



**Ohio Senate Agriculture and Natural Resources Committee  
Interested Party Testimony  
Amended House Bill 175**

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Chair Schaffer, Vice Chair Huffman, Ranking Member Fedor and members of the Senate Agriculture and Natural Resources Committee: Thank you for the opportunity to offer testimony as an Interested Party on Amended House Bill 175.

Our science shows that the health of ephemeral streams is important for people and the environment in Ohio. Removing protections for the most vulnerable waters in our state, upstream from our cities, towns, and farms negatively impacts everyone who lives downstream. We recognize that L\_134\_1042-3, which will likely be adopted by the committee today, improves on the version of the bill referred to the committee. Unlike the referred version, this language maintains some state protections for ephemeral features that align with federal protections, and also ensures that the Director of the Ohio EPA continues to have authority to enforce Chapters 3734 and 6111 of the Revised Code that apply to discharge or dumping of waste and debris into ephemeral features. The bill also includes language that clarifies the tax status of environmental response projects and H2Ohio projects undertaken by 501(c)3 organizations to ensure that those organizations can continue to host these projects on their land without jeopardizing their tax status. We appreciate the bill sponsors and members of the committee making these improvements to the bill.

The bill includes some provisions the impact of which we are still unable to determine. Our water quality scientists and mitigation team were taken aback to see such detailed calculations and definitions in Sections 6111.311-313 of the bill. These standards and calculations may be scientifically justified, but as of today we do not know if that is the case. These standards have not been explained by any bill proponent, yet seem poised to become part of Ohio law and will affect our mitigation work in the future. This makes us concerned that these standards may compromise the environmental effectiveness of future mitigation efforts in the service of proponent's economic considerations.

Other provisions of the bill continue to concern us. While connecting the definition of waters of the state to the federal Waters of the United States (WOTUS) definition may appear to offer regulatory certainty, the turbulent history of the WOTUS rule suggests otherwise. We are disappointed that this bill will certainly remove protections for some ephemeral streams and features by deferring to the federal standards. The Ohio EPA wisely implemented state-level protections for these streams when federal protections were stripped away in 2020 and maintaining that state protection should have been a source of pride for Ohio. Ohioans should be proud to implement our own protection standards for the waters we know best, but this bill disappointingly surrenders this authority to the uncertainty of federal rulemaking and the federal courts. We hope this does not negatively impact our waterways in Ohio.

Thank you to the committee for the opportunity to provide testimony on amended House Bill 175, and please feel free to reach out with any questions.

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