

Appendix E: Public Comment Response Summary

The draft Swan Creek Watershed Total Maximum Daily Load report was available for public comment from June 25 through July 27, 2009. This appendix contains the comments received and responses to those comments.

Five 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
DR	June 24, 2009 (via email)	Dale A. Rupert	City of Toledo, Division of Streets, Bridges and Harbor
KE	June 25, 2009 (via email)	Kurt Erichsen	Toledo Metropolitan Area Council of Governments (TMACOG)
JG	July 24, 2009 (via email)	Jeff Grabarkiewicz	Lucas Soil and Water Conservation District (SWCD)
KS	July 27, 2009 (via email)	Kathryn Swartz	American Rivers
MG	July 27, 2009	Marc Gerdeman	City of Toledo, Department of Public Utilities

The City of Toledo and Lucas SWCD submitted a number of similar comments on the TMDL. In order to avoid repetition of responses, the comments are grouped into five general areas: TMDL Development and Results, Storm Water Issues, Public Involvement, Regional Planning/Local Zoning and General Remarks. Comments from other groups or individuals are likewise separated by topic.

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

TMDL Development and Results

Comment (JG):

Section 5.1.3. The District recommends revising this section by including pertinent information about the role of channel morphology, sediment, and hydrology in the Swan Creek TMDL process. Because no quantitative channel morphology data (e.g. cross sections, pebble counts, etc.) were collected during this study, shortening this section might be appropriate.

Response

Section 5.1.3 is part of the linkage analysis that ties observed impairments to sources of those impairments. The section should be considered with all of Section 5.1. No changes to the final report have been made.

Comment (JG):

The District would also like to comment on the statement (Section 5.1.3) taken from the “Plan of Action” that “The middle reach is the area that lies between river miles and 19 and 6. Here the creek is actively eroding its channel. The banks are high (35 to 45 feet or more) and unstable and are intermixed with detached floodplains....”. This statement is not entirely accurate.

Grabarkiewicz (2008) found that stream stations from RM 19 – 15.3 maintained stable streambed substrates, low banks, and supported a diverse freshwater mussel community found nowhere else in the watershed. These two statements seem antithetical. The Plan of Action statement is likely true from approximately RM 11 - 6. We recommend modifying the statement taken from the “Plan of Action” (which would require removing quotations) or removing the passage altogether.

Response

The final TMDL has been revised to add the following statement in Section 5.1.3: “Newer research (Grabarkiewicz and Crail, 2008) found that the stream channel between RM 19 and 15.3 maintained stable streambed substrates, low banks, and supported a diverse freshwater mussel community found nowhere else in the watershed.”

Since the Plan of Action is not an Ohio EPA document, we suggest the commenter work with TMACOG to update the Plan of Action document with this new information.

Comment (JG):

Section 8.3.5. A freshwater mussel survey was performed from 2006-2008 by Ecological Survey and Design, LLC (J. Grabarkiewicz) and the University of Toledo. The study revealed a diverse community of freshwater mussels from RM 19 – 15.3, including a state endangered species and several species of concern in Ohio. The report is relevant to the TMDL and may contain useful information on the physical condition of the creek channel.

Response

This text was added to Section 8.3.5: “Other independent monitoring has also occurred in the Swan Creek watershed. A freshwater mussel survey was performed from 2006-2008 by Ecological Survey and Design, LLC (J. Grabarkiewicz) and the University of Toledo. The study revealed a diverse community of freshwater mussels from RM 19 – 15.3, including a state endangered species and several species of concern in Ohio.”

Comment (JG):

The District would like to see more recommendations on the rehabilitation of ditch channels in the watershed. With miles and miles of artificial drainage within Lucas County, alternative channel designs such as overwide and two-stage techniques are among the best BMPs per square unit area available to NW Ohio watershed managers. This information should be referenced to scientific literature when possible.

Response

Thank you for the comment. Two-stage and overwide ditches are recommended as options to improve water quality in all seven sub-watersheds listed in Tables 8-4 and 8-5. The following sentence has also been added to the end of Section 8.2.3: “These latter practices might be particularly applicable in areas of active ditch maintenance.”

Comment (KS):

The current report identified five golf courses within the Swan Creek watershed. On the maps provided throughout the report, South Toledo Golf Course would not be located in the Swan Creek watershed. There may have been an error in referencing South Toledo Golf Course for Heatherdowns Golf Course, which is located just north of Heatherdowns across the street from South Toledo Golf Course.

Response

Thank you for the clarification. The correction has been made.

Comment (MG):

The City of Toledo noted that waste load allocations have been assigned to the Toledo/Lucas County MS4 for TSS and total aluminum although the water quality data is currently within TMDL and do not require reduction.

