



**Before the House Agriculture and Conservation Committee
Opponent Testimony on House Bill 175
May 4, 2021**

Chair Koehler, Vice Chair Creech, Ranking Member Brent and members of the House Agriculture and Conservation Committee, my name is Stephanie Kromer, and I am the Director of Energy and Environmental Policy for the Ohio Chamber of Commerce. Thank you for allowing me the opportunity to offer written testimony on House Bill 175.

The Ohio Chamber is the state's leading business advocate, and we represent nearly 8,000 companies that do business in Ohio. Our mission is to aggressively champion free enterprise, economic competitiveness and growth for the benefit of all Ohioans.

Ensuring that state environmental regulations are no more stringent than their federal counterparts is crucial to facilitating economic growth. Clear, easily implemented and legally sound permitting regulations help regulators, landowners and property developers from all industries make sound resource allocation decisions that protect the environment while encouraging business development. House Bill 175 clarifies the Ohio EPA's definition and regulation of ephemeral streams and aligns it with the U.S. EPA's new classifications of what is considered a "navigable water" that needs regulatory oversight.

Last year the U.S. EPA and the Army Corps of Engineers announced a new definition for the Waters of the United States, or WOTUS, under the Navigable Waters Protection Rule. The Ohio Chamber of Commerce submitted comments to the U.S. EPA supporting the agency's move to return sense and predictability to WOTUS determinations. Under the new definition, four categories were designated to clearly define a water of the United States:

1. Territorial seas and traditional navigable waters;
2. Perennial and intermittent tributaries to those waters;
3. Certain lakes, ponds and impoundments; and
4. Wetlands adjacent to jurisdictional waters

The new rule also outlines what is not considered a WOTUS, which includes features that only contain water in direct response to rainfall, also known as ephemeral streams. Ephemeral streams are features that flow in direct response to rain or snow melt and receive

little to no water from a spring or headwater. HB 175 redefines an ephemeral stream as an ephemeral feature to represent this classification of water more accurately since there is no permanent water flow. Due to this new categorization, ephemeral streams would no longer be subjected to a section 401 water quality certification. Not only would this be a cost savings to the business owner, but it would also create clarity as to what types of features must and mustn't be regulated.

Over the years, business owners have faced many new, onerous restrictions, red tape, and costs before being allowed to alter their land in even the smallest way. HB 175 promotes environmental protection by limiting unnecessary government overreach while giving the business community the regulatory certainty they need to effectively operate. The Ohio Chamber of Commerce urges passage of HB 175 to revise the Ohio EPA's definition and regulatory authority of ephemeral streams.