

**Letter from The Guardians of Grand Lake St. Marys to be Considered  
before the Environmental Subcommittee,  
Committee on Energy and Commerce,  
U.S. House of Representatives  
Hearing on the Discussion Draft of H.R. \_\_\_\_\_,  
The Farm Regulatory Certainty Act of 2017  
November 9, 2017**

Dear Chairman Walden, Ranking Member Pallone, Subcommittee Chairman Shimkus, and Subcommittee Ranking Member Tonko:

The Guardians of Grand Lake St. Marys, Inc. (The Guardians) writes to share our grave concern with The Farm Regulatory Certainty Act offered by Rep. Newhouse. As an organization comprised of community members surrounding the most polluted lake in Ohio, Grand Lake St. Marys, which is the sole source of drinking water for the town of Celina, we are alarmed at the language in this bill. The text of the bill as it stands would strip our right to stand up for our drinking water and the source of tourism for our community simply because a government official is conducting any proceeding dealing with manure management. Effectively, we would lose our rights to stop polluters from further contaminating our lake over a reporting violation. We write to ask you not to slam the courthouse doors in our face.

The Guardians is registered with the Ohio Secretary of State as a not-for-profit organization. It was incorporated on March 11, 2013 for the purpose of educating the public of the actual level of microcystin in Grand Lake St. Marys; and to ensure that all parties with legal responsibility for protecting Grand Lake St. Marys and its tributaries are abiding by all federal and state environmental laws and regulations through legal, scientific, economic, political and educational actions. The Guardians are committed to lowering the level of pollution in Grand Lake St. Marys by reducing nutrients from point and nonpoint pollution. The Guardians

emphasis has been to identify mismanagement of the related watershed and push for a strong effort to clean-up Grand Lake St. Marys, which is one of the most polluted bodies of water in Ohio and is the only designated “distressed watershed” in Ohio. Grand Lake St. Marys is a public state park with historical significance.

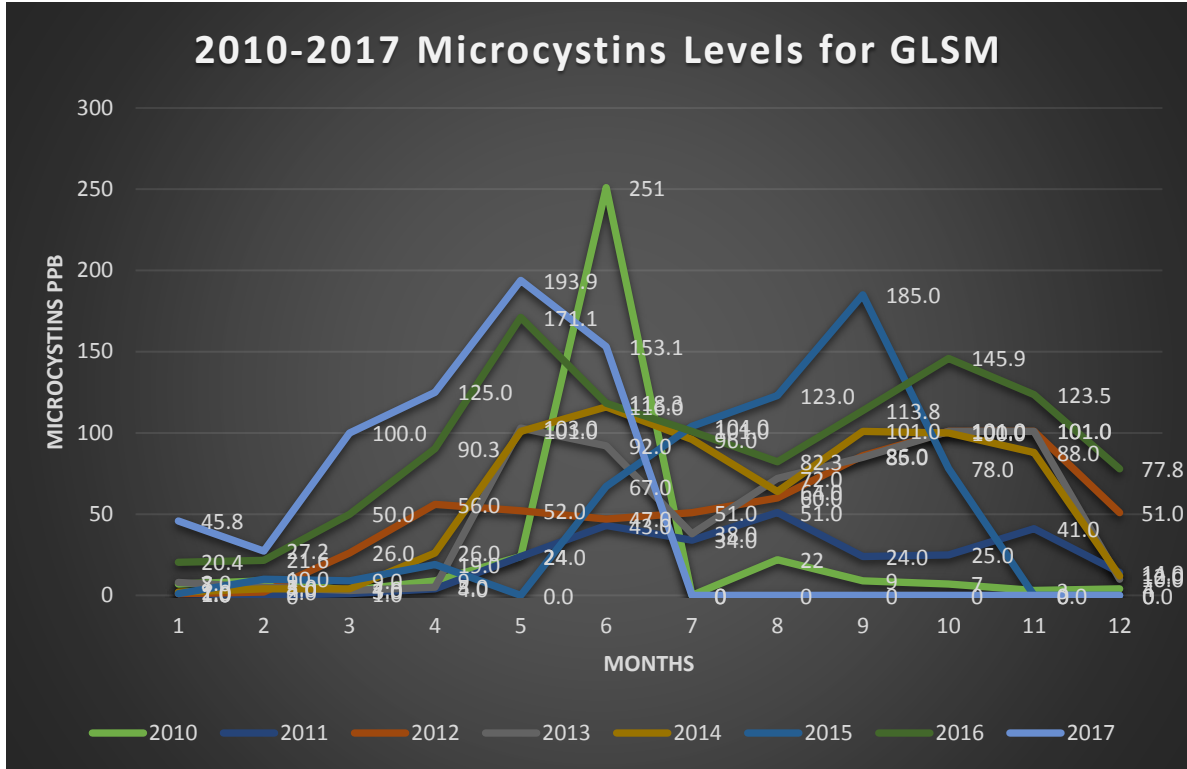
One of our goals is to ensure that agriculture is complying with the law, and there are many facilities in the watershed where the state agencies are working with the facilities to comply with their permits that we monitor. Our community has never had to initiate a citizen suit against a bad actor, and we hope we never have to. However, under the language of this bill, those actions, no matter how minor or unrelated to a violation of the Resource Conservation and Recovery Act, would prevent us from ever being able to use this law to protect our lake, our drinking water, and our community from harm. And there is serious risk of harm in our community due to Harmful Algal Blooms.

