



# KEY VOTE ALERT

TO: Members of the Ohio Senate

FROM: Stephanie Kromer, Director, Energy & Environmental Policy

RE: Floor Vote on Sub. House Bill 175

DATE: March 30, 2022

Ensuring that Ohio's environmental regulations are no more stringent than their federal counterparts is crucial to facilitating economic growth in our state. Sub. House Bill 175 clarifies the Ohio EPA's definition and regulation of ephemeral streams and aligns it with the U.S. EPA's new classifications of what is considered a "navigable water" that needs regulatory oversight. As a result, **your vote on Sub. HB 175 may be reflected in the Ohio Chamber's General Assembly Voting Record.**

Recent changes have resulted in ephemeral features being regulated at the federal level by the U.S. Army Corps of Engineers. Substitute HB 175 narrows the exclusion of ephemeral features from the definition of waters of the state included in the House-passed version of HB 175 by clarifying Ohio's definition of waters of the state to include only those ephemeral features that constitute a WOTUS. It is important to note that the substitute bill maintains language in the bill specifying that the legislation does not affect the Ohio EPA's authority to regulate the discharge, deposit, dumping, or placement of waste or debris in an ephemeral feature.

Sub. HB 175 also specifies the mitigation requirements applicable to permanent and temporary impacts to ephemeral features determined to be waters of the state. Sub. HB 175 requires applicants to provide compensatory mitigation for authorized impacts to ephemeral features. Several different forms of compensatory mitigation options are allowed, including the utilization of enhanced stormwater best management practices to help ensure that downstream water quality is not degraded. The mitigation requirements established in the substitute bill create a comprehensive and reliable set of mitigation practices that can be relied upon by permit applicants as opposed to inconsistent and arbitrarily changing mitigation requirements they currently face.

Sub. HB 175 promotes environmental protection by limiting unnecessary government overreach while giving the business community the regulatory certainty they need to effectively operate. The Ohio Chamber urges you to vote "yes" on Sub. HB 175. If you have any questions about this bill or the Ohio Chamber's position, please contact me at 614-228-4201 or [skromer@ohiochamber.com](mailto:skromer@ohiochamber.com).