

Opponent Testimony of Bill Schieman to House Bill 175.
Presented to the Ohio Senate Agricultural and Natural Resources Committee
March 15, 2022.

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

My name is Bill Schieman and I have attached (below) the written and in-person testimony I submitted to the Ohio House Agriculture and Conservation Committee in opposition to HB 175 on May 25, 2021 and I respectfully request this Senate Committee review the same.

All water quality begins in the headwaters. Ephemeral streams are the headwaters of the headwaters. They ARE NOT tire tracks or eroded ditches waiting to be filled and developed. They ARE the most sensitive and biologically diverse environmental treasures of any watershed and once they are gone, they are gone forever.

Environmental services delivered by ephemeral streams include cleaning and recharging ground water, helping to mitigate flood events and providing valuable wildlife habitat to the benefit all Ohioans. Man-made, engineered surrogates for these natural features function poorly in comparison and will cost Ohio taxpayers countless millions of dollars each year for services ephemeral streams provide absolutely free of charge.

I plead with you to continue strong protection of Ohio's ephemeral streams.

Sincerely,



William D. Schieman

Opponent Testimony of Bill Schieman to House Bill 175.
Presented to the Ohio Agricultural and Conservation Committee May 25, 2021.

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

My name is Bill Schieman and I'm here today to give testimony in opposition to HB 175.

Although I serve on the Boards of several 501c3 organizations that oppose this legislative effort, the testimony I give today is my personal testimony and not given on behalf of any organization of which I'm a member or otherwise affiliated.

You have already heard expert testimony, including from your own Ohio Environmental Protection Agency (OEPA), that comprehensively refutes the claims made by proponents of this legislation. Further, all opponents agree that HB 175, as written, will result in a devastating roll-back of water quality protection across our state. All opponents also agree this bill, if enacted, would be detrimental to achieving the goals of H2Ohio and the \$172 million in Taxpayers' dollars already approved for spending on this project. I totally agree with that analysis.

The only information I might add that may have been omitted from testimony already presented, is new geospatial LiDAR science is currently being rollout by US Geological Survey. This technology is capable of mapping headwaters, of which ephemeral streams are major elements, in details never seen before. These new maps should clearly show how healthy watersheds depend on the dynamic and natural interconnection of all their elements.

But, I'm here today to speak about two issues, that in my opinion, have not been adequately discussed to date.

First, is this euphemism referred to as "structures." I served 12 years on the Sugarcreek Township Board of Zoning including a term as Chairman. My following remarks about "structures" are based on first-hand experience.

The most widely deployed surface water management structures used to mitigate runoff from impervious surfaces are retention, detention and buried pipes. These are exactly the same mitigation structures proposed for use in the management of ephemeral streams. At best, these structures are no more than band aids capable of handling a required range of rainfall and snow melt events at the time they were designed and built. Sadly, within a few decades, almost all fall into disrepair and fill with sediment, toxic runoff and decomposed organic matter. When this happens, they cease to function up to the standards which they were designed.

In the many Public Hearings, I have attended or chaired, when people learn new retention and detention structures will be constructed to facilitate this or that new development, the horror stories about failed structures begin to pour out. Public health concerns voiced include stories about retention and detention structures turning into breeding grounds for mosquitos, black flies and other biting insects. Another frequent complaint is that no fencing is typically required to prevent accidental drownings while local zoning regulations almost always requires a fence or cover be placed around or on private inground pools.

Trash is another huge problem with these structures. Plastic bags, bottles and countless other types of windblown, carelessly discarded and slow to decompose litter accumulates in the structures to the detriment of their designed functionality and the surrounding viewscapes.

Further, as the years roll by, these water management structures to not maintain themselves and proper maintenance is expensive. With the exception of a few 'high-end' commercial and residential developments, all of these structures are certain to fall into disrepair sooner or later. By the time they fail, the developers are long gone and the current Home Owners Associations (HOAs) and property owners are left holding the bag.

Go see for yourself. Drive around like I did and look at older retention, detention and piped water management structures. Look behind that old shopping center, that long-in-the-tooth business or industrial park and that once bright and shiny residential development that is not so bright and shiny any longer. Get out of your cars and look behind that ubiquitous jungle of weeds and honeysuckle at these failed attempts to improve on Nature's water management design. You'll soon be sickened by what you see and hopefully, you'll finally realize that this approach to managing surface water runoff is fatally flawed and does little to protect Ohio's waters and environment.

Next, I want to talk about drinking water treatment and wastewater treatment (WWTP). Again, my comments are based on personal experiences in my community.

In 2009, Greene County completed the upgrade of the Sugarcreek WWTP at a cost in excess of \$40 million. The upgrade was required for increased capacity and water treatment required to meet Total Maximum Daily Load (TMDL) requirements per the National Pollution Discharge System (NPDES) permit. This is not a large WWTP as far as WWTPs go. In 2009 it processed, on average, about 10.5 million gallons of sewage per day. Other plants in our state dwarf it by comparison processing raw sewage in the range of 50 million gallons per day!

The county expenditures for these upgrades were entirely paid (and is still being paid!) by raising the water bills of all the users of Greene County's drinking water and WWTPs. More and more Ohioans who depend on county and municipal drinking water and WWTPs are finding it increasingly difficult to pay their skyrocketing bills for these services. No wonder.

Now, imagine a future when, under HB 175, all regulation is removed for the protection of ephemeral streams. Imagine a future when industry, concentrated animal feeding operations (CAFOs) and everyone else is free to discharge all types of wastewaters and sewage into ephemeral streams. Please remember that all our water is connected and it all flows downhill or into buried aquifers. Eventually all this polluted water needs to be treated either by a drinking water supply system and/or a WWTP. If enacted, HB 175 will accelerate the need to upgrade many, if not all, of Ohio's 1,700 WWTPs.

The price tag necessary to pay for these upgrades will run into the tens of billions, possibly into the hundreds of billions of dollars over the coming decades. I hope you ask yourself "Where will all that money come from?" Where it always come from, out of the pockets of Ohio taxpayers!

In summary, I want to leave you with an anecdotal story that best describes the threat HB 175 poses to all Ohioans:

A doctor comes into the patient's room and says "I have some good news and some bad news. Which do you want first?"

The patient responds "Well Doc, give me the bad news first, then I'll still have the good news to look forward to."

The doctor continues "Well, you know all that trouble you have been are having with your leg, we're not sure what's been causing it so we've decided to just cut it off." The patient almost faints!

After regaining their composure, the patient asks "How can you possibly have any good news after telling me something like that?"

The doctor responds "Not to worry. Today we have leading edge prosthetics (structures!) that function just as well or even better than your original leg. You'll never miss it."

Please don't enable the placement of a tidal wave of new surface water management structures on Ohio's watershed landscapes. Protect our fragile ephemeral streams and recognize the value of the services they provide every day, absolutely free to all Ohioans. Please vote "no" on HB 175. Thank you for the time you have given me and I'll gladly answer any questions you might have.



William D. Schieman