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Algae in the Great Lakes: U.S & Ohio Law

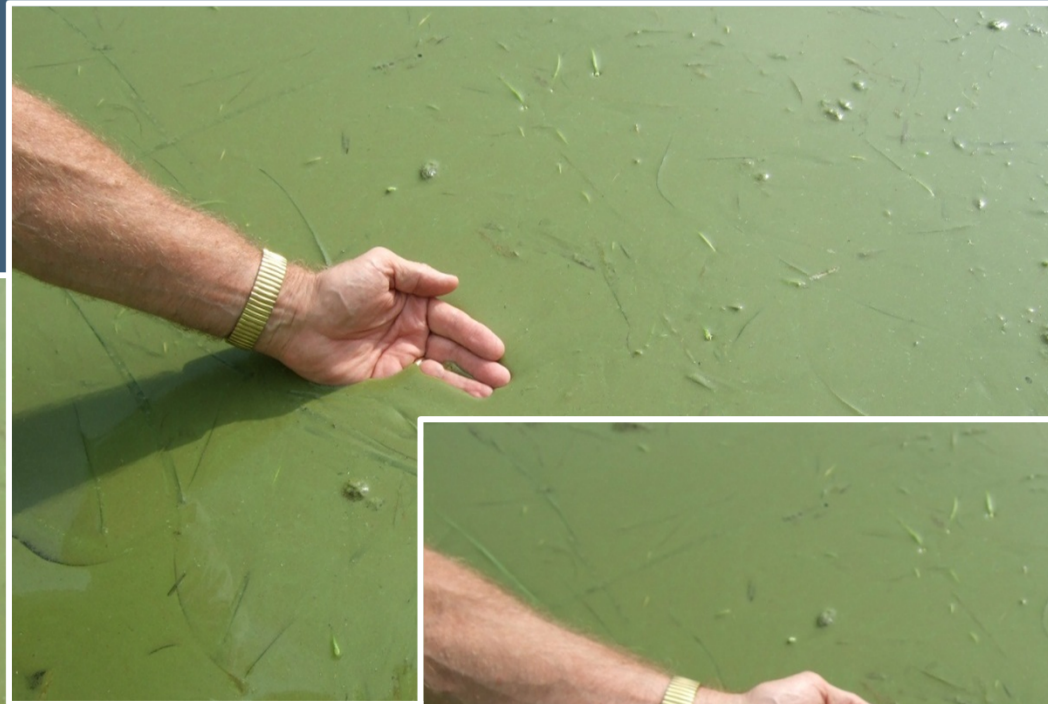
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Great Lakes Water Conference

November 8, 2013

Microcystis, Stone Lab, 8/10/10



Photos: Jeff Reutter

Point Sources

- “[A]ny discernible, confined and discrete conveyance” Clean Water Act § 502(14)
 - Exs: POTW, HSTS, CAFO
- Discharge of pollutant from point source to waters of U.S. (Clean Water Act) or state (ORC ch. 6111) requires NPDES permit
 - Effluent limitations & water quality standards drive permit limits

Nonpoint Sources

- Undefined – essentially, diffuse sources that are not defined as point sources
 - Ex: agricultural runoff
- Point sources are heavily regulated; nonpoint sources not so much

Federal Nonpoint Source Programs

- Clean Water Act
 - Section 208, 33 USC § 1288
 - Section 319, 33 USC § 1329
- Coastal Zone Management Act
 - Coastal Nonpoint Pollution Control Program, 16 USC § 1455b

Ohio Agricultural Pollution Abatement Program

- ODNR administers
- Ohio Revised Code ch. 1511
- Ohio Admin. Code 1501:15-5
 - focuses on soil erosion or degradation of waters by animal waste or sediment
 - applies to crop growing and animal feeding operations

Select Recommendations

- Numeric water quality criteria
- More TMDLs
- Water quality trading
- Agriculture
 - BMPs, “distressed watershed,” SB 150
- Strengthen NPDES permits
- Home sewage treatment systems
- Restrict phosphorus lawn fertilizer
- Prioritize grant funding

*Legal Tools for Reducing Harmful
Algal Blooms in Lake Erie*

44 U. Tol. L. Rev. 69 (Fall 2012)

<http://ssrn.com/abstract=2185017>