

Opponent Testimony to House Bill 175
Anthony Sasson, Darby Creek Association
Presented to the Ohio Agricultural and Conservation Committee September 28, 2021

Chairman Koehler, Vice Chair Creech, Ranking Member Brent and Members of the Ohio House Agriculture and Conservation Committee:

My name is Anthony Sasson, and on behalf of the Darby Creek Association, Inc., I am providing this written testimony in opposition to HB 175. The Darby Creek Association continues to oppose House Bill 175. Amendments to the bill have not changed this opposition. As stated in our testimony of May 25, 2021 on HB 175, we cannot afford to permit ephemeral tributary streams to be filled, piped or otherwise degraded without mitigation, as would be allowed by this bill. These tributaries help determine much of the quality of Big Darby Creek, hundreds of other high quality streams, and all stream throughout Ohio.

HB 175 and its amendments fail to protect Ohio's streams by allowing the elimination of ephemeral streams without mitigation. Amendments to the bill continue to be inadequate. HB 175 is not acceptable and should be abandoned for the following reasons:

- HB 175 will contribute to drinking water and nutrient pollution.
- The bill will allow elimination of ephemeral streams that together determine the quality of other streams. Ephemeral streams are key components of stream systems, forming the "capillaries" of the stream systems and helping to determine the health of downstream waters.
- The bill would allow replacement of ephemeral streams with stormwater units. These units destroy natural habitat and have not been shown to adequately protect stream health and avoid degradation.
- Stormwater units contribution to stream degradation through flow alteration, a leading cause of stream degradation in Ohio.
- Stormwater units require perpetual care, and these costs have not been determined to be a cost savings compared to protection of ephemeral streams.
- Stormwater units' perpetual costs have not been compared to that of ephemeral stream protection in the analysis of this bill.
- Ohio EPA already has provided regulatory relief for ephemeral stream impacts by allowing loss of up to 300 feet of ephemeral stream without mitigation.
- Erosional features and roadside ditches are not streams, as clearly stated by Ohio EPA related to their 2020 general permit for ephemeral streams.
- There is extensive scientific support for protecting ephemeral streams.

Please protect Ohio's stream health and vote "no" on HB 175. Thank you for considering this testimony.

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cc: John Tetzloff, President, DCA