

Duck and Otter Creeks Partnership, Inc.
Toledo-Lucas County Public Library
3340 Dustin Road, Oregon, OH 43616
July 17, 2008
1:30 p.m.

Attendees: Lynn Ackerson, Ohio EPA; Dave Barna, US EPA; Stace Bieber, GEC; Sandy Bihn, Citizen; Regina Collins, City of Toledo; Landon Eenigenburg, ARCADIS (representing CSX); Cliff Fleener, Pilkington; Paul Fletcher, Jones & Henry Engineers; Jon Gulch, US EPA; Sue Horvath, Citizen; Don Nelson, City of Oregon; Scott Ousky, Sunoco; Neal Thurber, BP (part)

Staff: Jill Shalabi, Executive Director

Agenda Items:

1. Approval of minutes

Minutes from both the meeting on January 17, 2008 and the meeting on March 20, 2008 were approved with no changes.

2. Update on industry discussions

Neal Thurber is arranging some meetings to discuss the Great Lakes Legacy Act (GLLA) and how it relates to the money put up voluntarily by industry and what protection they might have against future regulation. One meeting will be between Archie Lundsey (Ohio EPA), US EPA, USFWS and BP to cover CERCLA (Superfund) and Natural Resource Damage Assessment (NRDA) issues relating to the creeks and industries. BP wants to understand the Agencies' perspectives on how industry interfaces with GLLA projects. Dave suggested that GLNPO also be invited to that meeting. Neal agreed that it would be a good idea. They are trying to schedule a meeting with Mike Darr, BP's remediation manager for Ohio, after the release of the final draft of the Risk Assessment document. The second meeting Neal is trying to arrange, probably in August, is between industry members along the creeks and Bob Rule, who was the coordinator for industry on the Ashtabula River remediation project (and who is also working on the Ottawa River sediment cleanup) to discuss the process for the Ashtabula project and the results industry should expect. Neal sent invitations to industries in the watershed and several have expressed an interest in this meeting – Chevron, CSX and Neal thinks Buckeye Pipeline will also participate. Toledo-Edison has not seemed willing to participate. Jon asked if any of the landfills are participating and also about the aerial study by Jim Augustine. He thought that study had identified parcels that had runoff going to the creeks. The list from that document was used to invite industries to the March meeting. Jill will go through the report again to see if any industries have been missed. Neal thinks that this meeting would not be a public meeting, but would be for industry only so businesses can speak candidly and nothing will be misunderstood and therefore they will be better able to gauge where companies stand on their willingness to participate in this process. Lynn mentioned that she had spoken with Archie this morning and that he had not received many responses about that meeting. Neal sent out invitations to everyone on the list of companies that Jill provided him. Neal thinks there will be one group of companies that understands the tradeoffs of pursuing GLLA funds and another group that will not be interested in participating unless forced to.

3. Risk Assessment update

A draft of the final report is due to be issued sometime next week and comments are expected within 3 weeks of issue. It was suggested a conference call be set up with TetraTech during those 3 weeks. Sue mentioned that everyone was already given the opportunity to comment on the interim deliverables and the Project Management Team met to hash out some issues. Neal suggested that we schedule a meeting now and also offered to host such a meeting at one of the BP buildings and that maybe we could hold all the anticipated meetings on the same day. The funding cycle for GLLA money was discussed. In addition to Duck & Otter Creeks, the Ottawa River is also a potential GLLA project. Sandy thought that the fact that there are potentially 2 projects in the same AOC might present some perceived competition since awareness of the Great Lakes is increasing and also that Partners for Clean Streams may have some conflict of interest since they are working on the Ottawa River GLLA application. Sue will contact Mark Tuchman for a better idea of the time frame for submitting an application so that we don't miss any deadlines. Sandy is concerned that we will need a cost estimate before we submit a GLLA application. Sue mentioned that the application can be done in stages, so the cost of the cleanup would not have to be known when we make the initial application. Jon said that the Ottawa has been studied for so long that it's clear what needs to be done there and this is not really the case with Duck and Otter Creeks– there are gaps with the creeks with respect to scoping out the project – are there hotspots? How much sediment needs to be removed? GLLA money can be used to answer some of these questions. Tetra Tech has already estimated the total volumes of sediment in the creeks in the sediment characterization study. Jon thought that a proposal that included a “cost not to exceed “ would not be appropriate for a GLLA application. Jon asked how many samples were collected last year – about 46 total for both creeks. He thought that this is not nearly enough to estimate the cost of any

project. Neal said these questions are just details compared to that main issue, which is protections for industry. Neal said that things can happen very, very quickly once industry is on board.

4. Tetra Tech contract to present Risk Assessment findings

A contract with Tetra Tech was discussed whereby they would come and discuss the risk assessment findings at a meeting. They would charge \$5,000 for one day. Sandy suggested that we hold an open public meeting in early September to discuss the risk assessment findings and invite people on the mailing list of properties which border the creeks. Sandy thought that this is an important step and it would look good on applications for GLLA funding if the Partnership held such a public meeting. She would be in favor of having Tetra Tech come or at least having a public meeting to make the results available for public discussion. Sandy thought that when a solution is finally chosen for the creeks, there will be more credibility and acceptance of such a solution if there had been input from the public. Neal thought we could just put the document on the Partnership's website and do a mass mailing to owners along the creeks announcing its availability. Neal was concerned that we could spend \$5000 to bring Tetra Tech and then no one would show up. Lynn thought that within the Partnership, the expertise is there to answer the level of questions that would come up during a public meeting. Paul offered the services of Jones & Henry Eng. to produce maps and other visuals for such a meeting. It was then decided that it is not necessary at this time to contract with Tetra Tech for a presentation of the risk assessments.

