Appendix G.
Responses to Public Comments

The Maumee River (lower) Tributaries and Lake Erie Tributaries Draft TMDL Report was available for public review from May 9 through June 11, 2012. This appendix contains the comments received and responses to those comments.

Two sets of comments were received on the draft report. The initials in parentheses following each comment denote the specific commenter, as listed in the following table:

Initials	Date Received	Name	Organization
JL	June 11, 2012 (via email)	Jim Lavrich	Hull & Associates, Inc.
MD	June 11, 2012 (via email)	Michael Darr	BP-Husky Refinery

The comments are grouped by the organization that submitted the comments.

Please note that location references to the draft report may not correspond to the same page numbers in the final report.

Hull & Associates, Inc. (JL)

Comment

Hull & Associates, Inc. (Hull) has reviewed a portion of the "Draft Maumee River (lower) Tributaries and Lake Eire Tributaries Watershed (TMDLs)" report (draft report), specifically pertaining to the discharge of total suspended solids (TSS) from permitted NPDES outfalls. Based on our review, we noticed an error in the TSS concentration reportedly discharged from the Pilkington North America, Inc. (PNA) facility, located in Northwood, OH, over the 2006 and 2008 targeted periods.

For well over a decade, Hull has monitored PNA's NPDES outfalls and has maintained a record of the analytical results. We used the results in our data base to compare with the TSS results provided in your draft report. In Section 5.2- "Sedimentation/Siltation" of the draft report, the maximum TSS value of 3,610 mg/L was reported as being discharged from the property. Although, there exists a TSS value of 3,610 mg/L in our database, this value represents Outfall 802 obtained during a sampling event conducted on 2/17/2010, and is located and monitored upstream of the property. Consequently, water quality at this upstream location does not represent PNA's contribution to the water quality being discharged from the property but, rather, is used to monitor key parameters in this particular branch of Otter Creek as it enters and exists the PNA property.

The downgradient sampling locations 902 and 903 are the "compliance" NPDES discharge sampling points for the PNA property and are meant to represent the discharge from the property. As a result, the maximum TSS value discharged from the site within the 2006 and 2008 targeted period would be 720 mg/L, which is much lower than the 3,610 mg/L contained in the draft report. Even considering a broader reporting period of 2002 through 2011, 720 mg/L is still the maximum TSS concentration recorded from the property's NPDES discharge. Please note that storm water flowing in this branch of Otter Creek from Outfall 802 traverses the PNA property and then is discharged from the PNA property at Outfall 902.

Moreover, it should be noted that although the TSS values at the discharge points of compliance have shown some elevated TSS concentrations, our data indicates that very little of the contribution, if any, is actually from the PNA property, as the majority of the property is covered with vegetation consisting primarily of a variety of grasses, which naturally filters solids should any solids be generated during a storm event. While comparing upstream to downstream TSS concentrations for the PNA property, the TSS values appear to improve, sometimes significantly, as it passes through the PNA property. For example, in the case of the 2/17/10 sampling event where Outfalls 802 and 902 were sampled, the upstream Outfall 802 had TSS at 3,610 mg/L entering the property and the downstream or discharge Outfall 902 showed a TSS concentration of only 22 mg/L as it exited the property.

Although the actual contribution of TSS within PNA's property boundary due to runoff is undetermined, the PNA property doesn't appear to have any negative effect on TSS values at all. Based on this evidence, please change your language to concur with the data provided in this message. We encourage you to reevaluate the discharge data and take into consideration the fact that TSS concentrations actually appear to decrease as the stream passes through the PNA property.

I hope this feedback helps with your evaluation. Please let us know if you have any questions regarding this information and please make a revised draft available to PNA for review. I look forward to hearing from you.

Total Suspended Solids (TSS) in mg/L			
2006 & 2008	TSS 802	TSS 902	TSS 903
Max.	1140	720	18
Mean	112	64	14
Min.	9	6	9
Median	**49**	**19**	**14**
Count	**37**	**40**	**4**

TSS for 901 and 903 combined 2006 & 2008		
Max.	**720**	**mg/L**
Mean	**60**	**mg/L**
Min.	**6**	**mg/L**
Median	**18**	**mg/L**
Count	**44**	**mg/L**

Response to Comment

The summary of TSS data available for the Pilkington N.A. facility was in error. Since no data are available for storm water discharge from the Pilkington N.A. facility, no statistical summary will be presented in the final report. The sentence referring to the Pilkington N.A. facility in Section 5.2.7 will now read:

> "TSS data for storm water effluent outfalls at Pilkington N.A. (Ohio EPA ID 2IN00020) are not available."

