



Opponent Statement – Darby Creek Association  
House Bill 175  
Presented to the Ohio House Agricultural and Conservation Committee  
June 23, 2021

Chairman Koehler, Vice Chair Creech, Ranking Member Brent and Members of the Ohio House Agriculture and Conservation Committee, the Darby Creek Association continues to oppose House Bill 175. This includes the bill with the addition of Amendment No. AM 134 1390.

As stated in testimony to this committee of May 25, 2021, we remain very concerned about cumulative impacts from a loss of protection for ephemeral streams, which are 22% of Ohio stream miles and often the first streams that water and pollutants enter. Removal of the protection of ephemeral streams under ORC 6111 will lead to cumulative degradation of streams and our water quality. We cannot afford to see ephemeral streams be filled, piped or otherwise degraded.

Statewide, there is no significant restriction on Ohio economic activity related to protection of ephemeral streams. According to Ohio EPA records, there are more than 6700 stormwater permits currently active in Ohio. That means more than 6700 construction projects for roads/streets, residential, commercial and whatever else underway at this time. With the recent Legislative Services Commission report to this committee stating there are an average of only 14 Clean Water Act Section 401 cases per year involving ephemeral streams, Clean Water Act oversight of ephemeral streams is clearly not holding back Ohio economic activity in any significant way. Projects requiring stormwater permits are either avoiding ephemeral streams, there are not ephemeral streams affected by the project, or the project falls under the distance impact threshold in the Ohio EPA 2020 general permit for ephemeral streams. Projects affected by ephemeral streams are far less than 1% of all Ohio projects requiring stormwater permits.

Please vote against passage of HB 175.

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