



Comments submitted 10/13/17 on

Indiana Draft Domestic Action Plan for Western Lake Erie Basin

*Indra Frank
Director of Environmental Health
and Water Policy*

The Indiana Department of Environmental Management collected public comments on the Draft Domestic Action Plan (DAP) via an online survey. Below are the answers HEC submitted.

1. Does the Domestic Action Plan (DAP) address the topics necessary to achieve Indiana's goal of reducing phosphorus to the Western Lake Erie Basin (WLEB)?

The chief concern with this plan is its reliance on existing programs and voluntary measures. It is hard to see how we will get a different result by continuing to do the same thing we have been doing. The majority of the Action Table is educational programs or grants to incentivize BMPs. There has been soil conservation/nutrient management education and grants for decades, and it has not achieved the necessary results. In fact, a minority of Indiana agricultural acres have adopted nutrient reduction practices.

Indiana needs to set a target date in just a few years for assessing progress. If monitoring is not showing improvements in water quality, we need to reconsider using additional regulatory options. The draft DAPs from Ohio and Ontario are already introducing additional regulatory steps.

2. Is the level of detail contained within the DAP sufficient?

On page 4 under 'Timeframe', the DAP should be more specific. It will be valuable to have a checkpoint at the year 2020, as the draft plan proposes, but what will be assessed at that time needs to be spelled out. The DAP refers vaguely to 'various indicators including social indicators to track progress'. The DAP should rely as much as possible on indicators that reflect actual water quality. It would be good to see Indiana set a target year for achieving the 40% reduction. Ohio has a goal of 2025 in its plan.

The section on 'Adaptive Management' starting on page 21 could similarly include more specifics. What outcomes are going to be assessed in order to evaluate progress and adjust the plan? The section is very vague.

Since so much of the Action Table relies on voluntary measures, there is additional data that would be helpful for evaluating the effectiveness of that approach. Of agricultural producers that adopt nutrient reduction practices using cost share grants, what proportion continue the practice after the grant runs out? The Lake Erie nutrient problem will continue indefinitely. It cannot be addressed with temporary projects among a minority of producers. We need to make comprehensive and enduring changes in nutrient and drainage management.

3. Is there information within the DAP with which you do not agree?

On page 24 'Support rigorous enforcement of environmental regulations' is on a list of possible future endeavors. Instead, it should be a confirmed part of the plan. There should be fair and consistent enforcement of Indiana's Fertilizer Rule and CFO Rule, and enforcement should be pro-active rather than being triggered only when there is a complaint. There should be un-announced inspections during times of year when application is expected with consequences for violations.

4. Other than those mentioned in the DAP, are there additional interest groups or organizations that should be involved with further development and/or implementation of the DAP?

IDEM and the Advisory Group have done an excellent job with outreach.

5. Are there additional sources of phosphorus not included in the DAP that should be?

On page 6, the DAP lists the numbers of CFOs. These are not the only sources of manure in Indiana's portion of the WLEB and their manure is not the only manure being spread in the area. There are likely to be many livestock operations that are not large enough to reach the regulatory definition of CFO, but that produce large quantities of manure. The number of acres used for spreading manure in Indiana's portion of the WLEB could greatly exceed the 36,000 acres listed by the CFOs. The DAP should include an effort to account for the total amount of manure spread in the area and the total acreage of spreading.

The DAP lists row crop agriculture in the discussion of possible sources. Is data available on the total amount of commercial fertilizer spread in the area each year or the number of acres on which it is spread?

Climate scientists predict increased frequency of intense storms for the Midwest. Does the DAP take into account predicted changes in spring run-off?

6. Are there phosphorus reduction activities within the Western Lake Erie Basin (WLEB) of which you are aware that are not mentioned in the DAP or that should be added to the Milestone and Action Table?

No

7. Do you perceive significant challenges to reducing phosphorus pollution in the WLEB?

There are many important measures that are listed under 'Guiding Principles for Achieving Water Quality Improvements' (pg 10) that don't appear in the 'Action/Milestone Table' (pdf pg 26). In other words, the DAP acknowledges actions that would, in fact, improve water quality, but has no plan for them to happen. For example, the guiding principles include "Septic system installation, operation, maintenance and repair will follow design regulations." However, in the Actions Table, only one of the WLEB counties is listed as taking action on septic. By contrast, the Ontario DAP refers to measures for mandatory septic pump out and inspections (<http://www.letstalklakeerie.ca/> pdf page 43)

8. Additional comments?

Tables of contents and abbreviations would be helpful additions.

It's very good to see the prioritization process underway for the smaller watersheds (pg10).

I would like to commend the IDEM staff for an exemplary process of engaging stakeholders and accepting input, and express my appreciation to the Advisory Committee for all its time and effort.