BP-Husky Refinery

BP-Husky appreciates the opportunity to comment on the draft TMDL report, and supports the Ohio EPA's efforts to improve the quality of surface waters in the Maumee River watershed region. These comments are offered to further this objective.

Comment #1

Pg. 88, Section 5.2.2 QHEI Data, Subsection 5.2.7 Otter Creek:

The sedimentation/siltation impairment is a widespread condition throughout the watershed, likely due in large part to the natural conditions of low gradient and clay/silt soils. Recognizing this condition as part of the background concept would provide useful context.

Response to Comment #1

Clayey and silty soils and streams with low gradients are present throughout the Maumee River (lower) tributaries and Lake Erie tributaries project area and such natural conditions do contribute sediment and silt loads to surface waters. The primary sources of sedimentation/siltation (i.e., channelization, imperviousness, and commercial/industrial districts) were identified by Ohio EPA biologists. Anthropogenic sources are larger than natural sources.

Comment #2

Pg. 90, Section 5.3 Contaminated Sediments:

The MS4 stormwater permitting program includes provisions for monitoring and implementation of BMPs which address stormwater runoff, including sediment quality. The existing section language describes potential application of TMDLs to Otter Creek only, and does not reference the MS4 stormwater permit program. It is appropriate to describe the regulatory program to address sediment impacts to all of the watershed surface waters.

Response to Comment #2

This section of the report does mention urban sources as a possible source of sediment contamination. It also states "TMDLs are *not developed* for Otter Creek because there are ongoing efforts to characterize the contamination of Otter Creek that will lead to initiatives to clean-up and restore the creek. Therefore, the objective of this section is to present and summarize recent activities [emphasis added]." Regulatory programs, including the MS4 NPDES program, have been described in other sections of the report.

Comment #3

Pg. 91 – Section 5.3.1.2 Duck and Otter Creeks Great Lakes Legacy (Act) Data Gap Investigation Report (CardnoEntrix 2012)

The statement ""(F)ield crews recorded observations of visible sheens and odors that were believed to be petroleum" (CardnoEntrix 2012 p. E-2)" should be supplemented to include the entire sentence from page E.2 of the Cardno ENTRIX report: "*During sample collection* field crews recorded observations of visible sheens and odors that were believed to be petroleum *in several sampling locations*." The complete

sentence adds clarity and explains that the observed sheens and odors resulted from disturbance of the sediments during sampling.

Response to Comment #3

The change has been made in the final report.

Comment #4

Pg. 92, Section 5.3.2 Sediment and Water Quality Data

The sediment data presented in tables 5-9 and 5-10 are for Otter Creek only, and sourced from Ohio EPA's 2006 sampling – 2007 and 2010 sampling data are not included. Since the data are presented and compared to sediment chemistry screening criteria, it is appropriate to acknowledge additional data on bioavailability from the 2010 DGI report; as well as sediment chemistry data from both GLNPO 2007 and DGI 2010. The evaluation of biological effects from bio-available chemical measurement (sediment pore water) and toxicity testing in 2010 provides a more accurate assessment of the extent of impact to the sediments of Duck and Otter Creeks.

Response to Comment #4

Ohio EPA's 2006 and 2008 data were evaluated to determine if sufficient data were available to develop TMDLs based upon the load duration curve approach. As stated at the end of Section 5.3.2,

> these data [Ohio EPA's 2006 and 2008 data] do not sufficiently characterize the contamination of Otter Creek such that a load duration curve approach TMDL could address the contamination, once implemented.

According to Ohio Revised Code chapters 6111.50 through 6111.56, only level 3 credible data may be used to establish TMDLs in Ohio. The data that were used to develop TMDLs in this report are level 3 data. Although there are additional data available, they are not level 3 credible data and cannot be used in TMDL calculations. The additional data that were collected in 2007 and 2010 are acknowledged and briefly explained for the reader in Section 5.3.1 of the report.

The data collected for various studies since Ohio EPA's 2006 and 2008 field assessment are useful for characterizing the impairment in Otter Creek and evaluating the impact of the impairment upon aquatic life. These data may be used to support future watershed characterization and restoration activities.