

**Duck and Otter Creeks Partnership, Inc.
Toledo-Lucas County Public Library
3340 Dustin Road, Oregon, OH 43616
September 18, 2008
1:30 p.m.**

Attendees: Dave Barna, US EPA; Sandy Bihn, Citizen; Landon Eenigenburg, ARCADIS (representing CSX); Sue Horvath, Citizen; Scott Ousky, Sunoco; Susan Richards, EnviroSAFE Services; Julie Hewlett, Bowser-Morner; Andrea Beard, City of Oregon; Frank L. Reynolds, Ohio fish producers; Robert Allen, Westway Terminal Company; Jenny Carter-Cornell, Hull & Associates, Inc.; Patekka Bannister, City of Toledo
Staff: Becky Simpson, Executive Director.

Agenda Items:

1. Approval of minutes

A motion to approve the July 17 minutes was made by Sue Horvath with support by Julie Hewlett. No changes were made to the minutes. All were in favor.

2. Introduction of new Executive Director

Sue Horvath introduced the new Executive Director, Becky Simpson. Becky moved here from Howell Michigan after working for the Livingston County Drain Commissioner's office for the last four years as their Water Resources Coordinator. Some of the duties she oversaw during that position were: Overseeing the National Pollution Discharge Elimination System (NDPES) Phase II permit for the County and 13 other communities; preparing and implementing 2 watershed management plans; preparing applications for state and federal grants; conducted watershed workshops; coordinated household hazardous waste events, among many other things. Please contact the Duck and Otter Creek Partnership if you would like to see Becky's resume or talk to her about activities you would like Duck and Otter Creek to participate in.

3. ODNR Grant Update

Sue Horvath gave an update on the ODNR grant. When the ODNR found out that the Executive Director was leaving, they had some concerns that the actions in the watershed management plan would not be implemented by the end of the grant term, 18 months from now. Sue wrote them a letter addressing all of their concerns, however they decided to terminate the grant. The good news is that they will cover our administration costs until October 31. Although this was a shock, this should allow the partnership to focus on implementing more projects instead of spending so much time on the reporting that the previous grant required.

4. Risk Assessment Meeting Update

Sue Horvath gave an update on the Risk Assessment meeting that took place on September 4th at the BP facilities. 21 people participated, 4 on the phone. Those attending represented the Duck and Otter Creek Partnership, Chevron, EnviroSAFE, CSX, Pilkington NA, Sunoco, BP, Partners for Clean Streams, OEPA, Western Lake Erie Alliance, City of Toledo, GLNPO, and USEPA. Kris Patterson said that the final RAs from Tetra Tech are to be out by Oct.31. Tetra Tech requires 4 weeks to review comments from the PMT. Kris will condense and consolidate comments that she has received from OEPA, Pilkington, Sunoco, BP and GLNPO and she will submit them to Tetra Tech. After this meeting Kris requests that comments are limited to typos or errors and not differences of opinion about methods used.

Attendees at the meeting used the time to highlight the issues of greatest concern so Kris can include these in her summary to Tetra Tech.

The response to a question about whether there is enough of a problem in the creeks that we would be eligible to submit a Great Lakes Legacy application was yes (from GLNPO).

Brenda Jones emphasized that the Legacy process is like a Partnership and not adversarial like Superfund.

The issues identified as most important by the Team included:

- Concerns about the number of years (30 for adult, 6 for child) used to calculate risk
- Concerns that compiling the data by stream segment might skew the data
- Concern about including children as a receptor at the mouth of the creeks
- Concern that the bio-uptake model doesn't account for PAH metabolism
- Concern that the receptors should be summed (combine adult and child receptors)
- Concerns about that the weight of evidence should be linked to well described uncertainties.
- Concern that there is no historical data that is qualified to be used
- Concern that the background levels of arsenic and other contaminants was not addressed
- Concern about intermingling of screening and baseline data
- Concern about using only BERA results for weight of evidence
- Concern that the RAs need to state that these documents are not setting cleanup goals
- Concerns about number signs in tables and errors (numbers not matching)
- A request to add to the RAs information about how the sediments were collected and how were the master stations selected (the criteria for each needs to be the same)
- A description of fish species needs to be added
- An extensive list of uncertainties needs to be included and will address some of the problems above.

Mark Tuchman stated that an application could be done at any time. The initial application should identify what we believe needs to be done to further characterize the problem and GLNPO will respond with a detailed plan of how and what they will do. GLNPO administers the program so we will not do RFPs or select contractors or handle the finances. Their response to our application will define what they will do and have estimated costs- 35% of those costs would be our local match. If we elect to sign this Stage 1 agreement, GLNPO will proceed with the first stage- further testing and evaluation. When that is completed, if we elect to proceed further, Phase 2 will amend the Phase 1 agreement to include a feasibility study.

GLNPO stated that after the Legacy application is received they would establish a project team and all agencies would participate. Members of the Partnership will be on that team.

