



Common Sense Environmental Legislative Initiatives

Ohio EPA's legislative reform initiatives are a common-sense approach to provide balance between streamlining burdensome rules while still addressing environmental issues in ways that will continue to protect Ohio's environment.

Taking Practical Steps to Improve Lake Erie

Instituting a Statewide Phosphorus Permit Limit for Wastewater Treatment Plants — Ohio EPA proposes to institute a statewide phosphorus permit limit for wastewater treatment plants to address threats to public water systems, recreation on inland lakes, and other downstream problems associated with excess nutrients. Small increases in phosphorus can significantly increase algae growth, which has a drastic negative impact on water quality. Algae growth affects public health, limits recreational use of inland waters, reduces property values, impacts businesses, and has increased costs to rate payers for drinking water. Currently, the major publicly owned treatment works in the Ohio Lake Erie Basin have a total phosphorus limit of 1 mg/L. Michigan, Wisconsin, Indiana, and Minnesota have also placed a limit on phosphorus at 1mg/L or lower.

Watersheds in Distress — The modification of the "watershed in distress" designation creates a practical tool for the State and its partners to use to target specific challenges within watersheds in Ohio. The bill expands the definition of "agricultural pollution" to include fertilizer and directs the Ohio Department of Agriculture (ODA) to establish rules for "watersheds in distress" that are caused by fertilizer. Those rules will also include requirements for the creation of nutrient management plans that address fertilizer use in those watersheds. The bill also establishes a process for Ohio EPA to share information with ODA regarding unsanitary water conditions so that proper investigatory action may occur if it is found to be necessary by ODA.

Promoting Job Growth and Economic Development While Safeguarding the Environment

Accelerated Air Permit Process for Companies and Developers — Development opportunities that result in job growth and economic development need an expedited yet rigorous permitting process to ensure that the projects are completed on time and on budget. Ohio EPA proposes an accelerated air installation permit process option for companies and developers that choose to pay an extra processing fee to help meet their internal deadlines for the proposed projects.

Elimination of Rulemaking for Defining Best Available Technology (BAT) in Air Pollution Sources — Improvements in technology are moving too fast to match a legal requirement to study and finalize in rule the best available technology on a permit-by-permit basis for each source of air pollution. In 2006, the Ohio Revised Code was modified to require Ohio EPA to establish Best Available Technology (BAT) requirements for each source of air pollution in the Ohio Administrative Code. Because this legal requirement can take up to two years to complete, the BAT rulemaking criteria are outdated before approved rules can be applied in permits and it eliminates any flexibility that Ohio EPA may use in defining BAT for a source of air pollution.

Helping Businesses and Communities Navigate the Complex Regulatory Process

Ohio EPA Regulatory Environmental Ombudsman — Ohio EPA continues to seek new and more effective ways for businesses and communities to navigate the complicated environmental regulatory process. To help solve this problem, Ohio EPA is proposing that a regulatory ombudsman be designated to assist regulated entities through the environmental regulatory and permitting processes.

Protecting Ohio's Environment

Agency Authority to Pursue Civil Penalties for Odor Nuisances — Ohio EPA frequently receives odor complaints from citizens about various industrial sources. Presently, Ohio EPA has no authority under the Ohio Revised Code to pursue civil penalties for those sources that refuse to prevent or abate air pollution/odor nuisances.

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Redefining the term “Open Dumping” to include Inside Areas/Spaces — Ohio Revised Code currently defines “open dumping” as the deposition of solid wastes “into a body or stream of water or onto the surface of the ground” and prohibits this activity. Recently, Ohio EPA has encountered instances where abandoned buildings have been filled with solid waste and, while in court, defendants have tried to argue that because the waste had been placed in an abandoned building, it was not deposited “onto the surface of the ground” and therefore is not open dumping. A clarification of the solid waste definition is needed to account for these situations.

Agency Authority to Immediately Suspend a Certified Operator Certification — Providing safe drinking water and ensuring public safety is always a top priority for public water systems; unfortunately, some certified operators do not want to follow the applicable standards and rules. The legislation contains a provision that will allow for the immediate suspension of a certified operator if circumstances indicate a need to protect public health and safety or if there is a risk to the public’s water supply.

Providing First Responders in Emergencies with Trade-Secret Chemical Information — Past emergency situations have indicated a need for industry to share the proper chemical information with first responders/emergency response staff and the appropriate public water system to ensure that an emergency can be controlled and handled properly. During an emergency, the chemical information is critical for first responders to ensure contaminants do not permeate into the public drinking water system. Public water systems need the chemical information to identify the appropriate testing needed to ensure the drinking water remains safe for public consumption. To help encourage the needed cooperation, the shared chemical information will have trade-secret protection.

Ohio EPA Director’s Authority to Require Cleanup of Water Pollution Violations — Ohio Revised Code empowers the Ohio EPA Director to prohibit or abate discharges of pollutants to waters of the state. However, a court ruling has limited the Director’s authority to compel a cleanup of pollutants that have already been discharged into the water. In other words, the Director can prevent pollution from being discharged into the water but is without authority to compel a cleanup of contamination that has already reached the water.

Redefining the State Discharge Level to Protect Water Quality — The Practical Quantification Level (PQL) sets the level at which water quality data reported is considered reliable for regulatory purposes. The current definition in the Ohio Revised Code is not aligned with its appropriate provision in the Ohio Administrative Code. Because the Ohio Revised Code language is currently incorrect, it allows dischargers to discharge at a level known to be more than the permit limit and therefore is not protective of water quality.

Elimination of the State Requirement to Be a Registered Sanitarian in Enforcement of Solid Waste Laws — This provision will eliminate the registered sanitarian requirement for enforcement of solid waste laws in the Ohio Revised Code. The current requirement is outdated and not relevant to the enforcement of the state’s solid waste laws. The minimum qualifications of the State of Ohio environmental specialist series, along with the professional development curriculum and the on-the-job training, ensures Ohio EPA employees have the necessary education and expertise to perform the required duties to enforce Ohio’s solid waste laws.