



**SENATE AGRICULTURE & NATURAL RESOURCES COMMITTEE
PROPONENT TESTIMONY ON H.B. 175**

**Submitted (written only) on November 30, 2021 by
Associated General Contractors (AGC) of Ohio**

Chairman Schaffer, Vice Chair Huffman, Ranking Member Fedir, and Members of the Senate Agriculture and Natural Resources Committee:

Thank you for the opportunity to share the Associated General Contractors (AGC) of Ohio's support of House Bill 175, legislation that would better align Ohio's EPA regulations on ephemeral water features with federal regulations.

AGC of Ohio is a construction association that represents large and small, union and open shop (non-union), commercial building and industrial contractors from across the state. Our members construct hospitals, offices, schools, wastewater treatment plants, warehouses and manufacturing facilities, mixed-use developments, and a host of other vertical structures.

The Ohio EPA's definition for "waters of the state" directly affects permitting programs that cover AGC members' construction activities on all types of projects. H.B. 175 focuses on "ephemeral features." Ephemeral features are areas where surface water is flowing or pooling only in direct response to precipitation. It exists for a brief period of time after rain or melting snow. Note that this is different than an intermittent stream, which flows continuously during certain times of the year.

In January, the U.S EPA and Army Corps of Engineers finalized a rule defining "waters of the United States" or WOTUS, under the Clean Water Act. The new Navigable Waters Protection Rule better identifies federal waters and balances major case law from the last couple of decades. This rule excludes ephemeral features.

HB 175 would amend the Ohio statute to make clear ephemeral features would no longer be considered a water of the state, making the state's rules and regulations more consistent with federal ones. It would provide more certainty, as well as lessen confusion and the regulatory bureaucracy that can stymie construction and development.

We appreciate the committee's consideration and urge your support of H.B. 175.