5. Wetland Project Update

The Duck and Otter Creek Partnership received a grant from the U.S. Fish and Wildlife Service for a wetland enhancement management project. At this time, the plantings are done, except for some areas that need to be re-planted. The partnership is now going through the process on how to place a pathway that links all the plantings since part of the property is owned by Lutheran Homes and the other part is owned by the City of Toledo. To keep with the "native" theme, we would like to use pervious concrete for the pathway. Sue was meeting with a contractor after our board meeting to discuss this option. Jenny and Julie were also going to look into if they know any other contractors that install pervious concrete. Once the pathway is installed we will also install signs, benches, and bird/duck boxes. Identification books for birds and wildflowers will also be donated to Lutheran homes so the residents there can enjoy this new area. The project is scheduled to be complete by the end of the year.

6. Clean Your Streams Update

Andrea Beard from the City of Oregon gave an update on the Clean Your Streams event that took place September 13th.

Despite the rain, a record number of people (768) came out for the event throughout Toledo. There were 69 volunteers that helped clean Duck and Otter Creek. Although this is a smaller number than in years past, it was expected since another kick-off location was added this year.

BP provided breakfast for the event. Seven sites were cleaned on Otter Creek. Over the whole Toledo area 50 sites were cleaned, which totaled 28 miles of stream bank. 200 tires were removed, 50 of these were from Otter Creek.

Overall, Andrea says they can see these events are making a difference in the streams. Each year they seem to be finding less trash and are looking for new sites to clean.

7. Envirosafe Report

The latest RFI implementation report was distributed. Sue Richards explained that since July 1, 2007 they have been pumping continuously. The leachate levels are going down. Due to the RFI, 100 temporary wells were installed in June (WHAT YEAR), all of which have now been abandoned. They are still sampling 119 wells twice each year. Analysis of the leachate is also done.

8. Director's Report

Becky Simpson again introduced herself to the group. Becky started working as the Executive Director on September 2. Since that time she has been reviewing the meeting minutes to see what directions the partnership has taken as well as review the 2007 sediment report and the two draft Risk Assessment Reports. One of the first tasks she was given was to find out more on the Great Lakes Legacy Act Application. During the September 4th meeting, it was decided that if the Partnership were going to submit a grant application it would be for a non-remediation project to collect more data and to then possibly follow up with a feasibility study. Becky passed around a summary of what information will need to be collected for a non-remediation grant application. Along with the GLLA Becky wanted to know what other goals the Partnership would like to pursue. Becky encourages anyone to contact her with ideas of projects, activities, etc.

Becky is also working on the first Duck and Otter Creek Partnership newsletter that will be mailed out to all the residents along the stream. She asked anyone that would like their projects highlighted to contact her. She hopes to have the first newsletter mailed out by the end of the month.

Due to the termination of the ODNR grant, Becky is looking at other grants that would help implement projects highlighted in our Watershed Management Plan, as well as help with administration costs. There are two possible grants at this time: the 2008 Coastal Management Assistance Grant and the Great Lakes Watershed Restoration Grant Program. Both grants require a 50% match. Sandy thought that something could be done on the wetland on the corner of Old Millard and Otter Creek. Although this is on CSX property it seems to be unusable land because it is so wet and would be a good wetland to restore for flood control and improved habitat. Landon was going to look into whom we need to contact to see if this project would be possible. Andrea said that the City of Oregon might be interested in partnering with the Partnership on a grant. Becky will follow up with CSX and see if we can walk the site to see if this is a viable option.

There are some members who have not submitted their 2008 membership dues. Reminder notices will be sent out soon. Please contact Becky if you are not sure if you have paid or not.

9. Financial Report and Updated Budget

Sandy passed around the revised 2008 budget. Even with the termination of the grant, we should be fine until the end of the year. We just received a check from Sunoco in the amount of \$5,000 and Chevron has contacted us and is looking into possibly donating \$5,000 as well. We are still waiting for the grant monies from the ODNR. Because the Partnership will no longer receive \$40,000 in 2009 from the ODNR grant, we are looking into increasing the membership dues for next year.

10. Open Announcements

Sandy commented that although we are no longer under the ODNR grant, she thinks it would be in the Partnership's best interest to finish the Watershed Management Plan (WMP). This would allow the Partnership to be eligible for more grants with an approved WMP. Sue said that 90% of the plan is already completed; the only portion left is the coastal part, which Cherie said she would help with. Everyone at the meeting agreed that the plan should be finished.

Scott mentioned that there was a project at Swan Creek in Highland Park to remove a low-head dam. However, when they started digging they found a sanitary line and the dam could not be removed.

Instead they installed a fish ladder. This project is now complete and seems to be working well.

Native plantings were also installed at the site. People are encouraged to visit this project.

Sandy passed around a document regarding the large fish kill that is taking place at the First Energy, Bayshore Power Plant as well as a document regarding the algae in Lake Erie. Please contact Sandy or the Partnership if you are interested in reading either document.

11. Next meetings

-Full Board: November 20, 2008 – **2:00 pm (Please note the change in time)**, location to be determined

-Steering Committee: time and location to be determined

Respectfully Submitted,
Becky Simpson