



**Testimony in Support of HB175 on behalf of the  
Ohio Aggregates & Industrial Minerals Association**

May 4, 2021

Good morning Chairman Koehler, Vice Chair Creech, Ranking member Brent and the members of the House Agriculture and Conservation Committee.

My name is Pat Jacomet and I am proud to serve as Executive Director of the Ohio Aggregates & Industrial Minerals Association (“OAIMA”) and on behalf of the OAIMA, we are pleased to offer our strong support for HB175.

Our membership is comprised of nearly 100 companies involved in the production of construction aggregates and industrial minerals for use in everything from roads and bridges to homebuilding.

For example, asphalt roads are 95% aggregate and Portland cement concrete is about 85% aggregate. Every lane mile of interstate uses 38,000 tons of aggregate and every Ohioan uses approximately 10 tons of aggregate each year.

According to the Ohio Geological Survey, in the last full year of reporting, Ohio operations produced over 90 million tons of aggregate with over 50% of this quantity being used in public works projects and paid for with tax dollars. 99% of construction aggregates are mined and used within 50 miles of where they are extracted. Therefore, it is vital that public policy recognizes this extremely important resource and implement common sense rules and regulations that protect the environment while not unnecessarily impeding our access to these critical resources which supports tens of thousands of jobs while maintaining our infrastructure and quality of life.

The OAIMA recognizes the important role we play in the economy and the environment. In fact, in 2001 the OAIMA was in full support of SB83 which placed restrictions on mining operations relative to their proximity to scenic rivers and other watercourses. These restrictions include horizontal setbacks of various distances depending on the river designation. These include setbacks of 125 feet from the highwater mark for wild and scenic rivers, 75 feet from the highwater mark for a watercourse that drains a surface area of more than 100 square miles and 50 feet from the highwater mark for a watercourse that drains a surface area of more than 25 square miles.

As SB83 presented me with my first legislative experience, I must tell you I am proud of that initiative for several reasons. It was the culmination of many discussions with our regulators who worked in good faith to formalize a commonsense approach to protecting jobs and the economy while recognizing our important role in protecting streams and rivers. Secondly and more impressive to me is the fact that our industry supported additional restrictions.... upon ourselves. Our commitment to our important role in the economy while also protecting the environment has never faltered. With the support of SB83 20 years ago which addressed stream and river setbacks, the aggregates and industrial minerals industry demonstrated its commitment to being good stewards of the environment.

As I stated earlier, in 2019, Ohio companies produced just over 90 million tons of aggregates. The basins created during this process, in 2019 alone, created over 14 billion additional gallons of freshwater storage capacity while also creating critical freshwater shoreline habitat. For reference, this is enough freshwater storage capacity to supply the Dayton and Montgomery county area with 195 days of fresh water and the city of Columbus with nearly 100 days of freshwater (1).

Unlike other industries, the unique nature of the production of critical construction materials creates important water storage capacity and freshwater shoreline habitat.

As we have heard in earlier testimony, ephemeral streams only flow in response to precipitation. However, the term “ephemeral streams” is misleading because it includes features such as, erosion gullies, ruts, and possibly puddles that are extensive throughout the landscape. These are not “streams” most of us would envision. The exclusion of “ephemeral streams” from WOTUS is correct and should be mirrored in Ohio. The inclusion of “ephemeral streams” in Ohio’s regulatory scheme produces uncertainty and adds additional cost without providing any documented environmental benefits.

Nationally, this regulatory overreach has been recognized and as of last week, Indiana become the 37<sup>th</sup> state to exclude “ephemeral streams” from its permit and mitigation program.

In conclusion, the members of the OAIMA strongly support HB175 as it follows the federal WOTUS definition, thereby eliminating confusion, uncertainty, and unnecessary costs.

Thank you for the opportunity to offer our support for HB175 and I will be happy to try to answer any questions you may have.

## **About the Ohio Aggregates & Industrial Minerals Industry**

With over 225 members statewide, the Ohio Aggregates and Industrial Minerals Association represents Ohio's producers of limestone, sand and gravel, slag and other construction materials, as well as a variety of industrial minerals. Aggregates and industrial minerals are the basic elements in all construction activity and any economic recovery in Ohio depends upon good, quality, local and reliable resources. 99% of construction aggregates are mined and used locally, generally within 50 miles of where they are extracted.

Limestone, sand and gravel and slag are the state's most fundamental building blocks. For instance, concrete is composed of 85% aggregate while asphalt is comprised of approximately 95% aggregates. It is important to note that over 50% of all aggregates are purchased with tax dollars.

Every lane mile of interstate uses 38,000 tons of aggregate, each new home requires about 400 tons of aggregate and every American born today will need 3.6 million pounds of minerals, metal and fuels in his or her lifetime including 1.7 million pounds of aggregates and industrial minerals mined in Ohio. On average, each Ohio citizen uses approximately 10 tons of aggregates and industrial minerals that are mined in Ohio each year (up from a national average of 3 ½ tons/person 70 years ago).

Ohio has 549 aggregates and industrial minerals operations in 87 Ohio counties. The industry employs nearly 3,200 people with average wages exceeding \$46,000. Another 40,000 Ohioans are employed indirectly in Ohio's minerals industry such as truck drivers, electricians, mechanics and other supply and supporting professions. In addition, for every dollar spent on aggregates, an additional \$1.58 is added back into the economy.

1. Based on Dayton/Montgomery County use of 75 million gallons/per day (GPD) and Columbus use of 50 billion gallons per year and assuming no replenishment.