



MINUTES LORAIN COUNTY STORM WATER ADVISORY COMMITTEE (SWAC)

DATE: Thursday, February 16 @ 5:30 pm

PLACE: 226 Middle Ave. Elyria, OH 44035, 4th floor Mtg Rm A

CALL TO ORDER – Matthew Arnold @ 5:30 pm

A) ROLL CALL-

Present: Peter Zwick, Rob Duncan, Rick Carlson, Rich Beran, Chip Wendt, Lyn Ickes

Absent: Donald Romanak, Ken Carney, Dan Petticord, John Born, Mark McConnell, Butch Born

Guests: Matt Arnold, Mark Rufener, Carl Wesemeyer, Neil Lynch, Rick Conrad, Jennifer Reeves, Jessica Hozalski

B) APPROVAL OF MEETING MINUTES from October 20, 2022

MOVED BY Ickes SECOND BY Wendt TO APPROVE THE MINUTES FROM October 20, 2022, MOTION PASSED

C) Old Business-

1) Project update by Peter Zwick

- 100% complete: Battenhouse Ditch Lateral #2 restoration New Russia & Amherst Twps. LCRA/Albrecht Rd. neighborhood (petitioned):



Before



After

- 100% complete: Quarry Road Ditch Lateral #1 in Pittsfield Twp. Constructed by Pat Riley Trucking:



Before



After

- 100% complete: Erhart Rd Ditch Restoration construction by Garza Dirt Works. Also known as “Plum Creek Headwaters” in Grafton Twp. Carl Wesemeyer commented that everything fell together well on this project. The contractor did preliminary clearing which allowed the water levels to be lower for when they were installing the headwalls. He also stated that the farmer is impressed with how much this project allowed his field to dry out.



This SWAC project was supported by the Township's inkind contribution of construction of the road culvert

- LC Sanitary Engineer successfully vacuumed and jetted East Hamilton Street road tile in New Russia Twp



- Eaton Estates Catch Basin Project (named “Mencl” easement) contract awarded to Denes Concrete who will start construction soon
- This winter, other stormwater projects are under design for 2023 construction

2) Petitions in Progress:

- a) Fortune: Final report has been submitted to the Board of Commissioners for them to accept and set the date of the final hearing.
- b) Kelner: We have received the petition and are working to figure out if we will have the viewing and hearings in multiple locations due to the amount of residence before submitting it to Theresa Upton
- c) Roth – The Board of Commissioners received this petition and has tentative dates for the viewing and hearing.

3) Master Rain Garden Program

- a) 8 certified attendees for 2022 – Jennifer Reeves reported they worked with Washtenaw County in Michigan last year to put on the program where they meet once a week for 3-4 hours to go over location, design, and trouble shooting topics.
- b) Continue to hold at least 1 class in 2023 – Reeves reported they are working on putting the program together for this year

4) District Annual Training – Arnold reported we had an annual training in December as part of our mandated MS4 requirements through the Ohio EPA. The topic was good housing keeping.

D) New Business

1) 2023 Community Grants – Arnold reported

- **2023 Battenhouse Ditch Restoration (Amherst Twp)** – 2,000 -4,400 ft portion of phased project. N&S-Lakeshore RR southeasterly to J Krieg Property, 44378 Stang Rd. then continue an additional 2,400 ft south to Ohio Turnpike if funding permits.
- **Baird Rd N. Culvert (Camden Twp)** – replace culvert
- **39043 East River Rd tile and outfall replacement (Carlisle Twp)** – replace storm sewer from East River Rd to outfall in the rear of #39137.
- **Murray Ridge Drainage (Elyria Twp)** – Replace failing roadside clay tile
- **Plum Creek Ditch (Grafton Twp)** – upstream continuation of the Erhart Rd Ditch that was completed in 2022. Severe bank erosion at Neff Rd and the sediment in the ditch needs removed to prevent it from mitigating downstream.

