



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2018-09K

Taking Steps to Protect Lake Erie

WHEREAS, The Ohio Environmental Protection Agency (“OEPA”) designated the open waters of the Western Basin of Lake Erie as Impaired in the 2018 Ohio Integrated Water Quality Monitoring and Assessment Report” pursuant to Section 303(d) of the Federal Water Pollution Control Act; and

WHEREAS, the Great Lakes Water Quality Agreement (GLWQA) Annex 4 has established the Total Phosphorus (TP) target load for the Maumee River at Waterville to be 860 metric tons (MT); and

WHEREAS, the 2017 Watershed Monitoring Report based on monitoring data provided by USGS indicates a Maumee River 2017 Total Phosphorus load of 1800 MT or 113% above the Annex 4 target, exceeding the Annex 4 target three of the last four years; and

WHEREAS, the OEPA through water quality monitoring data has identified specific watersheds within the Maumee River Basin which exceed by two to three times the Annex 4 TP target; and

WHEREAS, the State of Ohio recognizes that a “nutrient is a nutrient” regardless of source and has adopted the Ohio Domestic Action Plan required by the GLWQA as the implementation plan for meeting the Annex 4 nutrient reduction goals; recommends a combination of voluntary, incentive and regulatory actions will be necessary to achieve the Annex 4 goals; and

WHEREAS, the Director of the Ohio Department of Agriculture (“ODA”) is empowered by Section 939.02 of the Revised Code to adopt administrative rules that establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming operations that will abate wind or water erosion of the soil and abate the degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached substances, and establish criteria for determination of the acceptability of such management and conservation practices; and

WHEREAS, to implement the standards necessary to achieve the management and conservation practices established above, the Director of ODA is authorized pursuant to Section 901:13-1-20 of the Ohio Administrative Code (“OAC”) to designate a watershed in distress, though such designation must be consented to by the Ohio Soil and Water Conservation Commission (“the Commission”); and

WHEREAS, in so designating a watershed in distress, the Director of ODA can “set requirements for the storage, handling and land application of manure; and/or the control of the erosion of sediment and substances attached thereto; and associated nutrient management plans for land and operations within the designated watershed boundaries[.]”

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution and laws of the State of Ohio, do hereby order and direct that:

1. The Director of ODA consider whether it is appropriate to seek the consent of the Ohio Soil and Water Conservation Commission to designate the following Hydrologic Unit Code (HUC) watersheds or portions of watersheds in the Maumee River Basin as watersheds in distress due to increased nutrient levels resulting from phosphorus attached to soil sediment:
 - a. Platter Creek Watershed (HUC 041000050206);
 - b. Little Flat Rock Creek Watershed (HUC 041000071207);
 - c. Little Auglaize River Watershed (HUC 0410000706-707-708);
 - d. Eagle Creek Watershed (HUC 041000080301-02);
 - e. Auglaize River (HUC 04100007);
 - f. Blanchard River (HUC 04100008);
 - g. St. Mary's (HUC 04100004);
 - h. Ottawa River (HUC 0410000703-704-705).

2. If the Ohio Soil and Water Conservation Commission consents to the designations contemplated above, ODA, the Ohio Department of Natural Resources (“ODNR”), and OEPA should recommend a rule package that establishes the following for watersheds so designated due to increased nutrient levels resulting from phosphorus attached to soil sediment:
 - a. Nutrient management requirements for all nutrient sources;
 - b. Development of associated management plans for agricultural land and operations within the designated watershed boundaries;
 - c. Requirements for the storage, handling, land application, and control of residual farm products, manure and erosion of sediment and substances attached thereto within the designated watershed boundaries.

I signed this order on _____, 2018, in Columbus, Ohio and it will not expire unless it is rescinded.

John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State