Gongwer News Service

**Hall Says He's Working On Toxic Algae Issue; MBR, Next Budget Could See Amendments**

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Six weeks after Speaker Bill Batchelder pledged the House would "proactively review" the toxic algae problem, the chamber has yet to hold a hearing on the issue. Chairman Rep. Dave Hall, however, says he's been working on proposals that could be ready for lame duck session. Toledo's move to ban drinking water for several days due to an outbreak of harmful algae blooms in western Lake Erie prompted widespread calls for action to combat the toxin-producing water plants now thriving in Ohio's lakes. Speaker Batchelder (R-Medina) charged Rep. Hall (R-Millersburg), chairman of the House Agriculture & Natural Resources Committee, to study the problem. (See Gongwer Ohio Report, August 8, 2014) While there have been no committee hearings since then, Mr. Hall said that he's been busy working behind the scenes on the issue. "It's consuming my every day waking moment," he said in an interview. "We may not be having hearings but I'm gathering a lot of information." Rep. Hall The initial review focused on algae in Lake Erie, but the chairman said he's become convinced that the state needs to take a broader approach because the nutrient sources that feed toxic algae blooms vary in each watershed. "Is it animal waste, is it septic systems that are failing, is it wastewater treatment systems? There's a gamut of issues all the way down to the Canadian geese," he said. Democrats have accused Republicans of foot-dragging on the issue to avoid angering the agriculture industry during the election season. Rep. Chris Redfern (D-Port Clinton), chairman of the Ohio Democratic Party and a member of the House Agriculture & Natural Resources Committee, expressed doubt that the Republican-controlled administration and legislature have any appetite to really stem the flow of agricultural runoff and other pollution feeding the algae. "There are fundamental things the government can do. Providing drinking water is one of them, and in this case this state has failed in that regard," he said. "There'll be another crisis, people will go without water and then we'll all hand out water bottles as if that's solving the problem. It doesn't. And hopefully something happens at that time," he said. "I have no confidence that we'll be able to find any kind of real and sustained effort to mitigate the damage that was done." Chairman Hall said he didn't see the point in calling members to Columbus just to have hearings before a viable proposal is properly before the committee. "I like to work in stakeholder meetings before we get (proposals) out there so that our committee can be very efficient in the process," he said. "I don't just want to put a bill out there so we can pat ourselves on the back and say we got a bill passed and it's finished. This thing, this does not get finished overnight. So I'm not foot-dragging." Ohio Farm Bureau spokesman Joe Cornely said farmers are already stepping up to do their part to reduce agricultural runoff and pointed to a high level of participation in the first fertilizer certification training course offered as part of legislation (SB 150) adopted this spring. (See Gongwer Ohio Report, September 16, 2014) The Farm Bureau is willing to consider additional regulations to prevent agricultural runoff, he said. However, the organization wants to make sure any new restrictions comport with science and are worth the additional cost. "We are willing to listen to proposals out there because we know how important this is," he said. "But what we are going to be doing, as we do at any time there is a proposed regulation, is we need to look at how realistic it is and what are the chances of unintended consequences," he added. "It's our contention that it would be a mistake if we consider water quality as our sole goal without the recognition that we need to have viable agriculture as well," Mr. Cornely said. Ohio Farmers' Union President Joe Logan said his organization believes the time has come for a regulatory approach because years of voluntary efforts to reduce nutrient runoff have not solved the algae problem. However, the Farmers' Union is not asking for new legislation, he said. Rather, the group believes the administrations existing authority to impose targeted restrictions in distressed watersheds would be a better starting point, he added. Mr. Logan said regulations on livestock farms that the administration imposed in the algae-choked Grand Lake St. Marys watershed have been helpful in alleviating the problem. "If a regulatory program is needed, we think that you should use a targeted and limited regulatory approach." Livestock operations contribute to about one-third of the phosphorus flowing into Lake Erie, he said, citing information from the Ohio Phosphorus Task Force. "If you're serious