

Opponent Testimony of
Toledo Metropolitan Area Council of Governments
House Bill 175
Presented to the Ohio Agricultural and Conservation Committee
September 28, 2021

Chairman Koehler, Vice Chair Creech, Ranking Member Brent and Members of the House Agriculture and Conservation Committee, I am writing to express TMACOG's continued opposition to House Bill 175 that aims to remove ephemeral streams from Ohio's protection and oversight and exempts these streams from Clean Water Act enforcement. The amendments that will be presented today **do not** change the ultimate impact of this bill. The proposed amendment only allows Ohio OEPA to enforce sections 3734 (Solid and Hazardous Wastes) and 3714 (Construction and Demolition Debris) of the Revised Code, but explicitly eliminating the director's enforcement authority under section 6111 (Water Pollution Control.) HB 175 will remove Ohio EPA's ability to protect ephemeral features from polluted discharges, destruction, and filling and will roll back Ohio's protection of ephemeral features that have been in effect for over 40 years. The following are a just few of the activities that will be given a "pass" if HB 175 is signed into law –

- destruction and filling of ephemeral streams and wetlands
- discharge of mining wastes to ephemeral streams
- pollution of ephemeral streams by sewage, sludge materials, industrial and other wastes, and stormwater discharges.

This legislation will tie the hands of Ohio EPA, the Department of Agriculture, and the Department of Natural Resources as the agencies move forward in developing and implementing regulatory and voluntary programs to address non-point source and agricultural pollution, which account for about 90% of the nutrient pollution causing harmful algal blooms (HABs) in Lake Erie's western basin and the dead zone in the Central Basin. HABs pose an ongoing annual threat to drinking water sources, recreation, tourism, and the northern Ohio economy as a whole. A "Yes" vote on HB 175 is a vote against Ohio's citizens who rely on Lake Erie for drinking water, jobs, and recreation and is a vote against the business that depend on a healthy Lake Erie to thrive.

As our water quality continues to decline in many areas of the state and in Lake Erie and as the state continues to invest taxpayer dollars intended to improve water quality, this is not the legacy that today's legislature should leave for future Ohioans. TMACOG recognizes the weight of the legislature's responsibility in passing laws for the benefit of Ohio's citizens, our economy, and our natural resources. As such, we respectfully request that members of this committee vote No on HB 175.

Testimony provided by

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Toledo Metropolitan Area Council of Governments