Response

The observation is noted. Every source of load is allocated an amount because no allocation means that the wasteload allocation is zero, i.e., no discharge of that pollutant. Therefore, a wasteload allocation is necessary if an entity intends to discharge a pollutant, regardless of whether reductions are necessary.

Comment (MG):

The City of Toledo noted minimal discussion on activities and recommendation in the Upper Swan Creek, specifically Ai Creek.

Response

Ai Creek was discussed in some detail in Sections 8.1.2 and 8.2.1. In addition, multiple recommendations specific to the subwatershed are made in Table 8.3. Further details about current conditions in the subwatershed are available in the *Biological and Water Quality Study of Swan Creek and Selected Tributaries 2006* (Ohio EPA, 2009).

Comment (MG):

Also the draft TMDL speaks in great detail about the Combined Sewer Overflows (CSOs) as a major contributor to Swan Creek's water quality in Toledo. The City of Toledo would like to integrate the \$450 million Toledo Waterways Initiative project into the report. We feel that the Swan Creek TMDL report should reflect the water quality parameters affected from infrastructure improvements. One example is our downspout disconnection program. The City of Toledo is working diligently to correct this matter and the report should reflect such actions.

Response

Thank you for the comment. The following text has been added to Section 8.3.5:

The Toledo Waterways Initiative is the City of Toledo's 15-year program designed to improve its aging sewer system. The initiative was formed as a result of the settlement of an 11-year-old lawsuit between the City of Toledo and the U.S. and Ohio EPAs that requires the City to update its sewer and wastewater treatment facilities to stop the release of raw sewage into Swan Creek and the Ottawa and Maumee Rivers. The series of improvements to upgrade the City's sewer system is expected to cost more than \$450 million. Funding for the program will come from an incremental increase of sanitary sewer rates over the next 15 years. In an effort to minimize the impact on ratepayers, the City is also pursuing federal and state funding and grants.

Storm Water Issues**Comment (JG):**

Section 4.1.3. The Lucas County Engineer (LCE) may have maps that delineate the Phase II MS4 areas (as of 2003) and storm sewer outfalls. The District is in possession of a GIS storm sewer layer for the unincorporated areas of Lucas County. The District recommends contacting the Lucas County Engineer's office (Bob Neubert) for this information.

Response:

Thank you for the offer of assistance. Ohio EPA will keep this source of information in mind for future work.

Comment (JG):

Section 8.3.1. *The Lucas Soil and Water Conservation District works with engineers and the development community throughout the unincorporated areas of Lucas County. We initiated and rigorously designed one of the first bioretention cells that was intended to treat the CGP's water quality volume. This project*

was developed in partnership with Bill Decker Sr. during the summer of 2006 (location: Deer Valley, Monclova Township, Swan Ck. watershed). In addition, we have worked with developers and the Planning Commission to preserve riparian areas on Swan Creek in the planning phase of new subdivisions.

As a side note to the comments above, the District reviews plans for erosion and sediment as well as post-construction water quality on an as requested or as needed basis. We also review all preliminary plans sent through the County.

Response

Thank you for the comment. This information has been incorporated into Section 8.3.1.

Comment (MG):

Cultivated farmland is the greatest source of sediment entering our waterways in northwest Ohio. The City of Toledo's storm water program inspects and enforces construction sites over one (DR) acre. We feel that the draft TMDL focuses too much on urban runoff not rural areas. The majority of sediment that enters Swan Creek comes from upstream of Toledo.

Response

Tables 8-4 and 8-5 include substantial improvement recommendations involving agricultural BMPs. Land use practices contributing to sedimentation are discussed in some detail in Section 5.1; this includes agriculture as well as urbanization. Nonetheless, the longitudinal profiles (as described in chapters 4 and 5) do indicate an increasing sediment load moving downstream in Swan Creek as land uses shift from rural to urban. The final report has not been altered.

Comment (MG):

The City of Toledo would like to include the Reynolds Rd Enhancement Project. This project is currently underway starting at Reynolds Rd from the Ohio Turnpike to Glendale Ave. the project highlights best management practices mentioned in the TMDL report including the removal of roadway pavement and selective driveways, to installation of permeable pavement, bioswales, rain gardens, and under drainage systems and landscaping. The project goal is to reduce the amount of road runoff into nearby Swan Creek and allow the water to filter back into the ground, potentially removing pollutants.

Response

Thank you for the suggestion. This information has been added to Section 8.3.4.

Comment (MG):

In addition, the City of Toledo would like to include our Illicit Discharge, Detection and Elimination (IDDE) Program focusing on the Swan Creek watershed. The program is aimed at locating and fixing discharges that are not entirely composed of storm water. As part of the Phase I MS4 Permit, the City of Toledo has conducted 53 IDDE inspections near Swan Creek, finding one violation.