Even though we are just regular community members that live around the lake, we have become experts in cyanobacteria, the blue-green algae that creates harmful algae blooms like the one that forced Toledo to warn its residents not to drink their water. Cyanobacteria release harmful toxins, including microcystin, which is the major problem in Grand Lake St. Mary. We regularly have levels of microcystin more than four times the safety threshold set by the World Health Organization.<sup>1</sup> Microcystin can cause serious liver toxicity, severe gastrointestinal distress, kidney toxicity, pneumonia, blistering on contact, and can lead to death. Currently, the Ohio Health Department has posted a “No Contact” advisory for the water in the lake.<sup>2</sup> In 2016, the levels of microcystin in the lake reached 180 ppb, even though sensitive populations like infants and pregnant women are in danger at levels as low as 0.3 ppb.

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<sup>1</sup> NOAA - Great Lakes Environmental Research Laboratory, “Microcystin and Other Algal Toxin Guidelines” [https://www.glerl.noaa.gov/res/HABs\\_and\\_Hypoxia/microcystinGuidelines.html](https://www.glerl.noaa.gov/res/HABs_and_Hypoxia/microcystinGuidelines.html)

<sup>2</sup> Ohio Department of Health, BEACHGUARD Advisories, <http://publicapps.odh.ohio.gov/beachguardpublic/>



Members of the Guardians are residents on and surrounding the lake, or are regular tourists there. Members of the Guardians used to regularly use and enjoy the Grand Lake St. Marys, including boating, fishing, swimming, and watersports, but with the posting by the Ohio Department of Health to have “no contact with the water,” our use is now very limited without endangering our lives. For example, in 2015, an Indiana woman got extremely sick when she fell off her jet-ski into the lake. Additionally, many in our community rely on Grand Lake St. Marys as their source of drinking water, which has been compromised heavily by agricultural pollution and has required millions of dollars of extra filtration that is still unable to filter all algae and pharmaceuticals from the drinking water.

Other members own or work for industries that benefitted from tourism to Grand Lake St. Marys. We have lost our investments, our businesses, and our livelihoods because of the loss of

tourism due to the pollution. Our summer tourism is a \$150-million-a-year industry for the small towns and cities surrounding the lake.<sup>3</sup> However, because the pollution in the lake is so severe and the water is such a public health hazard, our annual sailing regatta has been cancelled, and the number of visitors coming are shrinking. Our property values are plummeting as a result.<sup>4</sup>

Over a decade ago, the lake was designated as a distressed watershed, and a 2007 EPA report called for reducing manure runoff from farms by 99 percent.<sup>5</sup> The citizens in Auglaize and Mercer counties have been waiting for nearly two decades for the State of Ohio to clean up Grand Lake St. Marys.

“Daily Standard – April 26, 2017

CELINA - City officials are planning a half-million-dollar expansion of the water treatment plant to improve quality and to prepare for any future treatment standards.... Plant superintendent Mike Sudman said the new process would treat for "remaining disinfection byproducts prior to the chlorine being added, any kind of minute pharmaceutical that could be remaining, algal toxins that could get through the carbon."

"Currently these are things that we're not testing for but are on the radar," Sudman said, adding the EPA will soon release a list of necessary tests."

For a decade, the State of Ohio has had the tool to clean up our lake with the “Total Maximum Daily Load” plan, which specifically spells out that approximately 90-100% of all phosphorous, nitrates and fecal coliform should be stopped from coming into GLSM if there is any hope of cleaning up the lake. However, the citizens of Auglaize and Mercer counties are still waiting for a serious cleanup effort that actually addresses the source of the pollution. Any true cleanup effort cannot ignore the agricultural contributors, which are a major source of our

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<sup>3</sup> Lake Improvement Association, Economic Impact of Grand Lake St. Marys, <https://lakeimprovement.com/economy/>

<sup>4</sup> The Ohio State University, Algal blooms cost Ohio homeowners \$152 million over six years, <https://news.osu.edu/news/2017/08/17/algaehouse/>.

<sup>5</sup> Ohio EPA, Beaver Creek and Grand Lake St. Marys Watershed TMDL Report, <http://epa.ohio.gov/portals/35/tmdl/GLSMfactsheet%20Final%20Oct07.pdf>

problem. If there is a bad actor that is severely mismanaging manure, there is no more critical place than Grand Lake St. Marys to address the problem. If the government is not or cannot address a threat to our health, then the citizens around Grand Lake St. Marys deserve to know that they can take action to make their drinking water and recreational waters are safe. Given the serious public health crisis we are facing, and the failure of the government to properly address it, we are asking you not to shut the courthouse doors for our citizens to stop a polluter from contributing to the problems in our watershed.

Respectfully,

**Kate Anderson**

Kate Anderson, President  
Guardians of Grand Lake St. Marys