2) 2023 Planning Grants – Arnold reported

- **Peck Wadsworth / Gore Orphanage Intersection (Brighton Twp)** – survey and investigation
- **Rowell Rd (Camden Twp)** – survey and investigate ditch to relieve residential and road flooding
- **Ives Ditch (Columbia Twp)** – plans to improve existing ditch by excavation, shaping, cleaning and removing obstructions including sediment and vegetation
- **E. Branch Black River at Law Rd (Grafton Twp)** – planning for ditch project starting at Chamberlain Rd and go approx. 1,750 ft ESE to Law Rd – ditch is silted in to point that it has become undefined and restricted
- **Manor Dr, Jay Dr, and Amaryllis Ct flooding** – study drainage area to determine best way to mitigate the issue

3) 2023 Mini Grants – Arnold reported

- **Albrecht Rd catch basin (Elyria Twp)** – replace catch basin on north side of Albrecht just west of Murray Ridge Rd.
- **Hidden Valley Catch Basin Repair (Amherst Twp)** – repair and replace 3 catch basins
- **Hidden Valley Storm Sewer Main Replacement (Amherst Twp)** – replace approx. 50' of 15" storm main and approx. 30' of 12" storm main at the intersection of Rosedale Ave and Oakdale Dr

4) June – ORC 6117 presentation at LCTA – Arnold stated we will have Greg Peltz from the Lorain County Prosecutor's office doing a presentation going over the new ditch process using ORC 6117

5) Ditch Maintenance updates – Ickes reported she plans to go out with the County Engineer in the end of March or in April to do ditch inspections. The District plans on bidding out 6 ditches for maintenance that the engineer's office would not be involved in. We will use this as a cost comparison mile per mile on if it is cheaper for us to bid it out or stay with the County Engineer.

E) Other: Arnold reported unfortunately Soil & Water had to change their board meeting to tonight so the new Soil & Water Specialist and District Manager were unable to come to tonight's meeting.

- 1) Jack Fisher – Soil & Water Specialist employee
- 2) Soil & Water District Manager Patty Donnellan started February 13th

F.) **SWAC Member comments-** Carlson asked if the Community Grants were still being reviewed by the sub-committee. Arnold replied that they will still be reviewed by the sub-committee and SWAC will meet again on the community grants he believes in April. We are still working on getting surveys and cost estimates completed.

Zwick asked if the deadline was March 31st for turning in Community Grant applications. Arnold replied that was he was told January 3rd but we have received applications after that date. Zwick stated his understanding was March 31st. Lynch stated the correspondence sent out said the deadline was January 31st.

Carlson asked if there was a definition of the Waters of the United States. Ickes answered that there are 2 definitions one being the waters of the United States and the other being the Waters of Ohio which is more defined and the Waters of the United States being broader. Ickes stated her interpretation of the Federal regulation is and gave an example of an Ag field that has been allowed to lay fallow and developed a wetland due to a broken tile. The farmer then wants to sell the field to a developer. The developer can buy it because it wasn't considered a wetland when it was being farmed for agriculture. Wendt stated he considered Ickes interpretation mostly true. He stated it the farmer was a cooperator with NRCS that can be true but if you haven't and haven't ever had any delineations done you could be out of luck. He also stated femoral ditch and wetlands that only run when it rains or could dry up on any given year are not regulated. Ickes stated that with all that being said she doesn't know if she would believe that is what the State of Ohio means. Ickes stated that Matt had asked her about the Supreme Court case that West Virginia is holding but she couldn't find anything on it. Arnold stated that it is supposed to start in October specifically with the Clear Water Act because of Federal over reach on wetlands and streams. He also stated that they lost the case on the Clean Air Act. Ickes and Arnold concurred that they believe they will also lose this case because the agreement that the Supreme Court has is that the EPA has afforded itself powers that Congress never afforded them. Carlson questioned whose responsible for the ditch on his property then. Ickes stated he is and that this will be a topic that

will keep going around and around.

G.) PUBLIC COMMENT- Conrad stated Penfield had applied for several ditch and Don told him he was going to do them under 6117. Arnold stated that was correct and that we wanted to move forward with his project quickly but we would need the easements first. Hozalski stated we have received the easements. Conrad asked if there was anything the Township could do to assist in the process. Conrad also stated that Curtice Ditch phase 2 was dredged out and he was very impressed. Lynch stated he was appreciates the work on Battenhouse Lateral 2 and was wondering if he could get a summary of the work done and photos for their newsletter.

ADJOURNMENT: @ 6:03pm motioned by Ickes; seconded by Wendt. Motion Carried.