Response

Thank you for the comment. This information has been added to Section 8.3.5.

Public Involvement

Comment (KE):

TMACOG would appreciate recognition as a partner in this watershed. There's no mention of us under BGP or our assistance with public involvement on the TMDL program or our role with the Watershed Restoration Plan.

Response:

Ohio EPA acknowledged TMACOG's role in the Balanced Growth Initiative in Section 8.3.4. Acknowledgment was added at the beginning of the report for the Maumee River Coordinator employed by TMACOG.

Comment (JG):

There is no mention of the Toledo-Lucas County Rain Garden Initiative in the entire document. The Rain Garden Initiative has worked with local landowners, private entities, and public organizations to install rain gardens or bioretention cells throughout Lucas County for the past three years. Examples found in the Swan Creek watershed include rain gardens and bioretention cells found at Springfield Twp. Hall, the Deer Valley subdivision, Blue Creek Conservation Area, Oak Openings Metropark, Swan Creek Metropark, and numerous home sites.

Response

Thank you for the comment. This information has been added to Section 8.3.3.

Comment (JG):

The Lucas Soil and Water District holds several conservation easements in the Swan Creek watershed. The District is also willing to hold small(er) acreage streamside easements that typically don't interest other land protection organizations.

Response

Thank you for the comment. This information has been added in Section 8.3.2.

Comment (JG):

Section 8.3.3. In addition to the SWEET program which focuses on groundwater, the District employs an educational specialist who visits area schools and teaches about stormwater runoff using an EnviroScape model. This is one of her primary job responsibilities. Contact Jamie Kochensparger at (419)-893-1966 for more information.

Response

Thank you for the comments. The information has been added to Section 8.3.3.

Comment (KS):

We recommend that the report either limit the public involvement section to Swan Creek TMDL specific meetings and eliminate references to projects not specific to TMDL public involvement or broaden this section to include references to all projects ongoing in the Swan Creek watershed. These would include projects from American Rivers, Toledo-Lucas County Rain Garden Initiative, Lake Erie Commission, Soil and Water Conservation Districts, USDANRCS, and TMACOG. Please recognize that other groups have been working hard to improve the Swan Creek besides the few you have listed.

Response

Thank you for the comment. The above groups have been listed in Chapter 7.

Comment (MG):

The City of Toledo has partnered with the Highland Park Association to incorporate and promote watershed topics in the Highland Park neighborhood. The Rain Garden Initiative has supported several public and several private rain gardens in the Swan Creek watershed. The Rain Garden Initiative produces material, attends public events, maintains a website (www.raingardeninitiative.org) sustains an active social networking site, and provides education at workshops to encourage green infrastructure.

Response

Thank you for the comment. The report has been amended accordingly in Section 8.3.3.

Regional Planning / Local Zoning

Comment (KS):

In addition to Toledo's 20/20 Future Land Use Plan Update, American Rivers has been working with the City of Toledo, Lucas County and area township representatives to revisit their local codes, ordinances, and subdivision regulations to allow and incentivize for green infrastructure techniques such as rain gardens and green roofs.

Response

Thank you for the comment. The report has been amended accordingly in Section 8.3.1.

Comment (MG):

The information reproduced from the City of Toledo website included in the TMDL report is not a total reflection of activities undertaken by the City of Toledo in this area. Working with American Rivers, changes have been made to commercial zoning codes to encourage green infrastructure.

Response

Thank you for the clarification. The report has been amended in Section 8.3.1.

General Remarks

Comment (DR):

Interesting report. The only change I would make before a public notice would be the label on the picture on page 1. (reference to error in credit for document cover photo)

Response

The error has been corrected in the final report.

Comment (MG):

The TMDL incorrectly references the City of Toledo website. The website www.ci.toledo.oh.us/ should be replaced with www.toledo.oh.gov

Response

The error has been corrected in the final report, Section 8.3.1.

Comment (MG):

The City of Toledo would like to see stakeholders included under this section [Education and Outreach]. Programs such as the Student Watershed Watch hosted by TMACOG, educational school programs conducted by Lucas Soil & Water Conservation District, and agencies such as Lucas Soil & Water,

American Rivers, Toledo-Lucas County Rain Garden Initiative, and Keep Toledo/Lucas County Beautiful are not referred to in the TMDL report.

Response

Thank you for the comment. The report has been modified in Section 8.3.3.

REFERENCES

Ohio EPA (Ohio Environmental Protection Agency). 2009. *Biological and Water Quality Study of Swan Creek and Selected Tributaries 2006*. State of Ohio. Environmental Protection Agency. Division of Surface Water.
Available at http://www.epa.ohio.gov/dsw/document_index/psdindx.aspx