB49002" \t "_blank)) out of committee. *(See separate story)*

Chairman Rep. Dave Hall (R-Millersburg) said algae-related provisions that address livestock manure, dredging and wastewater treatment plants came together at the last minute.

"Those three amendments were a vision we worked hand in hand with the administration to get the process moving forward," he told reporters after the hearing.

Chairman Hall said support of the proposed manure and fertilizer restrictions from the agriculture lobby was "a big win" that allowed the committee to make progress on the issue of toxic algal blooms, which have increasingly posed problems in western Lake Erie in recent years.

Livestock operations are considered a major contributor to phosphorus runoff that feeds toxic algae. Environmental groups have long called for banning the application of manure to frozen farm fields when it is most likely to get washed into nearby rivers and streams.

A proposal to ban manure and chemical fertilizer application on frozen ground was included in the omnibus amendment, albeit with several caveats.

The prohibition applies to the Western Lake Erie Basin on snow-covered or frozen ground, when the top two inches of soil are saturated or when the local weather forecast predicts heavy precipitation.

However, manure applications that are injected into the ground, quickly incorporated or applied to cover crops would be exempt, the bill says. Farmers could also get written approval from chief of the division of soil and water resources in case of an emergency.

During the hearing, [Rep. Michael Sheehy](http://www.gongwer-oh.com/index.cfm?link=bio.cfm&nameid=167502&locid=2) (D-Oregon) tried unsuccessfully to expand restrictions to livestock manure transferred to third parties that environmentalists say can skirt existing rules on spreading the material.

Rep. Sheehy said scientific research from Ohio State University's Stone Laboratory and other sources indicate that large-scale livestock operations are a significant contributor to toxic algae in western Lake Erie. Keeping track of manure that leaves the farms is critical to addressing the problem, he said.

[Rep. Jim Buchy](http://www.gongwer-oh.com/index.cfm?link=bio.cfm&nameid=143702&locid=2) (R-Greenville) said the proposed amendment was redundant because livestock managers are already required to keep track of where manure is transported and must be able to provide records when it's sold or given away.

The amendment was tabled along partisan lines, as was another of Rep. Sheehy's proposals to add manure to the fertilizer application certification program that the legislature approved earlier this session ([SB 150](http://www.gongwer-oh.com/index.cfm?link=legislation_billdetail.cfm&billid=2013SB15002" \t "_blank)).

The amended legislation would also impose new regulations on dredging in Lake Erie and its tributaries, which scientists say stirs up contaminated sediments that foster toxic algal blooms. Earlier this year the state rejected the U.S. Army Corps of Engineers' proposal to dump dredging material in the open lake. (See [Gongwer Ohio Report, April 14, 2014](http://www.gongwer-oh.com/index.cfm?link=news.cfm&article_id=830710205))

The revised bill would prohibit the dumping dredging material after July 1, 2020 in the portion of Lake Erie and its tributaries over which the state has jurisdiction without approval from the director of the Ohio Environmental Protection Agency.

The bill specifies certain conditions for which dredging material could be dumped:

* Confined disposal facilities.
* Beneficial use projects.
* Beach nourishment projects if at least 80% of the material is sand.
* Placement in the littoral drift if at least 60% of the dredged material is sand.
* Habitat restoration projects.
* Projects involving amounts of dredged material that do not exceed 10,000 cubic yards.

The legislation would also require large public wastewater treatment facilities to monitor the levels of total and dissolved phosphorous in their discharge once a month.

Chairman Hall said he believed the water quality provisions were "a good start" to the legislature's effort to combat toxic algal blooms in Lake Erie. Additional measures will likely have to wait until next year's biennial budget deliberations, he added.

**$10 Million In Healthy Lake Erie Initiative Funds Clear Controlling Board**

During a brief meeting Monday, Controlling Board members approved more than 45 requests, including $10 million for the Department of Natural Resources Healthy Lake Erie Initiative.

The funds, which were allocated in the capitol appropriations bill ([HB 497](http://www.gongwer-oh.com/index.cfm?link=legislation_billdetail.cfm&billid=2013HB49702" \t "_blank)), are earmarked for efforts to reduce the threat of algal blooms and divert contaminated harbor dredges banks, as well as implement other clean lake strategies.

The three ODNR requests entail: $7.3 million to fund the creation of the Dredge Center of Innovation, as well as cover the costs of sediment management at Toledo Harbor; $1.2 million for a sediment management demonstration project in the Cuyahoga River; and $1.45 million for a confined disposal facility upgrade project in Cuyahoga County.

The funds will be provided to the port authorities in Lucas and Cuyahoga counties, according to the requests.

The board's approval came less than an hour after a House panel advanced the environmental portion of the mid-biennium review budget ([HB 490](http://www.gongwer-oh.com/index.cfm?link=legislation_billdetail.cfm&billid=2013HB49002" \t "_blank)), which includes provisions clarifying regulations on dumping dredging material in Lake Erie. (*See separate story*)

Controlling Board also approved the following agency spending requests: ([Agenda](https://www.ecb.ohio.gov/Public/ShowAgenda.aspx))

* $1.4 million from Columbus State Community College's Technology Upgrades Fund and released competitive authority in the amount of $254,758 to contract with various equipment vendors.
* Release $6 million in capital funds from Ohio State University's Library & Info Network Fund and to waive competitive selection to purchase electronic journals and citations for the Library Access Consolidation System project.
* Increase Board of Regents' appropriation authority by $3.2 million for the GEAR UP grant program.
* $2.5 million from the Development Service Agency's Third Frontier Research and Development Project Fund to assist Cincinnati's GE Aviation in establishing a new Additive Development Center.
* $5 million from DSA's Third Frontier Research and Development Project Fund to assist Emerson Climate Technologies, Inc. in Shelby County to establish a new Innovation Center for project development in Dayton.
* $1 million from DSA's Research & Development Investment Loan Fund to support talent improvements at Akzo Nobel Coatings, Inc. in Strongsville.
* $1.1 million for the Facilities Construction Commission, on behalf of the Ohio Historical Society, to make site repairs in FY15.