5. Project updates

Jill Shalabi gave an update on the Lutheran Home project. The site is currently weedy but a crew from Naturally Native Nursery (NNN) will work on the site one day next week or the following week. The areas around the gardens have only grown in isolated spots, possibly due to over-enthusiastic mowing, and may need replanting. It was suggested we add native perennials to provide some color. Ideas to enhance the site include benches and signs, birdhouses and an overlook. It was also suggested that binoculars and bird and plant books be given to Lutheran Home for use by their residents and to coordinate with their activities director. Jill mentioned a meeting with the ZooTeens and their ideas to do some educational programs for the residents. Sue suggested the ZooTeens may be interested in making birdhouses for smaller birds from kits. Jill will let Sue, Lynn and Sandy know when NNN will be there so we can all meet and get everything worked out. Jill will try to set up a meeting with ZooTeens and the LH before she leaves. Lynn asked about any equipment that the Partnership is supposed to get back from NNN. Only one backpack sprayer comes back to the Partnership at the closing of NNN's contract. Jill will also contact Cherie about returning the supplies and tools that she let us borrow.

6. Financial report

Finance summary sheets were distributed. Sunoco is the only industrial member with outstanding dues.

7. ODNR Watershed Coordinator grant status

The Area Assistance Team from ODNR requested a meeting regarding the Partnership's 3-year Watershed Coordinator grant when they learned of Jill's resignation. ODNR is concerned about the change in staff and the length of time it will take the new Watershed Coordinator/ ED to get up to speed. ODNR also wants confirmation of the Partnership's commitment to implement the watershed plan and also wants to make sure that Partnership will go on beyond the 1½ years remaining on the grant. ODNR also expressed concern that the May board meeting was canceled. The Partnership confirmed that there is a continuing need to have a coordinator. Jon Gulch mentioned that he thinks having Jill has been a huge success regarding the progress that he sees taking place now. The main project on which the grant was based was the sediment remediation project, and the Partnership is committed to completing this project. The Partnership also confirmed that they are committed to providing resources for at least a ½-time position once the grant runs out. The Partnership will be submitting a revised timetable and workplan to ODNR for the remaining 18 months of the grant by August 1st. Items ODNR is particularly interested in for implementation grants are buffer strips, restoration activities, policy implementation and easements. Possible implementation projects suggested to present to ODNR by August 1 are:

1. Cliff talked about the work that Pilkington has done near the headwaters of Otter Creek. They have an NPDES-permitted outfall ditch which discharges into Otter Creek and have done geomembrane lining, and have stopped mowing along the sloped areas to create buffer strips, all to reduce surface water infiltration. There will also be more tree planting in the fall. Cliff will quantify what they've done and plan to do and will write it up for the Partnership to present to ODNR.
2. Western Lake Erie Waterkeepers will apply for a grant to do nutrient analysis in creeks west of Duck and Otter Creeks. It was suggested the sampling be extended to include Duck and Otter Creeks and have a joint effort between the Waterkeepers and the Partnership. Funding for sampling materials for the creeks may be available through Jones & Henry Engineers. The Waterkeepers are looking for 6-8 people along each creek to sample monthly and do chemical analysis using test strips. The purpose would be the create awareness and education of the Creeks.

3. Jon Gulch mentioned that he noticed that Collins Park golf course has stopped mowing along Duck Creek. Sue has already spoken with the manager of the golf course but will also approach the greens-keeper about pesticide reduction on the golf course, with the assistance of the City of Toledo – Regina offered to help with this effort.

8. Executive Director search update

Jill has resigned and the application for Executive Director/Watershed Coordinator has been advertised in the Blade and is also on the Partnership website. Sue and Sandy are handling the search and Sandy asked for any volunteers for this process. She could send copies of applications for them to review. Closing date for applications is Friday, July 18, although it will remain open if a suitable candidate hasn't been found. It was suggested that PCS be contacted to see if any applicants for a watershed coordinator position they advertised would be suitable. Sue mentioned that even though Jill needs to leave as ED, she would like to remain as a member of the Board since she is still very interested in being involved with the Partnership as much as she can. The position has not been advertised through the watershed network, but Sandy will contact ODNR now that the Partnership has agreed that it is important to try to keep the grant.

9. Open announcements

Sunoco had a major pipeline failure in a pipeline less than 5 years old which discharged into Otter Creek through a breached storm sewer. The pipeline was 8 feet below ground, so the break was not a result of vandalism. Approximately 200 barrels of light cycle oil was released. Sunoco has installed an oil-water separator and has since recovered over 5000 gallons of surface water and recovered the oil from it. No oil entered the Maumee River. Sandy mentioned that there was a sheen observed near Millard Ave. Scott said that the same thing was observed on both Duck and Otter Creek at the time, so it could not have been from their spill. They are now moving into Phase 2, which involves underground sampling and remediation at the spill site. There is no more sheen on the creek or in the ditch and part of the ditch has been relined. A nature pathway has also been installed near Seaman and Wheeling as part of Sunoco's restoration efforts. The spill site is still under US EPA jurisdiction. Scott also mentioned that Ohio EPA recently called Sunoco about gasoline in a CSO at York and Wheeling. Scott said it appeared to be coming from the Consaul St. landfill and elevated CODs were reported by the city's wastewater treatment plant, so that is evidence that there was something in the water. Jon said it wasn't necessarily gasoline, but something that was producing vapors and that these can travel very far in the sewer system.

10. Next meetings

- Full Board: September 18, 2008 – 1:30 pm, location to be determined
- Steering Committee: time and location to be determined