about addressing the issues of nutrient loading into western Lake Erie, we can't ignore that major source," he said. Next Steps: Chairman Hall said he envisioned a "two-pronged attack" on the algae issue, with amendments to the environmental mid-biennium review measure (HB 490) that will pass out of his committee this fall and more comprehensive proposals to be handled through the biennial budget process next spring. "490 is probably going to help in some fixes, but as a whole picture I'd say a lot of it's going to be: are we going to be able to use our state funds ... in the budget to leverage some of the federal funds, especially in the farm bill," he said. Rep. Hall said the Kasich administration's MBR proposal to shift oversight of livestock manure to the Ohio Department of Agriculture requires greater scrutiny since much of the federal funding for local soil and water conservation districts flows through the Department of Natural Resources. With Congress taking notice of the toxic algae issue, state policymakers need to keep an eye on how Washington directs a potential increase in federal funding to improve water quality in the Great Lakes, he said. Environmental groups have lobbied for tougher restrictions on livestock manure, a major algae nutrient in heavy agricultural areas. But Chairman Hall said the state needs to sort out the jurisdictional issues before revisiting the question of whether new fertilizer certification requirements should be broadened to manure. The same goes for banning manure spreading on frozen ground, he said, pointing to questions over how to regulate the practice on leased farmland. Realities often force farmers to apply the waste at times when it can get washed off frozen fields because they lack adequate storage capacity, which can be very costly, he added. "I think a lot of this is going to come down to helping provide some grant money to some of these farmers to be able to have these manure holding tanks," Rep. Hall said. "It's a timing issue for farmers." Similarly, the chairman said the Clean Ohio program offers potential for boosting conservation easements that offer incentives for farmers to plant cover crops that help stem the flow of agricultural runoff. While much of the algae discussion heretofore has centered on agricultural nutrients, another major source of the problem is sewage, both from municipal wastewater systems and home septic systems. Chairman Hall said he was considering the possibility of new funding sources that could help local governments draw down more federal funding to upgrade combined sewer systems that flush raw sewage into waterways during heavy rains. "The talk I would see that's going to be down here in Columbus is: can you find funds at the state level to help draw down federal dollars to help these systems be rebuilt?" he said. One possibility is to earmark a portion of new revenue from a proposal to raise the oil and gas severance tax for local wastewater systems and conservation easement programs, he said. Given the fact that toxic algae is a problem for several nearby states and Canada, Chairman Hall said he believes the ultimate solution will require a multi-state and international agreement similar to the Great Lakes Compact, which governs large-scale consumption of the lake water. "Water doesn't have borders. When you have political subdivisions, in Ohio or wherever it is, it doesn't stop, it flows. So if we're impacting another state or another state is impacting us or another country, that's something we need to address on water quality," he said. Toxin Monitoring: Meanwhile, Rep. Michael Sheehy (D-Oregon) and Rep. John Patterson (D-Jefferson) announced Friday the introduction of a bill to require the monitoring of the harmful toxin microcystin in Ohio's public water systems. "After over 400,000 Northwest Ohioans were forced to go without water in August, it became clear that we need a better, more established system for monitoring our public water systems," Rep. Sheehy said in a statement. The proposal would set state standards for acceptable and dangerous levels of microcystin in drinking water and require the Ohio Environmental Protection Agency to develop monitoring procedures. The bill would also require public water system operators to immediately notify the local board of health if the water contains a dangerous level of microcystin. The board's director would then take steps to alert the general public. "Access to clean water is a right that all Ohioans should have," Rep. Patterson said. "The legislature has been moving slower than we'd hoped when it comes to limiting the proliferation of harmful algal blooms. In the meantime, we must ensure that the public is informed as quickly as possible should their drinking water be compromised again." Rep. Sheehy also recently introduced legislation that would prohibit spreading manure on frozen farm fields (HB 611).