UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
W-15J

September 28, 2023

Anne M. Vogel
Director, Ohio Environmental Protection Agency
50 West Town Street, Suite 700
P.O. BOX 1049
Columbus, Ohio 43216-1049

Dear Ms. Vogel:

The U.S. Environmental Protection Agency completed its review of the final Total Maximum Daily Load (TMDL) for the Maumee River Watershed, including supporting documentation. Ohio's TMDL addresses the portion of the Maumee River Watershed within the boundaries of the State of Ohio and encompasses parts of eighteen counties in northwestern Ohio. The Maumee Watershed Nutrient (MWN) TMDL addresses impaired recreational, public drinking water and aquatic life uses due to excessive nutrients and algae.

The MWN TMDL meets the requirements of Section 303(d) of the Clean Water Act and EPA's implementing regulations set forth at 40 C.F.R. Part 130. Therefore, EPA approves Ohio's three total phosphorus TMDLs. EPA describes Ohio's compliance with the statutory and regulatory requirements in the enclosed decision document.

We wish to note that this TMDL is merely one tool being used to address nutrient loading and harmful algal blooms (HABs) in the western basin of Lake Erie. EPA, in partnership with Ohio EPA, other state and local agencies, and neighboring states, is endeavoring to bring other resources to address these problems, including funding from the Great Lakes Restoration Initiative, a new role as tri-chair of the western Lake Erie Basin Partnership, and a revived coalition seeking to bring new ideas, approaches and resources to bear on a problem that has been years in the making.

In approving the MWN TMDL, it is important to note that it is designed to be transparent, iterative, and self-correcting. In EPA's assessment, this iterative approach is crucial to the successful implementation of a TMDL as complex as the MWN TMDL. Ongoing water quality monitoring by Ohio will identify critical milestones and track the success of efforts to mitigate total phosphorus inputs to the Maumee River Watershed. EPA will monitor Ohio's progress toward meeting interim milestones, the attainment of the water quality goals of the MWN TMDL and the restoration of water quality standards in the western basin of Lake Erie. Should monitoring data indicate that expected progress is not forthcoming and changes are necessary to

implementation strategies or other components of the MWN TMDL, the MWN TMDL can be revised. EPA will remain vigilant in monitoring progress towards these goals.

EPA and Ohio EPA agree on the importance of reducing dissolved reactive phosphorous (DRP). It is this form of phosphorous that has the most direct and immediate effect on promoting plant and algae growth. The MWN TMDL creates a process of data collection, assessment, reporting and refinement to better understand how DRP behaves in the Maumee River Watershed, assess the effectiveness of best management practices and guide the deployment of practices that will achieve the spring loading targets set in Annex 4 of the Great Lakes Water Quality Agreement. EPA expects Ohio to use all tools at its disposal, including regulation and enforcement, to reduce DRP loadings to the greatest extent practicable throughout the watershed. As the data and the science progress, so too must Ohio's efforts to control release of DRP.

Reduction and elimination of HABs will depend on increased engagement and appropriate controls by CAFOs in the basin. CAFOs contribute (10%-12%) to nutrient loading in the basin through land-applied manure and discharges from drain tiles conveying nutrients into nearby streams. There must be a focus on reductions from CAFOs by all means – including vigorous enforcement – so that all CAFOs only land apply manure consistent with their nutrient management plans. The TMDL identifies a number of efforts to ensure these reductions, but most are voluntary. There can be no progress without focusing on the issue of nutrient loading from fertilizer and land application of manure, which account for the overwhelming nutrient load to the watershed.

The margin of safety in the MWN TMDL reflects Ohio's level of confidence that the impaired uses of the western basin of Lake Erie will be restored if the loading reductions are achieved. Ohio's ongoing monitoring efforts will document whether this expectation is borne out in Lake Erie as the loading reductions are achieved. Should the data indicate that the impaired uses will not be restored, the calculations and assumptions underlying the TMDL will need to be reconsidered. Ongoing monitoring during the implementation phase will provide further information for the assessment.

We are pleased that Ohio is taking this step to improve water quality. We expect that the actions taken pursuant to this TMDL will put the Maumee River Watershed on a path to attaining the requirements of the Clean Water Act and the goals set out in Annex 4 of the Great Lakes Water Quality Agreement. It is essential that we track progress and, through adaptive management, adjust as needed to ensure that targets are met and the uses of the western basin of Lake Erie are restored. We owe it to all who call the Western Lake Eerie basin home. We owe it to future generations. Together, we will make it happen.

EPA acknowledges Ohio's efforts in submitting this TMDL and look forward to future TMDL submissions by the State of Ohio. If you have any questions, please contact Mr. David Werbach, at 312-886-4242 or werbach.david@epa.gov or Mr. Paul Proto, at 312-353-8657 or proto.paul@epa.gov.

Sincerely,

9/28/2023

X 

Tera L. Fong
Division Director, Water Division
Signed by: Environmental Protection Agency